

REPORT OF
THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

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1986-87

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GOVERNMENT OF INDIA

OFFICE OF THE
COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

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From: DR. B.D. SHARMA
Commissioner for Scheduled Castes
and Scheduled Tribes

To : THE PRESIDENT OF INDIA
New Delhi
(through the Union Minister of State for Welfare)

Sir,

I am presenting herewith my Report on the working of the Constitutional safeguards for the Scheduled Castes and Scheduled Tribes for the year 1986-87. Since this Report is being submitted after an interval of about seven years, the Commissioner's post having remained vacant from 24-11-1981 to 10-2-1986, it also includes an overview of the Sixth Plan period. Moreover, that period in a way was also covered by the Reports of the Commission for Scheduled Castes and Scheduled Tribes which had been assigned somewhat similar functions through a Resolution by the Government of India in 1978. The Commissioner was an ex-officio Member of the Commission until 1-9-1987 when it was reconstituted as the National Commission for Scheduled Castes and Scheduled Tribes with separate functions.

2. Investigation of the Constitutional safeguards for about a quarter of our people, located at the margin, struggling for equity and justice against adverse forces, rooted both in the tradition and also the nascent social and economic order, is an unenviable task. This is particularly so when these forces operate with an aura of progressive modernisation and are deemed to be intrinsic to the processes of structural transformation. It is in this context that an attempt has been made in this Report first to present a broad perspective of the Constitutional safeguards comprising their legitimate scope, the rightful priorities and the requisite sense of urgency in the backdrop of fast socio-economic changes. It is followed by a general review and investigation of the response of the State to the basic issues concerning equity and justice in terms of institutional arrangements, legal back-up and administrative action.

3. Our Constitution provides almost an ideal frame for establishment of a 'socialist secular democratic' order. It envisages a multipronged action comprising measures for removal of inequity embedded in the traditional system and for building up an equitous modern economy comprising a dominant public sector and a low profile private sector subject to appropriate equity constraints. In this frame equality of opportunity for education and public employment would ensure equity for all. Certain special provisions for the disadvantaged sections of the community, therefore, were designed to reinforce this basic frame. Their objective is to ensure that no handicap—old or new—comes in the way of the weaker sections, particularly the Scheduled Castes and Scheduled Tribes, for meaningful participation in the new system and also that they are specially helped to acquire an equable position in the national life.

4. A variety of measures have been taken from the very beginning in terms of various Constitutional provisions including specific safeguards which have yielded significant results. The achievements, however, do not measure upto the great expectations of the founding fathers. Moreover, the progression in the desired direction has suffered on account of certain omissions, aberrations and lapses which relate not so much to the size of the effort but are concerned with its quality and content and involve some very basic issues. The main reason is that what was supposed to be supplemental by way of special provisions in the Constitution has been construed as substantive and came into focus at all levels to the neglect of those basic provisions on whose foundation a meaningful structure was supposed to be built. Consequently, notwithstanding the significant achievements the present situation cannot be reasonably summed up with a touch of optimistic caution such as 'we have come a long way, but much more remains to be done'.

5. In the traditional sector of our economy the crucial issue of land reforms has gone out of focus, nay, there are serious reversals. Not only does land to the tiller remain a dream for the countless millions, even their tenure has not been effectively protected. And a big class of absentee/capitalist lords of land has emerged. The situation on the wage front in several parts of the country is depressing. The technological advances have not benefited the ordinary workers engaged in traditional occupations. Instead the technological backlash, which had begun during the early phase of the colonial rule, is continually revaging these workers with increasing severity. In fact, the style of development itself has helped in general the haves not only to consolidate their position but further strengthen it.

6. The situation in tribal areas is particularly disquieting. The tribal people are continuously losing command over their resources on almost all counts—pressure from more advanced people, claims of the State in utter disregard of their traditional rights and virtual forced displacement in favour of a variety of developmental projects, big and small. The issue of command over resources is particularly vital for the tribal people and is central to the Constitutional safeguards. I have taken up a detailed investigation into this matter and shall be submitting a Special Report shortly. Suffice it to state here that while exploitation in various forms continues unabated, the backlash has become increasingly severe as the level of financial investment has risen in recent years ostensibly for their development. There is simmering discontent in almost the entire middle Indian tribal belt, particularly on the issues of land and forest. In some cases a state of near confrontation has been created between the people and the State which is marked by intermittent eruptions of violence.

7. The position in modern segment of the national economy, when viewed from the perspective of equity and justice, is also not a happy one. The new opportunities there have largely gone to those occupying vantage positions by virtue of initial inequity and also, which is more important, due to the built-in discrimination against the weaker sections in the new system. The policy of positive discrimination has helped SCs and STs, but these gains are confined largely to the public sector which comprises only a small segment of the economy. These achievements, even though significant, tend to get blown out of proportion while the reverses which the vast majority are experiencing with greater severity on account of their vulnerability remain out of focus. In sum, the caste base of inequity in the national life is not only persisting but is getting accentuated. What is ominous is that those who have acquired the new found power are not prepared to relent and are successfully making a bid for the primacy of the so-called free enterprise

with no social constraints and uninhibited scope for remorseless operation of economic forces in the name of 'development for equity'.

8. Thus, the basic premises for equity for the Scheduled Castes and Scheduled Tribes in the national life are undergoing a sea-change. In the new setting equity in terms of positive discrimination in public employment alone cannot be construed as equity in the national life which should essentially envisage their equable participation at all levels in all spheres of the national life. It is an irony that we have come to a pass where this aspect has to be emphasised while considering those safeguards which are designed for reinforcing the equitous structure. In retrospect, it is clear that the nature of the likely response on the part of those people who traditionally commanded the resources and wielded authority, and the possible intensity the moment they are obliged to concede their positions even marginally in favour of those who have been oppressed for ages, were not fully realised in the beginning. The unstated expectation was that the reaction would not be sharp and even, if so, it would mellow down as new opportunities opened up in which everyone could hope to gain something or the other. The inequitous growth has belied this expectation. As equity is getting relegated to a secondary position, particularly in the milieu of quick success and consumerism, primordial considerations are becoming more and more prominent. Atrocities on SCs and STs have acquired a new economic dimension. The issues concerning equity, therefore, have become much more intricate. With the consolidation of vested interests and differential growth, the task of ensuring an equitous deal to the underprivileged is much more difficult now than in the beginning. The nascent strife is weakening not only the economic system but is also severely straining the social fabric beyond the limits of tolerance.

9. In view of the above situation it is imperative that the question of equity in general and the Constitutional safeguards in particular for SCs and STs is considered in a broader perspective. The Tribal Sub-Plans and Special Component Plans for Scheduled Castes do comprise a major step forward which has also occasioned a substantial rise in the financial outlays for the development of SCs and STs. But their implementation leaves much to be desired. In fact, some of the basic premises of the new strategy remain to be operationalised. A substantial part of the Special Central Assistance given to the States remains unutilised. Now that the Eighth Five Year Plan is on the anvil the Union Government and the Planning Commission should ensure that the new plans are prepared in a holistic frame and the concerned Ministries and States strictly follow their guidelines.

10. But that alone will not be enough. The processes of deprivation, which are being accentuated by the forces of development, must be effectively checked. A beginning in this regard has to be made with the consolidation of the position in respect of what the people possess. Bulk of members of the Scheduled Castes and Scheduled Tribes, particularly the former, subsist largely on labour in the unorganised sector. The position with regard to due entitlements for labour and associated skills in this sector is distressing. Even the principles for determination of wages in the two sectors are different which is unjust and against the grain of our Constitution. Moreover, the skills of those engaged in agriculture and other traditional vocations in particular are highly undervalued. A common basis for determination of wages for the entire national economy should be established through a Central law. While the traditional vocations have to be delinked from their caste origins, these should be organised on professional lines. It should also be ensured that due benefits of modern technology are extended to the ordinary workers engaged therein.

11. The next major issue is about the means of production and command over resources. So long as the labour remains alienated from the means of production and the latter are commanded by non-workers, inequity will prevail. The inequitous ownership of land must end and the tiller should become its rightful owner. The Central Government should intervene through an appropriate legislation with stipulation for time-bound implementation. It is only on this foundation that equity can inform a substantial section of the Scheduled Caste people who are victims of that alienation. The major question before members of the Scheduled Tribes is due recognition of their traditional command over resources and protecting them from the backlash of development.

12. While the measures indicated above will provide immediate relief to those struggling in the unorganised sector, concurrent action is necessary for enabling members of SCs and STs to acquire due position in the modern sector. So far as public sector employment is concerned, as the position about reservations is gradually improving we are moving towards a steady state. It will mark the end of what can be termed as the first phase of the policy of positive discrimination. But this also brings us to an invidious situation where young people belonging to SCs and STs and others have almost two different worlds of opportunities before them—the small world of the public sector for the former and the wide vista of the entire economy for the latter.

13. The question which must be considered now is "Beyond reservation what?" It is imperative that in consonance with the Constitutional schema the principle of positive discrimination is extended to the private sector in fulfilment of its obligation of social equity. A beginning should be made with all those economic activities which are getting the benefit of institutional finance and/or are being supported by the State in some other ways. Similarly all new opportunities for self-employment in the modern sector should be protected against monopolistic trends which are neither in the interest of economic growth nor equity. Whatever activities are amenable to decentralisation and can be taken up by the poor as a primary or subsidiary occupation should be exclusively reserved in their favour. In particular, the new potential of wasteland development should be preempted in favour of the poor for whom it constitutes the last frontier and also the only hope for acquiring something which they can call their own. A comprehensive policy for enabling members of SCs and STs to establish themselves in the self-employed sector should be worked out by all the Union Ministries and the State Governments in their respective areas of responsibility. Members of the Scheduled Castes and Scheduled Tribes should also be enabled to acquire a share in the new assets which are being created in the urban sector. A special dispensation is necessary for enabling the tribal people to become equal partners in development in tribal areas.

14. I must invite your attention to the fact that the tribal people are at a critical point in their history where they are obliged to contend with an unfamiliar formal system of the State, unknown forces of new economics and uninhibited intrusion by other people while their own system has been rendered weak and superfluous for want of due recognition. There are two facets of the present tribal scene. Firstly, each community or even part thereof may be facing a unique configuration of socio-economic forces. Secondly, the problems in all cases are essentially those of transition. The implications of these features were fully realised by the founding fathers and the Scheduled Areas were assigned a special status in the Constitution. While the executive power of the States has been subject to such direction as may be nece-

ssary by the Union, the Executive has been bestowed extensive powers to mould the formal system so as to make it subservient to the people.

15. The fact that theirs is an emergent situation where everyday counts has not been duly appreciated. It is a matter of regret that not only years pass by but decades roll on with no significant action even with regard to those matters about which the founding fathers did not wish a single moment to be lost. The powers with the Executive, both at the Centre and in the States, have remained unused even after long four decades, not because idyllic situation prevails in tribal areas which should better be left untouched but because the system has been rather unresponsive. Even some formal matters specifically provided in the Constitution have not been attended to. The administration of the Scheduled Areas is not being reviewed systematically at any level. Steps have not been taken even to spell out the basic parameters for peace and good government. Not a single rupee has been given for raising the level of administration of the Scheduled Areas even though the first proviso to Article 275(1) of the Constitution provides for automatic devolution of funds the moment the need is established.

16. It is sad that the tribal people suffer and even face penal action for acts of omission and commission of the State. Moreover, any generalised and across the board approaches usually adopted by Government for the welfare and advancement of the tribal people tend to be dysfunctional and are against the grain of the Constitutional schema. The latent rights of the tribal people have remained non-justiciable and escaped the probe of the judicial system and its benign protection because the Executive failed to act and discharge its Constitutional obligation of adapting the formal system to the people's need rather than allowing it to supersede their institutions and customs. This constitutes a virtual denial of the Constitutional safeguards to bulk of the tribal people. The most regrettable situations are those where the State itself sometimes tends to adopt a partisan role and becomes a privy even for actions not quite legal simply because the matter concerns voiceless small communities. The failure of the Union Government to effectively intervene in such cases and issue directions as envisaged in the Constitution is, to say the least, incongruous. The issues concerning command over resources and compulsive displacement are vital for the very survival of many a tribal people as a community. The rights of a community cannot be ignored simply because it is small, their voice cannot remain unheard simply because it is feeble, and public purpose is not necessarily what the strong and the more populous can plead for. I consider it my duty and a privilege to convey to you what the people feel, their sufferings and agony, their apprehensions and fears. This is an appeal to the conscience of the nation. Some of the issues which have been posed here do not concern merely formal denial of the protection of the Constitutional safeguards, they relate to larger civilizational obligation and human values.

17. The task of fulfilling the Constitutional safeguards is a great responsibility by any standard. It requires constant vigil against adverse forces and unstinted support to the oppressed by the State. It is not merely a question of maintaining a form but honouring the spirit. The nodal agencies both at the Centre and in the States which have the privilege of espousing this cause need to be suitably redesigned and substantially strengthened. These institutions should absolve themselves of the routine and must assume the role of protectors and promoters of the Constitutional safeguards in their broader perspective. The whole system needs to be sensitised for this purpose. Something appears to be going amiss even in the national ethos. Equity and justice

for SCs and STs was designated as a national task by the founding fathers and it must be pursued in that spirit—everyone in the land must share that great responsibility. The State must also take suitable measures for building up the inner strength of people themselves and mobilising them so that they can appreciate the nature of issues involved and face the new challenges on their own. In particular it is imperative that conditions are created for restoration of the effective command of small tribal communities over the resources which have provided them sustenance for ages and for self-governance in a familiar face-to-face situation in keeping with their tradition and the true spirit of democracy. The National Development Council should provide the necessary leadership in this regard on a continuing basis so that the modern system is moulded in true image of a socialistic secular democratic society in which the underprivileged sections of today can acquire a position of honour and dignity due to all citizens of our great country.

Yours faithfully,

B. D. Sharma

(B.D. SHARMA)

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PART I

GENERAL APPRAISAL

GENERAL APPRAISAL

I

THE BACKGROUND

The establishment of an egalitarian social order with equity for all sections of the society, free from any form of discrimination whatsoever on grounds of religion, race, sex or place of birth is the cherished goal of our nation enshrined in the Constitution. Equity for the weaker sections of the society, therefore, is the moving spirit of the Constitutional schema and permeates the same. The founding fathers realised the intrinsic culpability of inequitous forces embedded in the social systems, economic institutions and also political organisations, both old and new, particularly in relation to certain vulnerable sections of the society. They, therefore, considered it necessary to provide specific safeguards in the Constitution in their favour. Members of the Scheduled Castes and Scheduled Tribes comprise two such special categories who according to 1981 Census account for 15.47% and 7.85% of the population respectively (Annexure I). In their case a mechanism for investigation into the working of the safeguards has also been provided with stipulation for appointment of a Special Officer (popularly known as Commissioner) for Scheduled Castes and Scheduled Tribes and preparation of a report thereon to be submitted to the President.

1.2 Any assessment of the working of these safeguards should appropriately begin with presentation of a clear perspective of the safeguards themselves and a review of the overall socio-economic situation within which these are expected to operate. A review of the Constitutional schema for the welfare (which must necessarily include protection as a pre-condition) and advancement of the Scheduled Castes and Scheduled Tribes in the Constitution which is being presented in this Report, shows that it is a comprehensive frame with a few omissions no doubt. But as the spirit is clear, the omissions are within limits of tolerance and rectifiable. A crucial point about the Constitutional safeguards for the Scheduled Castes and Scheduled Tribes is that they are in the nature of supplemental provisions to the basic egalitarian structure in the Constitution. Any weaknesses in that basic structure during the operational phase or any aberrations therefrom otherwise cannot but adversely affect the entire schema for the welfare and advancement of the Scheduled Castes and Scheduled Tribes as well. Because supplementary safeguards cannot make good the initial handicap, besides countering the adverse processes intrinsic to the system as also the general slide back which members of the Scheduled Castes and Scheduled Tribes may experience as members of the larger community of weaker sections, their position will be like that of a person who tries to climb up a downward moving escalator and is

required to make increasing effort even to maintain his position and not go down.

1.3 The nature of the Constitutional safeguards for members of the Scheduled Castes is somewhat different from those for members of the Scheduled Tribes in view of the basic qualitative difference in their positions. While members of the Scheduled Castes have been forced to occupy the sub-stratum of the traditional socio-economic structure for centuries, being deprived of not only the right over the productive resources but also the due entitlements to an equitable return of their labour, hard and skilled, with an obligation to discharge their responsibilities, under the shadow of force, albeit disguised, members of the Scheduled Tribes have been located on the margin both in terms of the geographical regions of their habitations as also the traditional socio-economic structure. The latter are at a different stage of the so-called economic development with plentiful resources at their command. Accordingly the safeguards for members of the Scheduled Castes relate to (i) removal of disabilities cast on them by nefarious traditions and (ii) provisions for positive discrimination in their favour to enable them to acquire an honourable position due to them in the national life. The major concern about members of the Scheduled Tribes, on the other hand, has been about ensuring that (i) the tribal people do not lose command over the resources in the process of change and development, and (ii) while the tribal people are enabled to take full advantage of new advances in knowledge, the best in their tradition is not lost. Accordingly tremendous flexibility has been built in the Constitution besides making specific provisions for protection and positive discrimination in their favour.

1.4 Another feature of the above safeguards is their transient character. This is a necessary concomitant of the high spirit of great expectations prevailing on the eve of Independence. This was fully reflected in the Constitution which enjoined on the State the accomplishment of many a crucial task within stipulated time frames. 'Untouchability' stood abolished and so also all forms of bondage and servitude. Universalisation of education, a key factor for social and economic justice, was to be achieved within 10 years. The imperatives of economic justice led to the adoption of planned economic development as the national policy which was intolerent of undue drag in crucial matters. The Community Development movement accepted a time frame of just six years for the people in each Community Development Block throughout the country to reach a stage of self-sustained economic development. The Constitutional safeguards for the Scheduled Castes and Scheduled Tribes were designed to provide the needed corrective in this general schema. For example, while the policy of positive discrimination in relation to the opportunities in the national economy could continue, for which no specific time limit was prescribed, the initial period for political reservation was kept just at ten years which was deemed to be a sufficiently long period for over-

coming the initial handicap and setting them on the path of progress on terms of equality with the rest of the community.

Welfare and Advancement

1.5 The review of welfare and advancement of members of the Scheduled Castes and Scheduled Tribes will have to follow the conventional frame of welfare and development with reference to the indicators which are generally adopted for assessing the same. The state of welfare of a community depends on the socio-economic structure of the community itself as also the nature of relationships of its members, severally and collectively, with the rest of the society in different spheres of their life. These relationships in a modern State are defined within the frame of the laws of the land which is expected to be sustained by the Government. It is on the foundation of a reasonable state of order within that frame that other elements contributing to the welfare of the people can be built up, an aspect which will be discussed in detail later.

1.6 So far as advancement is concerned it is a truism to state that the main thrust has to be towards harnessing of the full potential of the people and natural resources of the nation for which modern science and technology can provide valuable support. It may, however, be recalled that the new found power of technology in the hands of the colonial-capitalist powers had a debilitating effect on our national economy during the two centuries of foreign rule. Those forces had in particular deprived large sections of skilled artisans and industrial workers in the country of their very means of livelihood. And a substantial part, if not the bulk of them, belonged to the Scheduled Castes. Most of them were forced to join the ranks of landless labourers. It was realised quite early during the freedom struggle itself that this process had to be stopped. Khadi became a symbol of that revolt against the new order. It was in any case inconceivable at that time that that process could be allowed to continue after Independence. Accordingly suitable provisions have been made for providing protection to this section of vulnerable people within the frame of our Constitution.

1.7 This, however, could not be construed as a plea for going slow in relation to the structural change of the national economy and its modernisation based on a judicious use of advances in science and technology. An ambitious programme of planned economic development was, therefore, launched for modernisation of the economy soon after Independence. It is, however, important to note that the basic premise of developmental strategy in our country which got currency implicitly, if not explicitly, in the new context was that of 'growth first' rather than 'equity first'. This was based on the mistaken belief that the benefits of development in due course would percolate to all sections of the society. The inadequacy of this premise was realised during the early 'sixties as it became clear that growth was not necessarily benefiting the poorer people

everywhere. Even then its full import was not realised and only a set of correctives were sought to be applied in the form of programmes specially designed for benefiting the poorer sections of the society.

1.8 The special programmes for members of the Scheduled Castes and Scheduled Tribes had been taken up from the very beginning in terms of their special situation discussed earlier. However, in retrospect it is clear that these programmes were notional and continued to be so upto the end of the Fourth plan. More fundamentally all these correctives, old and new, general and special, were limited in their scope insofar as these related only to the inadequacy of the percolation effect and were designed to supplement or stimulate the same. That dark side of development, which manifests itself as its backlash, has remained largely unattended notwithstanding the concern about the fate of traditional artisans and vocations referred to above. In fact, even the real character of the backlash and its full implications remain to be seriously considered. While the backlash is affecting all vulnerable groups universally, it is particularly severe for members of the Scheduled Castes who face a double lash due to their increasing exclusion from the larger economic system and devaluation of their skills in the changing matrix of the economy. The backlash is traumatic for members of the Scheduled Tribes who are facing all possible ill effects of development, the most diabolic being the dispossession and displacement from their traditional habitat. Consequently, any review of welfare and advancement in terms of general indicators of development and even the special benefits which members of the Scheduled Castes and Scheduled Tribes may have received without taking note of the impact of the backlash of development will be incomplete. This calls for a qualitative change in the parameters for the assessment of welfare and advancement and the scope of the Constitutional safeguards concerning these people, which will be attempted in this Report, however, within the limitations of resources at my disposal.

1.9 The basic premises of what may be termed as the conventional frame in the Constitution within which the weaker sections are expected to gain an honourable position in the society are:

(i) removal of traditional disabilities suffered by different sections of population on various counts;
(ii) elimination of exploitation in all forms, particularly the overt ones;
(iii) removal of all vestiges of feudalism and treating land as a source of livelihood to be rightfully commanded by its tiller with no intermediaries;
(iv) diffusion of ownership of property and means of production and narrowing the differential in this regard such that the differential ultimately is within limits of tolerance compatible with the national goals;

(v) equity for and protection of those engaged in the traditional sectors of economy including those in agriculture, village and household crafts and traditional services;

(vi) a dominant public sector in the modern segment of the national economy;

(vii) a reasonable place for the private sector in the modern segment but with a low profile and also subject to its being guided by the State to ensure that its operations are not at variance with long term national goals;

(viii) full development of the potential of every citizen through necessary provision for the nurture of children and their education; and

(ix) equality of opportunity to all citizens in all walks of life subject to positive discrimination in favour of the disadvantaged.

1.10 In the above frame it could be expected that earlier sources of inequity would be gradually removed and access to the new opportunities would be in accordance with certain objective criteria unrelated to those indicators which generally go with the accident of birth rather than with intrinsic qualities and personal accomplishments of the individual.

1.11 In pursuance of the national goals within this frame a number of measures for removing disabilities and elimination of exploitation were taken. Further, abolition of intermediaries, imposition of ceilings, conferment of tenancy rights and distribution of available land to the weaker sections were aimed at removing the vestiges of the feudal system. The acceptance of the principle of land to the tiller raised hopes for ending inequitous ownership of land and feudal stranglehold on the rural economy. The traditional arts and crafts as also the village and household industries were to be specially protected in the wake of structural transformation of the national economy. The provision for universal elementary education and equal opportunity for all at higher levels was expected to provide a firm base for equalitarian society because education is the symbol of modern knowledge and the power which goes with it. The opportunities of fair competition for entry into the modern sector of national economy, with the provision of positive discrimination, were to ensure equity for all sections of the society, albeit in a limited frame in the immediate context, but with far wider implications in the long run in an economy with dominant public sector and low profile private sector.

II

ABROGATION OF DISABILITIES

The review for the last seven years shows that there are many gains in relation to the welfare of the Scheduled Castes and Scheduled Tribes but there are some serious setbacks as well. The practice of untouchability in its overt forms has gradually declined in urban areas and almost disappeared in metropolitan cities. In rural areas the pace of change has been rather slow. Still there are extensive regions and innumerable pockets where it continues unabated notwithstanding the sanctions under law against the same. There is significant change in the general milieu about the nature of social problems concerning the Scheduled Castes and the way to tackle them. In the earlier days untouchability evoked fervent response amongst the sensitive leaders and work for the uplift of the Scheduled Castes earned spontaneous appreciation of the people. Such dedicated persons easily acquired a stature on their own and rose in the hierarchy of leadership. It is sad that even memories of the spirit of that great era have faded. Instead there is pathetic reliance on the State apparatus even for this vital social problem. The response of the administration by its very nature cannot but be in terms of formal solutions. The role of the administration, which should have been that of an aide, albeit an important one, has become central and the initiative of leaders of the society has receded into background and has become inconsequential. An encouraging feature of the new situation is that members of the Scheduled Castes themselves are increasingly asserting their basic rights to have a place of honour on terms of equality in the social and economic life of the nation.

2.2 The resultant situation is quite complex and intricate. A typical formal response to the denial of access to a common facility like drinking water is to have a new source of drinking water in the Scheduled Caste hamlet, ostensibly as a facility for those people but in reality making the segregation a normal feature. Separate settlements for members of the Scheduled Castes continue to be a rule in the village. The position in urban areas is also not much different. It is only amongst those sections of urban people for whom economic status is a dominant consideration in matter of housing that caste does not

play an important role. In the unorganised sector, particularly amongst the poorest sections of the community, clustering is generally along caste lines. Even in slum areas members of the Scheduled Castes will be found in the worst sectors which are in the nature of metaslums within those slums. The social discrimination is so pervasive that it is taken as axiomatic that in the location of any mixed group members of the Scheduled Castes and also the Scheduled Tribes should be satisfied if they are placed at the end of the periphery. In a recent visit (August 1988) to the area around Singrauli in Madhya Pradesh and Uttar Pradesh, which is emerging as 'the power capital of India', I found that while large modern colonies laden with all facilities which one could imagine were being developed for the project employees, the condition of the colonies of the project-affected people was deplorable and that of members of the Scheduled Castes and Scheduled Tribes in these colonies abominable. They were invariably located at the worst sites usually in low lying areas, along reservoir-brinks and nala-banks and on uneven broken lands—dingy and dirty—exposed to the fury of flood with the very onset of rains year after year. The tribals were still farther away in worse indescribable conditions. The situation is sought to be rationalised by alluding to their preference for being together.

2.3 The assertion of rights by members of the Scheduled Castes particularly their refusal to accept humiliation, as a part of their being, is being retaliated in many areas by other communities through assertion of their rights inherent in the ownership of land and primacy in economic institutions which cannot be challenged formally under the law. Sometimes these formal postures can be grotesque and inhuman, e.g., when the right to live and even of easement are denied to those who can claim not an inch of land as their own in the village. The confrontation becomes really severe when economic interests begin to clash as is happening on the issue of minimum wages in many parts of the country. The alignment of the administration with the dominant economic interests and social classes makes the position still worse.

2.4 The statistics furnished by the States, both in relation to the offences under the Protection of Civil Rights Act and atrocities against members of the Scheduled Castes and Scheduled Tribes do not reveal the real picture. In some States there are wide fluctuations from one year to another which yield no clue to the trend, if any. It is only in the case of Maharashtra and that too in respect of the Scheduled Castes that the number of reported offences has steadily declined. But the frequent outbursts and occurrences sometimes involving most despicable forms of attacks on members of SCs and STs lay bare the stark reality. As the ugly face of our social life smeared with caste-based atrocities is manifesting itself in States like Rajasthan, the unreliability of mere figures as a basis for drawing conclusions and their inability to tell the real story are transparent. A rank analysis of the States

in terms of incidence of crimes per lakh SC/ST population given in Chapter II is revealing. Madhya Pradesh is at the head of both the lists. Rajasthan, Uttar Pradesh, Bihar, Maharashtra and Gujarat also occupy top brackets with some change in the relative order. Kerala which stands in the middle in the Scheduled Caste list occupies rank No.2 in atrocities against the Scheduled Tribes. The tribal people, who comprise just 1% of the total population, are defenceless being mostly illiterate with a very high incidence of land alienation. West Bengal which is the last in the Scheduled Caste list is well above the middle level in the Scheduled Tribe list which again is relatable to the vulnerable position of the tribals in those areas where their population is very small.

2.5 The above situation is inevitable in any formal approach to the solution of human problems which are laden with vicious interests of all hues and colours, old and new. This is also a result of the propensity of the Governments to equate creation of institutions with fulfilment of objectives and resultant euphoria about success based on paper reports. The review in Chapter II shows that the establishment of special police stations in many cases has been counter-productive insofar as the ordinary police stations in these cases shirk their responsibilities and pass on the buck which results in denial of relief and avoidable long delays. Similar is the position in some cases of the Special Courts. Hardly anything has been done by the States to identify in advance those areas where tension may be mounting. It is only after the situation explodes that the administration swings into action. That also is usually in the nature of a fire fighting operation which hardly pays any dividends in the long run. It is usually the outer manifestation only which claims attention without significant move about the basic causes for fear of upsetting the prevailing balance with unpredictable consequences for the power elite. For example, the recurrence of carnages in the small area of Jahanabad District in Bihar continues unabated notwithstanding brave words and flurry on all sides after each incident. It is unfortunate that the basic alignment of forces in this area has not changed even marginally notwithstanding the repeated massacre in one village after another (Chapter II).

2.6 What is happening in a few pockets, say, in Bihar or Andhra Pradesh at the moment is a cumulative result of a variety of economic and social processes spread over years as also the backwash effect on these regions due to uneven growth in the country. These developments are also bringing to the fore a basic question as to whether a system which is allowing, if not encouraging, growth of phenomenal inequality in the national life can really provide the necessary support for equity in one segment in isolation. The question becomes particularly pertinent in a context where those responsible for policy formulation and implementation of the desired progressive measures are themselves coparceners in the gains of inequitous growth. This phenomenon is at the root of the lack of moral

force behind many a radical law--and avowed administrative action for equity. What even some of the most radical groups in concrete terms often contend is mere enforcement of the State laws and implementation of welfare measures formulated by the Government themselves. As the polarisation in the national economy continues to grow, the contradictions will further sharpen not only in those areas, which are already experiencing unrest but elsewhere as well, which will inevitably shatter the outer calm and lead to a state of unrest and confrontation. While immediate measures may be taken to counter these overt processes, it will be necessary that the nation considers whether growth of the national economy can be sustained on such a fragile foundation which is becoming increasingly brittle as its social and economic fabric is being subject to severe strain ostensibly in the name of development but really benefiting a small section.

2.7 Lastly, the efficacy of all measures of the State for equity and fairplay to the deprived like obliterating the disabilities, putting an end to the oppressions of the social system and providing protection against adverse forces engendered in the process of development will depend on the prevailing state of order in the country or the region, as the case may be. As the law and order situation in general deteriorates, it is the weaker sections who are rendered more vulnerable. In such a state the efficacy of special measures like those for the Scheduled Castes and Scheduled Tribes cannot but be limited and to that extent the basic objective of the Constitutional safeguards would stand compromised. Here is a dilemma. The vulnerability of members of the Scheduled Castes and Scheduled Tribes increases as the general state of order deteriorates. It will call for the special measures being still more intensified. But as the ordinary set-up is unable to satisfactorily discharge even the normal responsibilities, the additional tasks will be still more onerous much beyond its capability. The state of order in rural areas in general has deteriorated and the quality of administration in tribal areas is highly deficient. Therefore, the basic premise of reasonable state of order does not hold good. This calls for a fresh look at the entire issue of the Constitutional safeguards for the Scheduled Castes and Scheduled Tribes including their scope and methods adopted for their effective realisation. While some suggestions are being made in this Report, a national debate on the basic issues is essential so that these come into focus even though the chances for a consensus do not appear to be bright on account of the extreme gullibility of the elite about the righteousness of their own position.

2.8 I, therefore, recommend that:

While enforcement of the Protection of Civil Rights Act may be made stringent, suitable measures should be taken to ensure that economic issues do not gather caste and ethnic overtones. In particular,

(i) The Government should support those social activists

who are fighting against inequity and are mobilising the poor, particularly members of the Scheduled Castes and Scheduled Tribes to assert their legal rights.

(ii) The Government should especially recognise the services of those civil servants who stand by the poor and provide protection to them against vested interests and the Government should scrupulously refrain from actions like sudden transfer of those doing good work so as to remove the impression of the establishment's propensity to support the strong.

(iii) Any public stand, particularly by prominent persons in the society in favour of untouchability or any other form of discrimination and social inequity should be promptly challenged and counteracted through strong legal action.

2.9 I further recommend that:

The National Development Council may specially deliberate on the social consequences of growing economic inequality and unrestrained consumerism with special reference to their implications for the social and economic situation of the Scheduled Castes and Scheduled Tribes.

2.10 Attention at this stage may be invited to those causes of atrocities in which the Government officers, under the colour of their office, severally and sometimes even in groups, commit offences and inflict the worst form of atrocity using their position of strength. Sometimes this is done ostensibly in the course of their normal duties. It is only when an odd case gets publicity or comes to the notice of some sensitive person wielding authority or influence and having tenacity to pursue that some action is initiated and the guilty may be penalised.

2.11 There are a number of variants of this genre of harassment and atrocities. In some cases the official may misuse his position blatantly for pecuniary gains, for teaching a lesson or for just sadistic satisfaction with no pretensions of acting under the law. In other cases the misdeeds may be under the cover of law, e.g., on the basis of contrived false complaints or *suo moto* proceedings under avid suspicions, small incidents or as a part of regular investigation in genuine cases. Lastly, there are cases where it may not be the misuse of the law but in accordance with due processes of law that the people may suffer, e.g.,when force is used for eviction of the people from their land or for preventing them from doing something which they may believe to be their right.

2.12 Such cases can reasonably be described as a consequence of general malfunctioning of the system and should be dealt with as such. But here is the real twist. The

articulate and the stronger sections of the society can protect themselves against such actions through preventive measures like approaching higher authorities or even a Court of Law. It is the weaker sections of the society who are vulnerable and do not have access to those remedies against the atrocities of the system. Consequently, they are incessantly subject to all forms of harassment and members of the Scheduled Castes and Scheduled Tribes are the worst affected because of their social disabilities and general apathy towards their condition.

2.13 The situation has changed a little of late in relation to the Scheduled Castes some of whose members are reacting and rising to defend themselves because of greater awareness amongst them through exposure to media, spread of education and better organisation. There is welcome intervention of some legal activists on their behalf. But But the condition of the Scheduled Tribes not only remains vulnerable but is becoming worse as the areas are getting opened up and the administration is being consolidated. The tribal people become an easy prey because they happen to be on the wrong side of the law for the simple reason that the laws themselves may be incongruous or incompatible with their perception about the issues involved. The Government have not cared to take the first step to remove those incongruities notwithstanding the clear provision in the Constitution and specific responsibility cast upon the executive by the same. It is imperative that this aspect of malfunctioning of the administration and consequent harassment of members of the Scheduled Castes and Scheduled Tribes is urgently attended to. It is unfortunate that there is no way of knowing in the regular course as to what is happening. The minimum which can be done as a first step is to work out a system of a regular flow of information in relation to members of the Scheduled Castes and Scheduled Tribes in police custody and also in judicial custody before trial.

2.14 I, therefore, recommend that:

A system of regular review should be instituted concerning all those cases in which—

(i) there are allegations about (a) harassment, (b) abuse of the process of law and (c) action involving violation of law by Government servants against members of the Scheduled Castes and Scheduled Tribes;

(ii) members of the Scheduled Castes and Scheduled Tribes may be in police custody and in judicial custody before trial.

The District Magistrate should review these cases every month and forward a report to the State Government. A similar review should also be undertaken at the State level by the Chief Secretary at the official level and by the Cabinet at the political level. A report of this review should be forwarded to the Commissioner for Scheduled Castes and Scheduled Tribes.

2.15 Special mention may be made at this stage of those cases where force is used or there is show of force against members of the Scheduled Castes and Scheduled Tribes in execution of those decrees and settlement of such disputes which are essentially of civil nature. Use of force in situations where law and order be disturbed cannot be predicted. But when a decision is taken to remove encroachments or get a village evacuated under the shadow of force or, if necessary, by use of force at the dead of night or deep in the forest, there is no imminence about it and the action can be subjected to prior scrutiny by those who are responsible for protecting the interests of these vulnerable sections of the society. All ex post facto investigations in such cases are sought to be justified. The poor people are in no position even to move the right authorities. The incidents involving pulling down of huts and even burning of habitations, ostensibly unauthorised, are not uncommon even though they are promptly denied. In a recent case in Dhule District (Maharashtra) about 15,000 tribals from about 80 hamlets had to flee almost overnight when faced with the wrath of the State which stunned even the district administration on account of its suddenness (as it all happened within a week) and enormity of numbers. And the formal stance of the State has been that 'no force was used'. Yes, no force was used. The armed constabulary were just there in case.... The hallowed aura of the State's authority was enough! One wonders whether this can be a compliment of which a democratic State can be proud of.

2.16 I am told that when the Forest Department of Karnataka decided to evict the Soligas, a primitive tribal group, from their dispersed habitations in the sprawling forest of B.R. Hills where they had been living from time immemorial, a tusker was used to pull down their huts as the scared puny people looked askance. Nothing was ever heard about it outside. And on the outskirts of Shaktinagar in Mirzapur District (Uttar Pradesh) the administration, backed by the P.A.C., was warning the people with the blare of a mike, at the dead of night, in the midst of monsoon season, to move out to a new site where some makeshift sheds had been put up and a few tents pitched, for the people to be huddled into, little realising that during this season even birds do not move out and the mendicants also pause for chaturmasa. Of course the most 'civilized' way in another context followed by the administration is the closure of the dam after the bund is ready and let the rising water do what would have embarrassed them, for people doggedly refuse to evacuate, the simple reason being that they have nowhere to go and nothing to fall back upon. No wonder, all these actions are taken by the affected people as something against which there is no remedy like 'wrath of gods'. This situation must be corrected forthwith.

2.17 I, therefore, recommend that:

A Central law may be enacted prohibiting use of force in civil matters particularly in those cases where

the concerned person or the majority of persons in the concerned party belong to the Scheduled Castes and Scheduled Tribes. In the meantime the Central Government may issue instructions that in all those cases, in which the administration may have a reasonable doubt that force may have to be used or where the administration may be contemplating to act under the shadow of force, without intending to use it, the concerned officer shall prepare a detailed report at least a week in advance and forward the same to an authority designated by the Commissioner for Scheduled Castes and Scheduled Tribes giving full facts and the reasons for requisitioning of force and the likely reaction of the people. Any use of force in such matters without due information to the designated authority as indicated above should make the officer liable for penal action.

Abrogation of Disabilities—A Wider Frame

2.18 The disabilities referred to above are not merely social in their portent but are manifestations of a deeper malaise of the system which can be traced to the economic relationships. While some sections of the society in the course of history acquired command over resources including land, others were denied free access to that gift of nature. In this process the labourer was alienated from the land which he tilled. He was at the mercy of the landowner and could be denied with impunity the fruits of his labour. Further, in this system tasks involving physical labour got denigrated. In particular the uncongenial and arduous tasks got transferred into an incontrovertible social obligation which had to be discharged with no regard whatsoever for equity concerning the remuneration for that work. Accordingly the removal of disabilities as envisaged in the Constitution has to be perceived in a wider frame and not within the narrow ambit of untouchability and atrocities only.

The Tiller of Land

2.19 There is a marginal increase in the proportion of landowners amongst the Scheduled Castes in 1981 compared to 1971 (Chapter V). This appears to be largely because they have received a due share in land distribution schemes of the State. However, the situation in relation to ceiling surplus lands is not satisfactory. They have not been even realistically identified, bulk of them having gone under benami cover. Moreover, a substantial part of these lands has also been subjected to protracted litigation.

2.20 While protection to tenants was universally extended in the first flush after Independence, the results on the ground are uneven. The most notable omission has been in respect of share-croppers who have remained unprotected. West Bengal is perhaps the only exception where the practice has been formally recognised and conditions of share-cropping regulated under the law. The irony is that in many States the violation of conditions of tenancy affects the tenant rather than the landowner. If this is the position at

the formal level where equity at least in principle has to be conceded, the situation in the field cannot but be dismal.

2.21 The most omninous development in relation to land ownership is the emergence of land as a valuable property which people can hold on in complete negation of the basic principle that land is a source of livelihood which should be controlled by the person who works on it. The benefit of education in rural areas first went to those communities which were in a position to send their children to schools. They largely comprise the people with land. A substantial section of these educated people have entered the organised sector and man the same in the cities and also the sprawling network of new agencies in rural areas. But they also continue to hold on to the land with impunity. In many cases the hold of this group has become much stronger than earlier because they themselves are now members of the powerful establishment. Secondly, most of these people enjoy comparatively higher incomes with reference to the general situation in the villages. Therefore, they do not mind even if the land were to remain unutilised or underutilised and yielded only meagre returns. Their main interest lies in the appreciation of its capital value. The neo-feudal stranglehold of absentee landlords in many rural areas has assumed a menacing proportion. But it is being ignored by policy makers since these people comprise powerful pressure groups. Moreover, policy makers themselves in many cases are interested parties. The neo-rich in urban areas are also getting interested in this inequitous deal. They are establishing new estates in and around the towns and sometimes even far away in rural setting in search of a unique blend of peace, prestige, pelf and power at the same time.

2.22 The situation in tribal areas is qualitatively different. In the beginning all the tribal people as a rule were landowners even though their rights may not have been formally recognised. Therefore, the first impact of the extension of the formal system was to put a question mark on their rights over natural resources including land. This incongruous situation has not been rectified anywhere even though its ill effects are quite well-known. The tribal people are now at the mercy of others even for the recognition of their rights which they have traditionally enjoyed and for access to the resource which they have effectively managed through the ages. Consequently, alienation of tribal land has continued unabated notwithstanding enactment of a bevy of laws and promulgation of Regulations for protecting the same. It is an irony that programmes taken up for development of the tribal people have accentuated this process. For example, cooperative credit is being used as a convenient ploy for evading protective laws and sale of land in accordance with due processes of law itself. No wonder, cooperative credit has become one of the major causes of land alienation.

2.23 In certain tribal areas it is almost axiomatic that any land which is plain and, therefore, agriculturally valuable belongs to non-tribals while whatever is undulating and marginal belongs to the tribal. Similarly whatever is irrigated and green belongs to non-tribals while dry and unproductive lands belong to the tribal. The developed land is much too valuable to be possessed by the tribal people. The areas which come under the command of irrigation projects are replete with trails of misfortune which befall the simple tribal people there. Even as a new project is just formulated and the potential of development becomes vaguely known, the articulate move in and plunder begins as happened on an extensive scale, e.g., in the command of the Machkund in Koraput (Orissa). And when water begins to flow, it becomes free for all with no bars to restrain. Ironically since there is no worthwhile effort in advance to prepare the people for the new technology, the tribal himself is ill at ease in the new setting. And he is surrounded by all sorts of people with temptations of all kinds with the sole objective to somehow force, cajole, convince or contrive him into a situation that he is 'willing' to be relieved of that 'new liability'. The more enterprising amongst non-tribals even resort to insidious methods of procuring a belle or even more and use their names successfully for circumventing the protective laws. The girls believe that they are their wives with little realisation that that is not so and that they will be thrown out the moment they are no longer required for holding that property and the lustre of their youth fades.

2.24 I, therefore, recommend that:

The law concerning alienation of land belonging to SCs and STs and restoration of illegally or irregularly transferred lands should be made stringent. The Central Government should prepare a model Regulation/law in this regard which may be forwarded to the States for adoption within a stipulated time frame of not more than one year. These provisions in particular should provide for:

(i) prohibition of all future transfers of land by members of SCs and STs in favour of members of other communities as also to such Scheduled Tribe women who may have married or may be living with a non-tribal;

(ii) regulation of transfer of land by a member of one tribal community to members of any other tribal community;

(iii) prohibition of sale of land of a Scheduled Caste/Scheduled Tribe person in realisation of dues including loans advanced by individuals, cooperatives or institutions notwithstanding the provisions in the law or the decree of a court;

(iv) prohibition of consent of passing of decrees by courts which may involve transfer of land by a Scheduled Caste/Scheduled Tribe person ;

(v) prohibition of appearance of pleaders in cases involving restoration of lands to SC/ST persons;

(vi) provision for summary proceedings in cases involving alienation of lands belonging to SC/ST persons;

(vii) provision for only one appeal in cases where transfer of land by a Scheduled Caste/Scheduled Tribe person is held by the court as illegal or malafide;

(viii) provision for compulsory restoration of land after the decision in favour of a Scheduled Caste/Scheduled Tribe person and within a stipulated period but not later than the harvesting of crop, if any, already in the field and prohibition of stay orders by the appellate authorities in case an appeal is preferred; and

(ix) occupation of land within three years of the date of restoration of land to a Scheduled Caste/Scheduled Tribe person by any person whosoever should be made a cognizable offence.

2.25 The question about the access to and command over resources including land has yet another important dimension. In the traditional setting, where agricultural skills were universal and the tools for cultivation were also the same, the effective command over land could be that of the person actually cultivating the land even though the landlord could commandeer a substantial part of the produce or could also engage hired labour. There was a sort of dependence on the tiller of the land even in the feudalistic mould. With advances in science and technology there is some differentiation in level of skills of cultivation but the differential with regard to the individual's capacity to use modern inputs and improved tools including agricultural machinery has grown phenomenally. Consequently, the position of the tiller of the land has become weaker. Moreover, poorer people are being denied the opportunities of even working as agricultural labourers in the face of labour-displacing machines which are being increasingly used in capitalistic agriculture. In the new parameters of land utilisation which are emerging, the traditional resource use is being dubbed as sub-optimal and new forms of land use, ostensibly more efficient and economical, are being adopted in which the stronger sections have naturally a great advantage and are, therefore, able to perfect their claims on the land and its produce. Thus there are two facets of the new situation. Firstly, the people's traditional claims are getting derecognised. This process, therefore, is in the nature of backlash of development. Secondly, the people are being denied a reasonable share in the benefits of modern science and technology.

Thus the claims of the poorer people as partners in development are not being conceded. The ordinary people are, therefore, losers on both these counts.

2.26 There are serious inroads from yet another side on the rights of the people who have been eking out a living from what are mistakenly termed as wastelands. In our country not an inch of land is unencumbered and whatever can yield anything worthwhile is being put to use by the people unmindful of input-output considerations or the extent of hard labour which may be involved. This has no doubt resulted in serious strain on the ecology. But the fact remains that people have no alternative. In a bid to reverse the process and restore ecological balance an alternative ecologically beneficial land use like tree-culture (any activity which is tree-based like forestry, plantations, horticulture and growing of trees for fodder) is being planned. But in that process these 'wastelands' are being assigned to corporate organisations and the non-poor. Ostensibly the premise is that these lands are unencumbered and the task is so big that there is scope for participation of all including the poor, the non-poor, the State and the private sector. In this vitiated milieu bulk of these lands particularly having better potential are being cornered by the non-poor with hardly any place for the poor in the new schema. Thus the access of the poor to land resources has been severely curtailed which ironically has gone unnoticed and unrecorded. This is the last shadow of their due entitlement over the gift of nature which the mother earth has bestowed on all her children equably, which is being effaced through a variety of machinations by a system which claims to be rational, just and humane. The resistance by the poor people is being dubbed as 'unjustified' since they have no rights and 'anti-development' since the alternative plan is to make optimal use of the wasted resources. His inalienable right to an equitable entitlement in the national economy — present and future—better remains unmentioned.

2.27 The developments in agriculturally advanced areas have also not generally favoured the weaker sections. In many cases farmers have adopted capital-intensive technology dispensing with the need of employing ordinary labourers. There is also a growing tendency of better agricultural lands being put to labour-extensive use such as growing of tree crops and fodder. In fact, there is a new trend of lands being leased in by the non-poor from the poor which is just the first overt form of the ultimate and inevitable dispossession and disinheritance. The wages in many rich agricultural pockets have remained low particularly as large number of people from depleted resource regions, which are unable to provide even bare sustenance to the growing population, seasonally migrate and become competitors in the local labour market accepting even meagre sub-subsistence wages.

2.28 The access of our people to land resources is thus becoming increasingly precarious. The erstwhile feudal lords are clinging to their larger holdings using a variety

of subterfuges including benami arrangements. The ceilings on lands are quite high and even as the potential of land is rising with irrigation and use of better agronomical practices, any downward revision is not even on agenda. A big class of neo-feudal absentee landlords has emerged who are using their positions in and relationship with the organised sector in general and establishment in particular to continue their hold on the land. The people drawing their sustenance from marginal lands are being deprived of the same and this resource base is being cornered by the non-poor specially the corporate sector under any convenient guise—ecology, economy or development. The rich landowners are adopting capital-intensive technology which is raising the virtual pressure of population on scarce land resources and leading to sub-optimal utilisation of available manpower. They are also indulging in labour-extensive land use which is pushing the poorer people out of their traditional occupations. They are also commandeering lands of the poorer peasants and extending their holdings using the new found power of technology which the latter can hardly afford. The urban neo-rich have also joined the fray and are grabbing land not only in and around growing cities but also in distant places as a safe investment with an eye on unearned windfalls. The access to the forest of the people specially the tribal people which has provided sustenance to them for ages is now severely restricted, if not completely denied. A large number of tribals are facing eviction without due consideration of their cases even though many of them have been living there for generations and have acquired legal rights. These issues have been discussed at length subsequently.

2.29 Thus an ominous situation is developing in the country of the poorer sections where the poor is not only being divested of his command over land but is also being denied the opportunity of gainful labour use. And there is no hope even in the future as the new paradigm of land use has no place for the poor. The position of the Scheduled Castes and Scheduled Tribes, who comprise bulk of the rural poor and even amongst them the most deprived, is as a corollary the most precarious.

2.30 It is imperative that this process of alienation of labour from those resources which form the basis of his economy is checked effectively and reversed. Unless this first step is taken, the aspirations of the vast majority amongst the poor people in the country will remain frustrated. The only skills which most of these people have relate to activities in the primary sector which largely comprise agriculture and allied activities. If the nexus between their vital skills and the command over relevant resources and means of production is allowed to become weaker and finally disappear, the great war waged for establishment of an egalitarian order could have been lost even though there might be some gains in small skirmishes here and there which could be eulogised as great achievements by those who would prefer to enjoy the warmth of a make-believe world. The resources would have been commandeered by those who have the right links with the modern system,

be it in terms of knowledge, skills, technology, money, capital, influence or authority. Therefore, the first task is to correct these basic parameters of the national economy and make them compatible with the dictates of the egalitarian social order. That can be the only dependable foundation on which equity for members of the Scheduled Castes and Scheduled Tribes can be ensured making use of the Constitutional provision for positive discrimination in their favour. Unless this is done, the effort needed even to keep their position unchanged will continually increase as the condition of the poorer people in the country becomes more and more vulnerable. As a part of this frame the principle of land to the tiller must be unequivocally reaffirmed tearing apart all rationalisations which have sustained and even supported the reverse non-egalitarian trends.

2.31 In view of the fact that the relationship between labour and the means of production is a basic determinant of equity and social justice and also that members of the Scheduled Castes and Scheduled Tribes, who are expected to be provided effective protection against all forms of exploitation, primarily depend on the fruits of their physical labour, skilled or otherwise.

2.32 I, therefore, recommend that:

(a) the principle of land to the tiller must be reenunciated and suitable laws should be enacted for enforcing the same, and

(b) the access to and command over the resource base of the people, particularly members of the Scheduled Tribes, should not be disturbed and they should be enabled to use the same optimally consistent with the constraints of ecology, if any, and made partners in development.

In particular, the following measures may be taken immediately as the first step towards achieving the goal:

(i) The practice of share-cropping should be formally recognised under the law and the conditions of share-cropping regulated such that the share-cropper as tiller of the land is entitled to not less than two-thirds of the gross produce.

(ii) No person in a nuclear family, one of whose members has a permanent employment in the organised sector or is engaged in another vocation which yields an income equivalent to that of the lowest grade employee in the organised sector, should be entitled to own agricultural land. Coparceners in an extended family, tenants and share-croppers should have a right of preemption in case of land being transferred by any person on any count whatsoever and the consideration payable in these cases should be statutorily fixed adopting the same principles as for ceiling surplus lands.

(iii) All land held by a variety of trusts and such cooperative societies in which all members are not actual tillers of land should be taken over by the State and distributed to the landless people. The State may assume the responsibility of supporting the public purpose, if any, for which a trust might have been established and all other claims whatsoever should lapse.

(iv) The position of all land which is held by corporate bodies and which is not being used for non-agricultural purposes should be reviewed and such area as may be in excess of their immediate requirements should be taken over by the State.

(v) The ceilings on land should be drastically reduced. The present two-way classification, viz.,irrigated and unirrigated, for this purpose should be replaced by a finer classification based on parameters such as the quality of land,extent of its development and productivity.

(vi) The land which becomes available to the State in terms of the formulations at (iii), (iv) and (v) above should be distributed to landless labourers and marginal farmers in that order with due share for members of the Scheduled Castes and Scheduled Tribes which should not be less than their relative strength amongst the landless labourers.

(vii) The State should create a special fund for giving advances to members of the Scheduled Castes and Scheduled Tribes for purchase of land which may become available in terms of the formulation at (ii) above. The loan should be interest free and recoverable in not less than ten annual instalments.

Access to Forest

2.33 Reference here may also be made to the access of the people, particularly the tribal people, to forestry resources. A crucial distinguishing feature of the tribal society is their association with a territory to which they belong and command over which is sanctified by their tradition. The first blow to this ingrained belief came with the reservation of forests in the name of scientific management by the colonial rulers but with an eye on its exploitation for purposes of revenue. Its impact, however, was not unbearable to the people since at that time resources were plentiful and population was sparse, exotic demands were limited and bulk of the tribal region was outside the pale of administration. Moreover, certain rights were also recognised as a part of the process of reservation which continued to be enjoyed by the people for a long time without much interference. However, in the wake of new thrust of development the demand on the forest resources became manifold and multi-dimensional. They also became an easy source of augmenting State revenues, particularly

because the line between what could be deemed as using up of the capital-base and what is in the nature of harvesting merely the incremental element is rather thin. The forests were ravaged by contractors in collusion with a variety of vested interests with disastrous consequences. The tribal has also been obliged to extend his cultivation over forest land as in the past notwithstanding the new laws against it. In fact, the pressure on their economy in the new setting is still greater—both internal on account of population growth and external on account of new intrusions by individuals, institutions and even the State. Consequently, he has no alternative but to 'encroach' for suppressing the fire of hunger in a setting away from the scene of development, having in his lot nothing but some unagreeable fallouts.

2.34 In these remote areas where the tribal economy is under pressure, both internal and external, there are no new avenues open to the tribals which could relieve the same. The accrual of economic benefits of forestry operations to the tribal people has been limited to what could be earned by them as wages. This was true not only in the working of forests but also in the collection of the minor forest produce(MFP) over which a special claim of theirs had been formally conceded. It is sad to note that even in the modern paradigm the tribal's case has gone by default. He has been given a raw deal. Workers' participation is a cherished goal not only in management but even in ownership of enterprises in which the membership of individual worker is a matter of chance and the capital is subscribed nationally. The tribal people, on the other hand, have not been considered worthy of any status higher than that of casual wage-earners in forestry unmindful of their claims for exclusive command over the same.

2.35 Even the right of the tribal people to collect the MFP, which was duly recognised at the time of reservation of forests, has not been honoured in its true spirit. With the passage of time what was conceded as a right became a concession and now we are at a stage where even these concessions are not easily conceded and are being virtually treated as unnecessary encumbrances. The price which the tribal gets for the MFP even in purchase by State agencies represents the return for his labour-input for collecting the item and not the value of a product over which he has a right. Since the right to collect the MFP was conceded to the tribal people living in the forests and deriving their sustenance therefrom, as a part of the process of reservation of forests, it cannot be abrograted as has happened in practice, as the States are levying royalties on the MFP and the tribal is getting just the wage for collection plus something, if at all, ex gratia. The State has no right to levy royalty on a produce over which the tribal people had been given a right even though the circumstances may have changed and the produce may have become more valuable because of its diverse use and the extension of market economy in tribal areas. This is a part of the development process. If the tribal people are facing the backlash of development, denying them the benefits of the

changing situation on technical grounds will be unfair. Be as it may, the gains to the tribal people from forest economy at present are quite limited and inconsequential compared to their growing needs even at the sustenance level.

2.36 Efforts have been made from time to time by the States to resolve the tangled issue of forest land but without much success. The reasons are many. In many cases the reservation of forests was done in an arbitrary fashion without the people being given even the chance of knowing the points of disputes and presenting their case. The most notable example is that of Mirzapur in Uttar Pradesh in which case the Supreme Court has ordered fresh proceedings from the very beginning. In the case of ex-jagirdari forests reservation orders were issued on the premise that the State had stepped into the shoes of the erstwhile owners, disregarding the informal arrangements under which the people had been cultivating the lands—some on payment of token rent or some for nominal service to the chief. The most notable example is that of 'warkas' and 'dali' lands in Maharashtra which have not even been formally taken note of by the State Government. All such people subsisting on land in forests have been deemed to be in unauthorised possession. Thirdly, the decisions of the State Governments from time to time to regularise unauthorised occupations in forests and reach an amicable solution got invariably enmeshed in the procedural issues, delays and admissibility of evidence regarding possession on a specified date. Ironically previous prosecution is the most acceptable and sometimes the only basis to establish possession. It presumes a regular visit of officials even to the remote areas and their earnestness and honesty in dealing with encroachments. It is hardly appreciated that with the acceptance of this premise the tribal stands condemned for the acts of omission or commission of the Government officials.

2.37 The enforcement of the Forest Conservation Act, 1980, even as all the above issues in the tribal areas were still raging has created an unenviable situation. The tribal is deemed to be a tresspasser and sought to be evicted summarily without even listening to what he has to say. Not only his pleas about a hapless situation he is finding himself in are ignored, even the rights which should have been deemed to accrue to him even in terms of the law, which is basically against his interests, remain uncared for and unnoticed. His resistance against eviction in the absence of any alternative is met by a bigger force which has given rise to a state of confrontation in many tribal areas.

2.38 Here is a vital issue concerning the welfare and advancement of the Scheduled Tribes. It has a number of nuances only some of which have been alluded to earlier. It also concerns the Constitutional safeguards provided for members of the Scheduled Tribes in a special way. I have, therefore, taken up a detailed investigation in

this regard and addressed the Government of India and the State Governments. I will be presenting a Special Report on the question of access to and command over the resource base as soon as the investigation is completed. Suffice it to say here that the tribal people have lost considerable ground in relation to their access to the forest resources, not to speak of the command which they claim over the same, which is not in keeping with the spirit of the Constitutional safeguards.

2.39 However, it is imperative that pending decisions on basic policy issues the present state of confrontation over the issue of forest land and the MFP is brought to an end forthwith. I have taken up this question with the Governments of Madhya Pradesh and Maharashtra with reference to the specific situations in some areas. In my view the State Governments should reach an understanding with the tribal people on the basis of maintaining the status quo on either side and an action plan comprising the following elements:

(1) preparation of a hamlet-wise list of land under occupation of the people in the hamlet which may be authenticated by the occupants of the lands and also by officials of the Forest and the Revenue Departments in an open meeting convened for the purpose;

(2) an agreement between the village community and the concerned Departments to the effect that (a) while the people on their part will undertake to prevent any further extension of cultivation in the forest and, in case they are not able to do so, to give information about the offenders to an official designated for that purpose and (b) the Government Departments on their part may undertake (i) not to institute any cases in respect of land included in the list mentioned above and (ii) withdraw old cases pending in the courts at different stages in respect of these lands;

(3) working out a mutually agreed action plan with co-equal objectives of restoration of ecological balance and providing viable economic base for the concerned people which may include—

(a) preparation of a scientific land use plan for each problem village,
(b) conferral of tenancy rights on eligible persons in respect of those lands which according to the land use plan can continue under agriculture,
(c) exchange of ecologically non-viable cultivated lands with such lands, if any, which may have been adjudged as suitable for agriculture in the land use plan and conferral of tenancy rights thereon to eligible persons, and
(d) a plan for ecologically viable use of the remaining lands under cultivation such as tree-culture which, inter alia, should provide for (i) suitable financial support, (ii) right of usufruct on the annual produce from the land to the people and (iii) a share in the proceeds from the rotational working of tree crops; and

(4) acceptance of the right of the tribal people to collect the MFP from forests in its true spirit by discontinuance of all levies by way of royalty on it and establishing a marketing structure which ensures its purchase at full market price throughout the tribal area.

2.40 I, therefore, recommend that the Government of India may immediately start a dialogue with the State Governments on the issue of the alleged unauthorised occupation of forest land by the tribal people and the collection price of the MFP. An understanding should be reached with the tribal people on the basis of maintaining the status quo on either side in accordance with the scheme outlined in the preceding paragraph pending preparation of a long term plan for associating the tribal people in the management of forests as partners.

Relative Valuation of Skills

2.41 The next question after the relationship of the labourer with the means of production, particularly land and forest, discussed above is the valuation of this labour both in relation to those activities in which the worker is self-employed and where he may be engaged by others. This is particularly relevant for the welfare of the Scheduled Castes who are largely resourceless and depend on their labour and skills for earning a living. While the general question of wages in the unorganised sector is engaging the attention of the National Labour Commission , some aspects particularly those concerning the Scheduled Castes and Scheduled Tribes are so clear and inequitous on the face of it which call for immediate corrective measures.

(a) Agricultural Labourers

2.42 As noted earler, about 33% of landless labourers in the country belong to the Scheduled Castes and 48.22% of the main workers among the Scheduled Castes are agricultural labourers. The social and economic relationships in the traditional economy, the mainstay of which was agriculture, were highly inequitous. In particular, the agricultural labour were highly oppressed and their condition was that of serfs or bonded labourers. While the situation has improved in some areas the general condition of agricultural labourers remains far from satisfactory. In fact, the inequity with regard to valuation of agricultural labourers has not only deepened with the rise of the urban and the organised but has also acquired a rational facade. It is an irony that the agricultural labour which not only involves arduous work out in the field unmindful of inclement weather or time (day and night) but is also highly dexterous has been labelled as unskilled and has accordingly been rated low. All tillers of land, including owner-cultivators, in this process have been reduced to the status of unskilled persons and denied due recognition of their contribution to the national economy. This grossly inequi-

tous valuation of the skills in agriculture is reflected in low agricultural prices through input-output computations based on highly depresed, at the most the minimum wage rates which themselves are very low notwithstanding the fact that they have the statutory recognition. This squeeze affects the small and marginal farmers the most who, in their turn, tighten their grip on the agricultural labour who had already been reduced to a bare skeleton in the traditional economy. The agricultural labour is thus facing a double squeeze. While the stranglehold of the traditional system continues as usual, they are now subject to a worse form of insidious deprivation perpetrated by the modern sector.

2.43 The question about due entitlement of agricultural labour is vital for the welfare of the Scheduled Castes. The same is also becoming true for members of the Scheduled Tribes in many areas where they are losing the command over resources and also in those areas where the resource base itself is being depleted, forcing them to seek alternative employment. This is the position, for example, in almost the entire western tribal tract right from Udaipur in Rajasthan to Thane in Maharashtra.

2.44 Members of the Scheduled Castes and Scheduled Tribes are, in fact, victims of a larger process which is affecting workers in the unorganised sector as a whole. It is in a way continuation of an earlier process which had mauled our national economy during the colonial period. The self-righteousness of those belonging to the organised sector and inequity for the rest are so deep rooted that these have infected even the basic principles adopted for determining a fair wage, nay, even the minimum wage for persons belonging to different sectors in the economy. The principle that one person in a family should be able to earn sufficiently for a reasonable living for an entire family is universally accepted by the State for all employees in the organised sector. However, there is no such principle for workers in the unorganised sector. It may be remembered that the people working in the unorganised sector have additional handicaps since they not only face the uncertainty of unemployment but are also denied a variety of other entitlements, privileges and facilities which go with regular employment. How can one justify a minimum wage of Rs.11 per day which can yield an annual income of Rs.3,300 only even if the labourer were to get employment and actually work for 300 days in a year? This would be a great feat in its own right. This income will take the person just half way towards the poverty line. If the uncertainties of unemployment market are added, the situation will become still worse which is the fate of all workers in the unorganised sector. Not only that, sometimes the law itself and the rules made thereunder create scope for insidious practices which reduce the level of remuneration. For example, while the minimum wage in Gujarat is Rs.15, a person can be engaged for half the day. In Maharashtra the forestry labourers can be engaged for six hours in a day and paid proportionate wages.

2.45 The results are predictable. Even for bare subsistence all members of a family depending on casual wage-employment must flock to work on days when it is available. How can one expect the children belonging to such families to attend a school or claim the loving care of their mothers when they are back home? Nor can the aged afford to enjoy the well-deserved rest after the lifelong drudgery notwithstanding the pension which some of them may be getting. The statutory minimum wages for people working in the unorganised sector in general and as agricultural labourers in particular have not even a distant relationship with the Directive Principles of State Policy regarding the concept of fair wages enshrined in the Constitution. The highly depressed statutory minimum wages lay bare the double standards which are implicit in a vital policy of the State about wage fixation. This is a clear violation of the basic structure of our Constitution which is built around the basic premises of equity, non-discrimination and justice.

2.46 The position about a number of other occupations which are uncongenial and arduous and have been traditionally assigned to members of the Scheduled Castes in the traditional society is similar or even worse. The remunerations for these tasks were highly exploitative and there was also an element of coercion. Most of these services continue to be provided by the same caste groups even in modern organisations. The tragedy is that the distortions prevalent in the traditional society have been incorporated even in the so-called modern sectors as well, albeit in a sophisticated style. Therefore, the traditional skills continue to be valued inequitably. Not only exploitative relationships are persisting but in some cases they are becoming still more adverse. Unless the skills of those engaged in traditional vocations including agriculture are duly recognised and the arduous work which they are engaged in is duly rewarded the inequity will continue to exist as a part of the system supported by law but violative of the basic tenets of the Constitution. I am presenting below the position of three of these vocations as an illustration.

Maternity Service

2.47 The traditional dai in the village continues to provide an essential service to all sections of population. The benefits of the National Health Service have not reached many of these areas and even where maternity and child care services have been established a substantial share of mother and child care, particularly those tasks which are in the nature of personnel services and connected with actual delivery continue to be with the dai. What they receive in return is small gifts which are becoming still smaller and inconsequential as the economic situation of their patrons who are themselves poor is becoming increasingly strained. There is no reason why the remuneration

of this essential service should depend on the economic condition of the family which the dai serves and the dai should not be accepted as a part of the National Health Service constituting its base at the village level. It will not only be equitable but also in the interest of the National Health Service if all traditional dais are suitably trained and familiarised with modern aspects of maternity services. They should also be provided with new equipments. It is true that a number of programmes have been taken up from time to time in this regard. But the basic point about the position of the dai in the National Health Service and her legitimate entitlements have been ignored with the result that she remained disinterested. It is high time that these amends are made. The traditional dais should be paid by the States a decent remuneration for the services rendered by them as members of the National Health Service according to norms which may be worked out in this regard.

Scavengers

2.48 The programme of Bhangi-mukti is proceeding at the snail's pace. The irony is that this programme overlooks the problems of scavengers and concentrates on conversion of dry latrines to water-borne ones which is quite capital - intensive and is an aid to the employer. While these efforts should continue with full vigour, the problems of those who move out of this occupation and those who continue to be engaged in this work during the intervening period should receive special attention. This service should be professionalised forthwith and gradually delinked from its caste origin. As a first step towards achieving this goal a time-bound programme, which should not take more than a couple of years, should be taken up in all municipal towns to segregate the personal life of scavengers from their professional life like those of other workers in the modern sector engaged in uncongenial and arduous jobs like coal mining. Special attention should be paid immediately to improve the living conditions of scavengers wherever they are. There is no reason why the people who keep a city clean should not be entitled to a reciprocal obligation from that city for ensuring for them a decent standard of living. There should be transit booths in the towns where those engaged in scavenging should come as ordinary workers, change into working uniforms, collect their tools and go to work. After the work is over they should deposit the tools, change over to a decent dress after bath and move out as ordinary citizens indistinguishably. The area inhabited by members of the scavenging community should be specially developed so as to be at par with other modern colonies in the town with all facilities of good standard. Moreover, members of this community should be assisted to move to other general residential areas through reservation in their favour.

2.49 The second step, which could be considered still more important, is to protect the next generation from

becoming victims of this inhuman heritage. Two things will be necessary in this regard. Firstly, the children should not be allowed to enter this work at the tender habit forming age so that this disagreeable work does not become agreeable to some people because of their accident of birth. In my view the children of scavenging families require the Constitutional protection against exploitation the most. There should be a legal prohibition of employment of children upto the age of 14 in scavenging.

2.50 Education has served as the most potent instrument of dissociation of the new generation from their parents' vocations with grave consequences for the rural economy. But in this case that process can become a great boon as it will liberate the children from the shackles of this tradition. A scheme of scholarships for children of those engaged in scavenging was started in the Sixth Plan but it covered children at the impressionable middle school level. The scheme thus missed the crucial early age of 6-11 in the primary school when the child gets introduced to the profession. No effort has been made to wean them away at that stage. Compulsory and free education in a residential school should be provided to all the children upto the age of 14 whose parents are engaged in traditional scavenging. Some other measures which will be necessary for professionalising this occupation are: (i) abolition of traditional jajmani system in scavenging and (ii) acceptance of scavenging as an arduous and uncongenial job entitled to remuneration equivalent to a Group C position in Government. The funds needed for supporting the professionalised scavenging service should be the first charge on the revenue of a local body.

Leather Workers

2.51 While leather workers were forced into an ignoble position in the traditional economic order, they have been subjected to a highly inequitous process of structural change and modernisation in the face of new advances in technology and money power of the organised sector. Members of those communities who were engaged in working with leather were first eased out from the trade of finished goods. With the introduction of machines in manufacturing of leather goods members of other castes have entered this vocation. But flaying continues to be the responsibility of members of the Scheduled Castes. With the emergence of slaughter houses trained technicians are entering the modernised remunerative sector of this vocation as well. Even the collection of hides and skins is now being organised through contractors in which the traditional workers are now reduced to the status of mere wage earners.

2.52 Delinking of an uncongenial profession from caste is a welcome feature but what is regrettable is partial and selective delinking. Leather work illustrates the worst form of dualistic modernisation of a traditional vocation. It is an irony that even the programmes taken up by the State do not have focus on the people traditiona-

lly engaged in leather work but are concerned about development of leather industry as such as is clear from the names of these Corporations. What is necessary is to (i) accept the value of traditional skills, (ii) make their work remunerative comparable to that in the organised sector and (iii) help the people engaged in those activities to acquire new skills rather than leaving them to vicissitudes of competition from those who have the advantage of better education and financial resources. If leather work can be organised on professional lines starting from the point of handling the dead animal to the final marketing of manufactured articles, members of the Scheduled Castes can be enabled to join the same as individuals rather than as members of the caste after they get the benefit of training in modern skills and new technology. In this frame members of other castes will also have a place but not only in the more remunerative and congenial parts of the vocation. Some of them will be inclined to join some uncongenial parts of the vocation as well because of the attraction of higher valuation. On the other hand, members of those communities traditionally engaged in the vocation will graduate into those sectors of the activity which is becoming less uncongenial and more remunerative after acquiring necessary skills with the support of the State.

2.53 I, therefore, recommend that:

The Union Government may take urgent measures for improving the working conditions of labourers in the unorganised sector in which members of the Scheduled Castes and Scheduled Tribes comprise a substantial section. Special attention should be paid to those economic activities which are traditionally associated with the Scheduled Castes and Scheduled Tribes. It should be ensured that (i) the wages in all these vocations are equitable and they are not afflicted by inherent prejudice against their valuation and (ii) due weightage is given to (a) the relevant skills, (b) arduous nature of work and (c) uncongenial working conditions. In particular, the following minimal measures may be taken immediately without waiting for the findings and recommendations of the National Labour Commission:

(a) Minimum Wages

(i) The present inequity even in the statutory minimum wages should be removed. The Minimum Wages Act should contain a provision to the effect that the daily wage of ordinary labourers in all economic activities shall be so determined following the principle that the earnings of one person in a family should be sufficient for the maintenance of the entire family.

(ii) Any reduction of working hours with pro rata cut in the daily wage should be prohibited except in those situations where work is not of continuing nature and the quantum available is

not sufficient to keep even a single person fully engaged for the whole day.

(b) Scavenging

While all out efforts should be made for eradication of the practice of carrying nightsoil as headload, scavenging should be organised on professional lines with immediate effect. In particular, the scheme may include:

(i) fixation of remuneration of scavengers equivalent to that of Group C employees in the Government;

(ii) complete segregation of personal life of those engaged in scavenging from their vocational life;

(iii) legal prohibition of children below the age of 14 being engaged in scavenging; and

(iv) compulsory and free education in residential institutions for all children upto the age of 14 whose parents are engaged in scavenging.

(c) Traditional Dais

The traditional dais should be accepted as an integral part of the National Health Service. They should be suitably trained and provided modern equipment. The dais in the villages should be paid a fixed remuneration plus a reasonable honorarium, say, about Rs.100 per delivery attended by them.

(d) Leather Workers

The entire vocation relating to leather work beginning with flaying upto the manufacture of finished goods should be organised on cooperative lines as a vocation so that it gets formally delinked from its caste association. In particular, special measures should be taken for (i) removing all contractors/intermediaries from the profession, (ii) upgradation of skills and extension of benefits of new technology to ordinary workers and (iii) establishing a strong marketing network.

III

ADVANCEMENT

Any assessment of the measures by the State for the advancement of the Scheduled Castes and Scheduled Tribes should appropriately begin with a review of progress in the conventional frame. Advancement of the members of a community has two facets—advancement in absolute terms and advancement in relative terms vis-a-vis other people in the nation. So far as advancement in absolute terms is concerned, it is comparatively a simpler task particularly when the concerned people like members of the Scheduled Castes to begin with may have been at the rock bottom. They had not only been deprived of the command over resources but were also facing the worst form of exploitation even as labourers, artisans and professionals. The position of members of the Scheduled Tribes is, however, different. They have been enjoying until very recently full and effective command over the resources in their respective areas. It is only in the wake of opening up of their territories that serious inroads have been made in regard to the access to and command over resources by other people. These include a variety of institutions both in the private sector and the public sector and even the State. Accordingly while indicators in some items like area under irrigation may show an upward trend there may be regression with regard to the vital question of land ownership. The community may not be better off even in absolute terms notwithstanding the visible advancement for some.

3.2 The advancement of a community in a developing economy to be realistic should be in terms of its relative position in the national economy. This will depend on the overall rate of growth of the economy and the share of the concerned community therein. There are no systematic studies or even rough estimates which can be used to assess the relative position of the Scheduled Castes and Scheduled Tribes in a time sequence. However, the overall position in some respects is well-known which could provide a reasonable base for first order estimates of the long term process and relative changes affecting these communities.

3.3 Our national economy broadly comprises the organised and the unorganised sectors. The former comprises the modern industrial sector and the associated infrastructure, commercial organisations and economic institutions, modern social and professional services and the variegated apparatus of the State. The unorganised sector includes agriculture and allied activities, village and household industries, traditional professional services and such like. The modern sector is the leading sector of our economy which is growing at a faster rate compared to the rest. Bulk of the benefits of modern science and technology and

also organisations as such are accruing to the organised sector. On the other hand, many activities in the unorganised sector are facing the backlash. Therefore, the differential between the two sectors is growing at a fast rate.

3.4 A significant feature of the structural transformation of our economy is that the new opportunities in the organised sector have largely gone to those who had the benefit of being nearer to the emerging centres of power and to those who had the benefit of early start because of their heritage or better access to education. Due to the growing differential in the quality of education and the near absence of good educational institutions in rural areas only the better off sections, particularly those who owned land, could send out their children for higher education. It is only in a comparatively smaller segment of the organised sector comprising services under Government and public sector in which the policy of positive discrimination has enabled members of the Scheduled Castes and Scheduled Tribes to get a foothold. The big differential in the access to education and in the initial start has thus created a setting of unequal competition for the new opportunities in the organised sector bulk of which have gone to members of the higher castes. Thus the intersectoral and intrasectoral polarisation has acquired a social base.

3.5 While the gains in the organised sector of members of the Scheduled Castes and Scheduled Tribes have been rather limited, the position within the traditional sector is also not very different. It has been noted earlier that the social and economic disabilities of the traditional system, particularly the latter, have not relented. Moreover, there is growing polarisation within the unorganised sector in general and rural economy in particular. Not only members of higher castes commanded bulk of the resources in the beginning they are now in a better position to consolidate their command and expand it with the new found power of technology, money and influence. It is members of this group which have entered the organised sector in general and Government establishments in particular which has greatly strengthened their position.

3.6 On the other hand, the processes of deprivation of the rural economy in general and agricultural sector in particular are affecting most adversely members of weaker sections, particularly members of the Scheduled Castes, as is clear from the condition of landless labourers. Therefore, while members of upper castes are taking advantage of their links with the organised sector and are moving out of rural areas due to the pull factor caused by intersectoral polarisation, members of weaker sections, particularly the Scheduled Castes, are being pushed from rural areas due to intrasectoral polarisation within the rural economy. They are largely joining the amorphous mass of the unorganised in urban areas. Thus it appears that except for the gains members of the Scheduled Castes and Scheduled Tribes

have made through reservations in services, their relative position in the national economy has deteriorated. In fact, the inability of the members of middle castes who comprise the second wave of educated people to enter the organised sector, where bulk of the opportunities in the national economy rest, is at the root cause of the sporadic struggles for reservations in services which is the only way to make an entry, albeit token and of no consequence to the masses, in the privileged sector that is modern and organised.

3.7 The position of members of the Scheduled Tribes is still worse except in the hill areas of the North-East. They are not as yet ready for participation in the organised sector of the national economy and their representation even in the limited area of public services is small. But they are facing severe backlash of development of all varieties as their areas are being opened up and the tentacles of the organised sector are gradually spreading out to the remotest areas now. The tribal people are losing their lands along the new arteries of communication and being incessantly pushed back from wherever new opportunities are arising. They are being squeezed out or forced to flee on their own, firstly as their lands are acquired by new establishments and then in the face of successive waves of migrants who begin to pour into these areas and spread out. The new enclaves are emerging as islands of affluence and centres of tremendous power and authority in which the tribal has no place or at best can creep in only to occupy the substratum of the new economy as also the new social system. The tribal people are losers on all counts and ironically are victims of the depredation of the system which is conveniently accorded the aura of inevitability, sparing those responsible for policy making even the allusion of embarrassment and qualms of conscience.

3.8 I will revert to the implications of the relative deprivation which members of the Scheduled Castes and Scheduled Tribes are facing in general while a substantial section amongst them, particularly members of the Scheduled Tribes, are losing even in absolute terms. Nonetheless, there are some gains, even though the coverage is not large and the pace is rather slow. Moreover, before a clear perspective about their position can be attempted with reference to the larger national frame it will be necessary to take stock of the gains and also the setbacks in the conventional frame referred to earlier. It will be useful to begin with the brighter spots in a mixed scene of light and shade.

Advancement within Conventional Frame

(a) Education

3.9 The most notable achievement in absolute terms has been in the field of education. The level of literacy amongst the Scheduled Castes and Scheduled Tribes has risen by about 45.74% and 32.2% respectively during the decade

1971-81 even though the gap in their literacy levels and that of the rest has also increased during the same period. The enrolment of children belonging to these communities has also been rising at all levels. The proportion of SC and ST children amongst those enrolled at the primary level more or less corresponds to their relative strength in the population. But there is a sharp decline at the middle school level, particularly amongst the Scheduled Castes, after which, however, their position stabilises. In 1986-87 there were more than a million postmatric scholars belonging to the Scheduled Castes and Scheduled Tribes. The Seventh Plan outlay for the Centrally Sponsored Scheme of Post-matric Scholarships is Rs.114.57 crores. It excludes the huge amount of committed(non-Plan) expenditure on this scheme.

3.10 These gross figures, however, can be taken only as an indicator of increasing coverage of the Scheduled Castes and Scheduled Tribes. These do not represent the real state of achievement. Firstly, the figures in some cases are overestimates, e.g., in Maharashtra where the enrolment ratio is shown to be 236.96% and 100.23% for the Scheduled Castes and Scheduled Tribes respectively. Even after allowance is given for enrolment of underage and overage children, this is a high figure and must have included those who are not in the Schedules. Secondly, the figures of enrolment at the elementary level are highly inflated due to bulging of enrolment in class I. A substantial proportion of these children in class I are unable to move to the next stage and are unable to cross even the illiteracy barrier. Thus the pace of advancement in this crucial area has remained rather slow, particularly when it is compared to what was envisaged in the Constitution. This is primarily because the significance of education for the welfare and advancement of the Scheduled Castes and Scheduled Tribes, specially the latter, has not been fully realised. The role of education as a cultural accomplishment has been recognised for ages. Its importance as a crucial investment for economic development was realised after the Second World War which distinguished it from other purely welfare measures. But so far as the vulnerable sections of the community are concerned, the role of education has another dimension. Education is vital in their struggle against inequity and oppression in a system where scales are heavily loaded against them. Ignorance is their biggest enemy.

3.11 Education is particularly critical for small tribal communities in the new context. Their traditional institutions are being gradually superseded by a powerful formal structure of the modern State about whose ways they are unaware. In the absence of education which could provide to them the key to the new system, they are defenceless. Their traditional command over resources which have provided them sustenance through ages is at stake. Moreover, they are also not duly prepared for taking advantage of the new opportunities which are being created in these areas around the use of resources which they have traditio-

nally commanded. The present state of the tribal people in the North-East and in middle India, which was almost the same in the beginning of this century, presents a striking contrast which is largely relatable to the place of education in the scheme of development in the two regions. In the North-East education preceded development of their economy which continues even to this day at the pre-agricultural stage. But in middle India economic development took precedence over education which has remained neglected. Whereas the tribal people in the North-East are now ready for a leap forward in development based on the resources which have remained under their command, those in middle India have fallen prey to the adverse processes of development and are facing disorganisation, many of them having been rendered resourceless.

3.12 The only reliable indicator of educational advancement at the moment is the level of literacy. But the averages of literacy for the Scheduled Castes and Scheduled Tribes referred to above do not give a real picture in the field. Many a community are far behind in the scale, some of them cannot claim even a single matriculate even today. The analysis of community-wise figures which are available is revealing. Chandigarh which has to its credit the highest literacy level of 69.33% for non-Scheduled Caste population amongst the States/UTs has a poor rating for the Scheduled Castes at 37.07% in general. It has the dubious distinction of reporting the lowest literacy level for any community, viz., 0.6% for Sirkiband. The Union Territory of Delhi also shows up well for non-Scheduled Castes at 66.44% but Kalbelias are still struggling at 3.1%. The Union Territory of Pondicherry reveals a similar pattern with 60.32% literacy for non-Scheduled Castes but a poor rating of 32.36% for the Scheduled Castes and dismal condition of the Vetan (a Scheduled Caste) who are at the bottom with 3.9%.

3.13 The variation of literacy level amongst the Scheduled Tribes is very large, the Naga tribes in Meghalaya being at the top with 81.9% while Panchen Monpa in Arunachal Pradesh at the bottom with 0.8%. The variation within the same State is also very large, e.g., in Arunachal Pradesh literacy amongst Khamiyangs is 57.9%. In Orissa the variation is between 36.4% for Kulis and 1.1% for Mankirdias. The difference in relation to female literacy is staggering not only from one State to another, from one community to another in the same State but within the same community with Bhil women in Rajasthan occupying the very bottom bracket (1.2%).

3.14 The real position in the field is still worse. Most of the educated youth specially in the tribal areas move out of the communities for seeking opportunities elsewhere. Consequently, the overall level of education achieved by a community as indicated by the statistics does not give the real picture of the low literacy and education amongst those who are struggling against heavy odds in their traditional setting.

3.15 Another facet of educational developmental programme is that only those who can cross the early hurdles at the primary and secondary levels are in a position to claim liberal support of the State in the form of scholarships at the post-matric level. This process has a cumulative effect resulting in polarisation as between different communities as also within each of them. It is unfortunate that a substantial section of these people, specially the Scheduled Tribes, cannot avail of the educational facilities even at the primary level. But the weakest spot in the educational structure for a variety of reasons is the secondary level. The network of primary schools has become quite extensive, except in remote areas, as a result of the State's special effort for universalisation. Similarly the elite's demand for higher education has led to ubiquitous growth of higher secondary schools and colleges. But the geographical spread of secondary schools, which is the middle stage, is rather inadequate and highly uneven. This has serious consequences for education in the tribal areas. Firstly, by this stage the children become real help to their parents. Therefore, if the child wishes to continue further studies, he must move out of home and become unavailable to the family. Secondly, because there is hardly any assistance of the State in the form of scholarships and stipends at this stage, the family must support the child away from home which is impossible for ordinary people. The girls' education is the worst hit on account of this phenomenon.

3.16 The scheme of scholarships and stipends, which in absolute terms appears to be quite large, leaves much to be desired. For example, the need for continuous revision of pay packet of people in the organised sector, who are not only well above the poverty line but quite comfortable, has been well recognised and there is an automatic linkage with the cost of living. The financial outlays for meeting that commitment are treated just like a charge on the State exchequer, having precedence over everything else. But the quantum of assistance to the students belonging to the weakest sections of our community, where parents can ill afford even a square meal, remains unchanged for years on end even as the prices skyrocket and everyone may agree in principle about the need for a substantial rise.

3.17 Inadequate provision for education is not only incongruous in any scheme of things but goes against the grain of basic social values. No family can ever think of putting the needs of its children at a lower priority compared to items of comforts, let alone indulgence in luxuries, unless of course there is a streak of irresponsibility. Tightening of belt is the natural response. The same logic applies with equal force, if not greater, in the management of national economy. But any lapse on this count by managers of the economy with regard to the education of the weaker sections of the community is reprehensible. In their case the benefits of education cannot be denied even for a single day without compromising the basic rights

and forcing those already deprived to lifelong drudgery and indignity for no fault of theirs.

3.18 Education occupies a central place amongst the safeguards provided for the weaker sections in the Constitution and inadequate provision in this area deprives them of the due protection as envisaged for them by the founding fathers. Let education be the first charge on the outlays which may be earmarked for the development of SCs and STs. In this I am echoing the feeling of the common man who expresses it the moment the subject is touched. He is unable to find an answer to a very simple question as to why such a vital need of theirs on which depends the future of their children is denied to them when the State can squander huge sums on innumerable schemes of doubtful value. Their representatives in the State Assemblies and Parliament also express the same feeling but are unable to see through and pierce the web of the formal system in which they are enmeshed.

3.19 It may, however, be added here that that stage is over where general formulations about education may do. What needs to be attended to are (i) effective coverage of the more difficult areas, (ii) bringing the poorer groups under the educational fold, (iii) making education relevant to the economy of the people and (iv) raising its quality to a level comparable to the new facility assumed to be the privilege of exclusive institutions. A strategy has to be worked out with reference to the specific situation of each community or a group therein and for difficult areas. Micro planning for the educational development of the Scheduled Castes and Scheduled Tribes has been accepted as an important element in the new education policy. It has to be ensured that it does not become a ritual. The priorities should not be allowed to get mixed up as has happened with a spartan scheme like Operation Blackboard. It is already facing constraints of resources even before ordinary blackboards have been provided to bulk of the ordinary schools particularly at the tail end. The irony is that it is in the names of the ordinary schools and under the guise of providing blackboards that many an elite institution have received windfall gains unsolicited. Even though resources do appear as a constraint which, however, should not be the case with any State following right priorities, it cannot be an alibi of those Union Territories whose performance in comparison is unsatisfactory generally with regard to the education of the Scheduled Castes and dismal for the weakest amongst them, which cannot be explained in any way but lack of concern for this vital sector.

3.20 I, therefore, recommend that:

(i) Education should be given the highest priority in the programmes for the welfare and advancement of the Scheduled Castes and Scheduled Tribes and the necessary outlays for education should become the first charge on the outlays which may be earmarked for the development of the Scheduled Castes and Scheduled Tribes.

(ii) Special programmes of assistance should be taken up for those communities amongst the Scheduled Castes and Scheduled Tribes which are extremely low in literacy, say, less than 7% literacy level. The unit for the purpose of this special thrust should be Taluk/Block for which literacy figures as per 1981 Census are available.

(iii) A thorough review may be undertaken of the rates of scholarships and stipends and income level for eligibility to them. These rates should be linked to a suitable index, say, 'cost of education index' (CEI) for day scholars and resident scholars. The CEI should comprise a mix of consumer price index and general living index with equal weightage to them. The rise in the rate of scholarships and stipends should neutralise the effect of rising prices in full. This CEI should be computed once a year at the end of the calendar year. The new rates of scholarships and stipends should be worked out on the basis of the new index and made effective from the next academic session.

(iv) All scholarships and stipends should become due to the students on the first of the month and not at the end of the month as at present. The scholarship for the first month should become payable on the date of admission to the next class on the strength of an eligibility card which may be issued to the students on a permanent basis.

Reservation in the Public Sector

3.21 Education is a precious acquisition for enabling members of disadvantaged communities to take advantage of the policy of positive discrimination. The scheme of reservations under the general policy of positive discrimination was initially started with employment under Government. Its scope has been expanding gradually. The banking industry and the public sector undertakings have by now been fully covered under that policy frame. The policy frame has also been accepted by educational institutions though, in some cases, it is only partial—limited largely to non-academic positions only. The highly professional and scientific positions, however, continue to remain outside its purview.

3.22 The review of the progress of representation of the Scheduled Castes and Scheduled Tribes in public employment over the last ten years (1977-1987) in Chapter VIII shows that the position has generally improved. However, its pace has been rather uneven. The shortfalls in many areas still remain quite substantial. The representation of the Scheduled Castes in Group D of Central Government services was already above the stipulated level in 1977 and that level has also been attained for posts in Group C by 1987. But the proportion of representation during the same period for Group A has risen from 4.16% to 8.23%

and for Group B from 6.07% to 10.40% only. Thus the position in both these groups is unsatisfactory. The representation of the Scheduled Tribes at both these levels remains dismal notwithstanding the apparent big jump in statistical terms. The position of employment of SCs and STs in the public sector undertakings during this period has also improved and their proportion has moved up at all levels. While the position in Groups C and D is now good, as their representation has reached the stipulated level, the position in Groups A and B continues to be far from satisfactory. Even though the representation of the Scheduled Castes in Group A has moved up significantly from the low figure of 1.81% in 1977 it has still reached barely 4.86%. The position of the Scheduled Tribes is dismal as their representation in that category is just 1.17%. The performance in the banking industry in contrast is much better particularly at the level of officers where the representation of the Scheduled Castes has risen from 0.86% in 1976 to 7.29% in 1987 even though it is still just half of what it should be. The representation of the Scheduled Tribes amongst the officers even after making a big jump from 0.13% to 1.84% is much below the desired level.

3.23 While the principle of positive discrimination has been by and large internalised by the system, it is clear that there are still some areas of weaknesses which need to be specially attended to. The representation of the Scheduled Tribes at all the levels and that of the Scheduled Castes at the higher ones in the services continues to be low for which special efforts have to be made. The vertical mobility through promotions is particularly tardy because of built-in resistance and a variety of impediments which come in their way and are sometimes even contrived. <u>One of the regrettable aspects of implementation of the policy of positive discrimination is that it is generally accepted in a formal way without much regard for the spirit behind it.</u> The result is that even innocuous technical points can be used to deny the rightful due to members of the Scheduled Castes and Scheduled Tribes. Sometimes such apparently innocuous measures like introduction of time-bound promotion, appointment to special pay posts and 'objective' criteria adopted for postings after transfer prove to be inequitous (see Chapter VIII). What is worse, instead of removing the anomalies the authorities tend to stick to their position quoting the rules. Thus the irritants which should be automatically removed persist and Herculean effort is required to move the system to make even minor changes.

3.24 A number of very simple issues remain unattended even at the policy level in Government even though they may have far-reaching implications for employment of members of the Scheduled Castes and Scheduled Tribes. For example, the proportion of the Scheduled Tribes in the population is highly variable from one region to another even within the same State. Yet most of the States have not taken the trouble of considering this elementary aspect of the tribal situation and prescribe area - specific reservation

quotas for the Scheduled Tribes. Similarly the reservations in Central undertakings in a predominantly tribal area with, say, 80% tribal population even in Grade C and Grade D may be kept at the level of their proportion in the State population which may be, say, 14%. This is a case of transparent inequity in the name of equity and principles.

3.25 Another persistent problem is the fate of SC/ST candidates at interviews. No action has been taken to ensure that if candidates with the prescribed educational and/or technical qualifications are available they shall not be rejected at an interview. Consequently, qualified candidates remain unemployed while posts reserved for them go abegging. The administration conveniently allows such vacancies to lapse without showing any concern for them. The basic question here is about the validity of reliance on the judgement of an interview board, which meets a candidate just for a few minutes, vis-a-vis his educational credentials which are based on a series of assessments of the same person by the academic system spread over many years. The most glaring example of bias in interviews came to my notice from none else than the prestigious Jawaharlal Nehru University which is known for its leaning towards the under-privileged. One of their own Scheduled Caste students was awarded dismally low marks in the interview for admission to a higher course even though he had secured a first class in the master's examination from the same University and also scored high marks in the written part of the admission test. The University has since reviewed its procedure to avoid similar inconsistencies. If this can happen in a citadel of learning whose hallmark is rationality and scientific spirit, the stranglehold of vicious tradition and prejudice elsewhere can be easily imagined. Non-action by the States is not a matter of surprise. Nor has one to search for the reason why they have not still formalised the position about fixing the responsibility for fulfilling this social obligation.

3.26 Recounting the vicious play of prejudice, the most pernicious example is the blatant bias against those engaged in the 'lowly job' of maintaining cleanliness in certain public sector enterprises. These employees are denied the benefits of organised sector enjoyed by all workers through the devious device of assigning those jobs to contractors. No one seems to be concerned about the fact that those engaged in this crucial service do not have the status of a worker of the enterprise and can be paid exploitative wages taking advantage of their low bargaining capacity and the traditional low rating for their job prevalent in the society. This shows how even the so-called modern organisations can be insensitive and inhuman in dealing with the weakest sections of the community and the system can look on unconcerned. The ostensible plea of the management is their concern about the quality of work in as vital an activity as maintaining minimal standards of cleanliness which, they feel, can be assured only through contract system. This is unacceptable. A

management which claims to be rational and modern must follow the practices which it preaches and also follows for other employees like introduction of suitable incentives or organising the work on cooperative lines with a sense of involvement rather than reverting to the tyrannical practices of slave-driving.

3.27 I, therefore, recommend that:

(i) The Central Government should make a comprehensive law on reservations and also make suitable rules thereunder. This law should have a provision for being suitably adapted by each State in the context of its local situation. However, in case no adaptation is made by a State within a stipulated period, say, three months after the enactment of the Central law, it should be deemed to be automatically extended to the concerned State.

(ii) The Central Government should prepare a comprehensive manual on reservations, not only a collection of circulars, removing all the lacunae pointed out in this Report and the earlier ones in consultation with the Commissioner for Scheduled Castes and Scheduled Tribes.

(iii) The advice of the Commissioner for Scheduled Castes and Scheduled Tribes in matters of dereservation of vacancies in Government should be binding. The public sector enterprises should also be brought under his purview in this regard.

(iv) It should also be made obligatory for the State Governments to adopt a similar procedure about dereservation which should be referred to an independent authority whose advice should be binding.

(v) The public sector enterprises should be directed to dispense with the practice of assigning 'safai' work on contract. This work could be organised on cooperative lines with the proviso that members of workers' cooperatives are extended the full benefits of those entitlements which are due to other employees.

Differential Growth, Scheduling and SC/ST Certificates

3.28 Reference has already been made to the differential growth amongst different communities belonging to the Scheduled Castes and Scheduled Tribes. This process is likely to get further accentuated as the opportunities in the larger economy become available to members of the Scheduled Castes and Scheduled Tribes equitably. The implications of differential growth for the weaker communities and the late starters are becoming increasingly clear. The representation in the recruitment to the All India Services is highly skewed. A few communities are accounting for bulk of these positions year after year while the bulk of the Scheduled Castes and Scheduled Tribes, particularly the latter, who are educationally backward cannot claim even a handful; some of them have yet to start the score.

The competition for reserved vacancies at the all India level thus is becoming a competition amongst unequals. Similar situation is also arising in other States and there is a feeling of discontent, albeit subdued, amongst members of those communities who are unable to compete with the comparatively advanced groups. This issue has been sought to be resolved in the States of Meghalaya and Nagaland, which are tribal majority States and governed by tribal elite by adopting a policy of reservation for comparatively less advanced tribal communities according to the relative strength of their numbers. As the benefits of education reach out to the weaker groups and the remoter areas, the first generation educated youth will find it difficult to make a mark even in the limited competition for reserved positions. It is time that this issue is considered in all its aspects and the less advanced amongst the Scheduled Castes and Scheduled Tribes are enabled to enter the public sector through a policy of special positive discrimination in their favour.

3.29 Special mention may be made here of the sudden rise in the population belonging to the Scheduled Tribes in some States after area restriction removal in 1976. The most notable case is that of Karnataka where a large number of people took advantage of their common caste names after the area restriction was removed in 1976 and got themselves recorded as belonging to the Scheduled Tribes during 1981 Census. If their claims get accepted on that ground, the real members of the concerned tribal communities have no future in the State. The problem is also quite serious, though not in that acute form, in Andhra Pradesh as well with the recognition of Lambadis as a Scheduled Tribe throughout the State. The Gonds, who are the most backward amongst the tribal communities there, had to concede their position to the Sugalis(Lambadis) n the political arena in the very first elections after the removal of area restriction in 1976. In the new situation the Gonds are also facing tremendous pressure on their land in the absence of any protective law to deal with such cases. Similar situation also prevails in some parts of Maharashtra where some communities are making a bid to take advantage of the presence of some tribe names in the list like Thakur which is an extremely flexible caste name used by a large number of people everywhere.

3.30 Encouraged by these gains, albeit isolated so far, after the area restriction removal in 1976, many communities are making a bid to enter the list of the Scheduled Tribes. While there are some anomalies as in the case of Kols and Gonds living on the borders of Uttar Pradesh and Madhya Pradesh, who have been listed as Scheduled Tribes in Madhya Pradesh and Scheduled Castes in Uttar Pradesh, many other claims appear to be prompted by the gains which those communities are likely to make not only by virtue of their being listed as one of the Scheduled Tribes or Scheduled Castes but more by the fact that in a situation of unequal competition within the larger group of the Scheduled Castes and Scheduled Tribes, as the case may be, they will be able to make big immediate gains in a situation

of unequal competition.

3.31 The question of scheduling, therefore, needs to be critically and carefully examined. The Constitution envisages the scheduling of castes, races or tribes as SCs or STs, as the case may be, within each State. No provision has been made in the Constitution for a caste, race or tribe being scheduled in the entire country. The reason is that the use of the same nomenclature by a caste, race or tribe cannot be taken to be a strong enough ground for accepting that they comprise the same people throughout the country. The people using the same name to indicate their caste may occupy entirely different positions in the local setting. Consequently, the scheduling of castes, races or tribes, as the case may be, has to be done strictly State by State after considering the merits of the case for each of them separately. Even here the provision of the Constitution calls for a cautious approach. According to Articles 341 and 342 the President may specify "the castes, races or tribes or parts of or groups within castes, races and tribes" (emphasis added) as Scheduled Castes or Scheduled Tribes in relation to a State or a Union Territory, as the case may be. Thus even before a caste, race or tribe is to be considered for scheduling in a State, it has to be examined whether all people throughout the State covered by that name qualify for inclusion in the schedule. It could be a group within the caste or a part of that caste, e.g., those living in a particular area who may be eligible for the special dispensation. Reference here may also be made to clause 5 of the Fifth Schedule to the Constitution according to which a law can stand amended through a notification in its application to the entire Scheduled Area in a State or any part thereof. Thus the Constitution envisages a discriminating and cautious approach on the part of the executive. It is expected that the tribal situation will not be subject to routine and generalised treatment. The case of each community or parts of or groups within the community will be considered with reference to each area in the State so that the legal frame and the State's action for the welfare and advancement of the tribal people are in consonance with the tradition of each group which may vary significantly from one section to another. Any generalised approach with regard to tribal affairs, therefore, is indicative of the unwillingness or unpreparedness of the executive to discharge the responsibility cast on it by the Constitution. Therefore, such an approach is violative of the Constitutional safeguards which each tribal community is expected to enjoy according to the Constitutional schema.

3.32 The initial scheduling of the castes and tribes after coming into force of the Constitution followed generally the status assigned to those communities before Independence under the appropriate legal provisions of British India or the Indian States as the case may be. There were some anomalies no doubt. But the situation became quite complex after formation of linguistic States which resulted in bringing together of many areas with different administrative histories under the new States. Consequently, all

communities which had been recognised as Scheduled Castes and Scheduled Tribes in the former States were mechanically pooled together and put in one list for each of the new States. In those States where the new list retained the association of some communities with the territories of the erstwhile States, there were apparent anomalies some of which were genuine. In this process, which involved substantial assortment of territorial administrative units, a crucial point about the tribal communities — their intimate linkage with a well-defined geographical area — receded in the background and got ignored. The real anomalies, which agitated the people in some areas, were no doubt removed but recognition of all communities in all parts of the new States created many problems alluded to earlier and discussed in detail in Chapter XI of the Report.

3.33 The growing incidence of fake claims by other people in the names of the Scheduled Castes and Scheduled Tribes, particularly the latter, taking advantage of similar caste names, surnames, titles, etc., has many adverse effects which should be urgently attended to. For example, transfer of land in violation of the law can be effected through misrepresentation on either side, e.g., a tribal vendor may be shown as a non-tribal or a non-tribal vendee may claim to be a tribal. The manipulation and even flagrant misuse of the law becomes quite easy with the connivance of the official machinery. In the case of employment the procedure for verification of genuineness of the caste/tribe to which an individual belongs is comparatively more streamlined. It also has the deterrence of penal action in case of forgery. Even then issue of false SC/ST certificates has reached menacing proportions. Therefore, suitable procedures should be evolved to check this growing misuse. In case of transfer of land by a tribal to a person not residing in the same village, who claims to be a tribal, it should be made obligatory for the vendee to produce a community certificate before the land transfer can be formally effected. The procedure of issue of community certificates for the purposes of employment should be streamlined. For example, all members of the Scheduled Castes and Scheduled Tribes should be issued community certificates with computer numbers alongwith their High School Examination certificates. These certificates should be deemed to be the conclusive evidence of the caste/tribe of an individual unless otherwise proved on the similar lines as the date of birth entered in the High School Examination certificates is taken as the conclusive evidence of age for the purposes of entry into service and retirement. This procedure should be made effective from, say, 1989.

3.34 I, therefore, recommend that:

(i) All claims by different communities for inclusion in the lists of the Scheduled Castes and Scheduled Tribes should be thoroughly examined by a team of experts specially constituted in each case. The expert team should be required to investigate the claims with reference to the social situation (a) of each sub-group, if any, within that community and (b) in each

of the relevant geographical unit, as may be necessary for this purpose, in the context of historical,ethnic and linguistic dimensions. The expert team should also record the reactions about the proposal from other Scheduled Castes and Scheduled Tribes, as the case may be, in the concerned geographical units. The report of the expert team alongwith the full record may be considered by a national committee comprising social scientists of repute. The recommendations of the national committee and also the observations of the Commissioner for Scheduled Castes and Scheduled Tribes, if any, on each case should be made available to Parliament when the proposal for amending the Schedules comes up for their consideration.

(ii) Such anomalies in the lists which are used for presenting false claims as may come to the notice of the concerned authorities should be compiled and circulated for information and guidance to those authorities who are responsible for issuing SC/ST certificates.

(iii) All SC/ST students at the end of their school education should be issued permanent community certificates alongwith computer numbers. It may be made obligatory for the School Boards to incorporate the computer numbers assigned to SC/ST students in the High School certificates. This certificate should be deemed to be a conclusive evidence about a person's membership of a Scheduled Caste or a Scheduled Tribe.

Measures for Economic Development

3.35 Measures for advancing the economic interests of members of the Scheduled Castes and Scheduled Tribes were taken from the very beginning of national planned economic development. However, since the basic premise in the beginning has been that members of these communities would partake in the benefit of general developmental programmes like others in the normal course, special programmes for their development were in the nature of supplementation. It was thus envisaged that in due course the initial gap could be made good and the handicaps which they were subjected to would be neutralised. This supplementation had to be quite substantial for the tribal areas in view of the lack of infrastructure and their general conditions of underdevelopment. The impact of these programmes was inadequate for two reasons. Firstly, the benefits of general developmental programmes did not percolate to the weaker sections as envisaged. Secondly, the programmes for SCs and STs which were expected to supplement the general efforts in effect supplanted them. The position somewhat improved when special programmes were specifically formulated for the weaker sections in general like the marginal farmers and agricultural labourers and disadvantaged areas like the drought prone areas. A substantial section of these target groups belongs to the Scheduled Castes and

Scheduled Tribes. Accordingly a proportion of benefits has been earmarked for these groups. Even though there are numerous hurdles in the way of due share really accruing to the Scheduled Castes and Scheduled Tribes, particularly the latter, the position is significantly better here compared to that in other programmes (cf.para 3.38). However, even these programmes could not be considered as adequate for the task in view of the inherent handicaps in the situation, both social and economic.

3.36 The formulation of the Tribal Sub-Plans (TSPs) beginning with the Fifth Five Year Plan and the Special Componant Plans (SCPs) for the Scheduled Castes beginning with the Sixth Plan represents a watershed in the strategy of development of the Scheduled Tribes and Scheduled Castes, albeit within the conventional frame. Here was an effort to consider the issues associated with the welfare and advancement of these communities in their totality and work out programmes cutting through the formal trappings of the system with a clear objective of bringing members of these communities to the level of the rest of the people within a stipulated time frame.

3.37 The review of programmes concerning SCs and STs under different schemes is given in Part II of the Report. These include a variety of poverty alleviation programmes, minimum needs programme, employment generation schemes, integrated rural development, individual schemes of different Ministries/Departments and finally the supplemental effort under the TSP and the SCP. As already stated, the indicators of achievements under all these schemes are in terms of the financial outlay and expenditure and the number of beneficiaries. The financial growing allocations are indicative of the fact that poverty alleviation in general and economic advancement of SCs and STs in particular have been high on the agenda. The strategy of the TSP and the SCP have brought into the focus the issues of their development. Today we are at least in a position to attempt a realistic review of achievements and also identify inadequacies in the effort, thus bringing this vital national issue out of the realm of vague generalisation and good intentions. The outlays on tribal development rose sharply from Rs.1102 crores in the Fifth Plan to Rs.4668.46 crores in the Sixth Plan with the introduction of the Sub-Plan strategy and that for the Scheduled Castes from an indeterminate but clearly small figure in the Fifth Plan to Rs.4128 crores in the Sixth Plan after the introduction of the Special Component Plans. The outlays have continued to rise steadily thereafter even though there is still need of substantial stepping up and putting the system to order.

3.38 The cumulative effect of all the programmes mentioned above taken together gets reflected in the number of persons who still continue to subsist below the poverty line. As the figures show the proportion of people below the poverty line has been reduced from 48.13% in 1977-78 to 37% by the end of the Sixth Plan. This is significant notwithstanding the fact that there are some genuine doubts about the exact numbers particularly in the context of the continuously rising prices and a rather stationary poverty line which gets reviewed only at long intervals. The total number of beneficiaries reported under various schemes is quite impressive, e.g., 8.71 million Scheduled Caste and 3.46 million Scheduled Tribe families are reported to have been covered during the Sixth Plan period. However, these figures represent the simple total of beneficiaries under different developmental programmes. This sum does not yield the actual number of beneficiaries because of overlap. And then one does not really know what happens after the beneficiaries receive the assistance. Moreover, the processes of deprivation rooted in the national economic system are relentlessly pushing bulk of the people subsisting in the unorganised sector towards the margin. Thus one never knows how many persons have crossed the poverty line in the reverse direction.

3.39 Poverty is not a matter of mere figures and absolute numbers. It is a dynamic phenomenon relatable to the national socio-economic milieu prevailing at a given time. Therefore, even though the economic conditions may improve in absolute terms, the growing disparities in the country would engender the feeling of relative deprivation and make it more and more acute and pervasive.

3.40 Even after discounting the above observation the achievements are significant particularly where the targets are specific and quantifiable. It is a matter of satisfaction that most of the landless people are reported to have been allotted house-sites; they can now have a piece of land which they can call as their own—a great psychological boost. This is in striking contrast to the earlier situation where many of these disinherited people had to accept conditions of near serfdom simply because they did not have a place even to stand. The inhuman institution of bonded labour which had been pushed under the carpet and forgotten after a bevy of laws were passed by the States after Independence has been brought into the open. The worst forms of this practice now are exceptions which, however, cannot be condoned. Nevertheless, it can be said that generally bondage is now more in the form of adverse economic relationships rather than physical duress, even though some abominable cases do come to light occasionally. It is gratifying to note when people in some remote areas acknowledge that the moneylenders have disappeared for the simple reason that their investment is no longer safe. Even though these instances are exceptions, they are significant because they are indicative of what can be achieved even within the existing frame. The laws enacted

for the protection of the poor have provided open legitimacy to their demands and have put the detractors on the wrong side of the fence. The role of social activists who have taken advantage of this situation and mobilised the people on specific issues has made a significant contribution in many of these cases.

3.41 Reference has already been made to the marginal increase in the number of Scheduled Caste persons owning lands. The programme of irrigation wells has yielded significant results even though the number falls too short of the big potential which can be developed. The general wage level in many areas has risen though not commensurate with the people's due entitlement. The provision of minimum wages has helped the poor in this regard by providing them a right for which they can fight even though the machinery for its implementation is almost non-existent.

3.42 Rural electrification has reached out to some of the most interior areas covering all the villages in some regions. The States have taken special measures to take electricity lines to predominantly SC/ST habitations even though, at times, the coverage may be notional, limited to a single pole-light which may not burn. Road network is becoming extensive even though in the case of many remote areas accessibility has not improved. A large number of habitations, hamlets and villages have been provided hand-pumps even though some may not work occasionally. These comprise the positive side of the situation which gives one hope even though the gloomy side is also quite pervasive.

Comprehensive Frame for SC and ST Development

3.43 A distinguishing feature of the Tribal Sub-Plan and the Special Component Plan is that they are more in the nature of processes rather than mere packages of developmental programmes. As our review shows even though there has been a spectacular step up of financial outlays and there are significant achievements in some activities, particularly in comparison to poor performance of the earlier period, the inherent potential of the new strategy has not been realised. The achievements fall too short of expectations and are rather inadequate compared to the task ahead for securing members of these communities a place of equality in the national economy particularly in the context of the emerging situation in which the relative position of these communities in the national economy has not improved, nay, has deteriorated, especially for the Scheduled Tribes. It appears that certain visible gains to small groups are taken as evidence of general advancement and highlighted as such which create a wrong impression and a sense of complacency. It is perhaps this psychological make-up that explains why even after formulation of workable strategy there are serious lapses in their follow-up over a period of time and even simple operational details remain unattended not for years but from one Plan to another. It is an exasperating experience

to witness the monotonous routine year after year—review of situation, identification of problems and proposed action plans—without moving forward in any real sense.

3.44 Let me begin with the first basic premise of the new strategy, viz., the welfare and advancement of the Scheduled Castes and Scheduled Tribes as a national task which has to be shared by all citizens according to their respective positions in life. A beginning had obviously to be made by Government organisations each of which is charged with some responsibility or the other in the broader national life. The Union Government did take the welcome initiative and the States formulated the TSPs and SCPs. But it is distressing to note that not a single Ministry at the Centre has even initiated this exercise in its true spirit even after more than a decade of the first minute recorded by the Prime Minister in this regard in 1974(Annexure II). None of them has prepared a perspective for the development of the Scheduled Castes and Scheduled Tribes in their respective sectors which should appropriately include (i) the present status, (ii) a statement of special problems and the tasks ahead, (iii) the efforts by the State Governments and (iv) the plans of the Ministry to ensure accomplishment of the tasks. At best some mechanical exercises have been undertaken and token outlays are indicated against programmes relatable to the development of the Scheduled Castes and Scheduled Tribes. Looking to the mass which the Central Ministries have gathered, the only conclusion which can be drawn is that there is not only lack of will but disinclination to accept the responsibility for this national task.

Supplemental Character of Special Central Assistance Not Honoured

3.45 The assistance of the Central Government for the welfare and advancement of the Scheduled Tribes in accordance with the provisions of the Constitution has to be supplemental. The recurrent non-compliance with this premise, which had been specifically noted by the Shilu Ao Committee, was sought to be rectified in the Tribal Sub-Plans through clear guidelines and adoption of appropriate procedures. The same principle was later extended to the welfare and advancement of the Scheduled Castes in the Special Component Plans. The States were expected to prepare a comprehensive plan of action on the basis of what could be provided from the normal State Plan. This basal investment was to be suitably supplemented by the concerned Central Ministries in their respective areas of responsibility. Finally the nodal Ministry incharge of the Scheduled Castes and Scheduled Tribes was expected to fill in the gaps through the Special Central Assistance. The basic premise of this schema that the Special Central Assistance should become supplemental to the State's effort has not been achieved.

3.46 While the general position is as stated above, the specific situation varies significantly from one State to another. Moreover, there is considerable difference between the position about the Special Component Plans and the Tribal Sub-Plans. The outlays for the SCPs in the State Plan continue to be determined on an ad hoc basis depending on the initiative of individuals and Departments in each State. There is hardly any linkage with the Special Central Assistance. Accordingly there is no mechanism to ensure that the Special Central Assistance for the Scheduled Castes is really supplemental to the State's effort. The position is somewhat better in the case of the Tribal Sub-Plans. While separate budget sub-heads have been created for the Tribal Sub-Plans in all the States, some States have established separate demands for the TSPs. This is the first step towards ensuring that the SCA is supplemental. But there is no monitoring of this vital aspect even though it does not require any special effort except a clear perception about the objectives particularly because all items and relevant figures have got to be reflected regularly in the budgets of the concerned States.

3.47 A preliminary analysis (Chapter VI) of the outlays and expenditure relating to the Tribal Sub-Plans during the Sixth Five Year Plan period in respect of the eight States having Scheduled Areas, based on the Plan documents themselves, is revealing. Firstly, there is no uniform policy about what should appropriately constitute a Tribal Sub-Plan. In some cases heavy outlays in sectors like Energy having no relevance for tribal development and even in sectors like Heavy Industry and Major Irrigation, which are responsible for severe backlash on them, are included in the Tribal Sub-Plans. This device of including unnecessary items is being used just to inflate the figures of investment and percentage of outlays to make them look equitable and just. Secondly, Plan outlays for tribal development initially settled may remain unchanged even as the State Plan outlay may rise significantly. In some cases the Sub-Plan outlays fixed on year to year basis may be less than what would be warranted by the five-year outlays. In the end the total outlays for the five-year period may be much below the agreed outlays. In all these cases due claims of tribal development in the State Plan get ignored. Thirdly, the Special Central Assistance, which is expected to supplement the State's effort in vital sectors for tribal development such as Education, Health or Agriculture is used to supplant the State's effort in these sectors. This is done in two ways. Sometimes the outlays from the relevant sectors may be kept low from the very beginning in anticipation of the likely outlays for similar programmes from the Special Central Assistance. In other cases, while there may be substantial shortfalls in programmes funded from the State Plan, expenditure on programmes taken up with the Special Central Assistance may be shown to be high.

3.48 The indiscriminate clubbing together of all sorts of programmes under one demand has an extremely deleterious

effect. The capital-intensive projects are easy to execute and can devour all funds—whatever their size. But programmes of real significance to the tribal people involve small outlays which are difficult to plan and still more difficult to execute. The success of such programmes lies in their wide spread and large canvas. But the irony is that shortfalls in such programmes are not unwelcome to any one—they ease the ways and means position of the State and also provide alibi to the administration when resource position is tight for non-action in difficult areas which saves them even the bother of making some effort even for the sake of form.

3.49 The preliminary analysis based on the most favourable interpretation of the figures given in the Plan documents of the eight States referred to above and those given by the Ministry of Welfare shows that a substantial part of the Special Central Assistance, if not the entire assistance, released to the States during the Sixth Five Year Plan except for Himachal Pradesh has remained unutilised. A detailed analysis is bound to reveal a worse situation. It may be added here that firm budgeted figures are available only in the cases of Andhra Pradesh, Gujarat, Madhya Pradesh and Maharashtra. The figures for Orissa and Rajasthan are based on unauthenticated statements. So far as Bihar is concerned the figures given even in the same document are inconsistent and are not quite reliable. The position in other States which do not have a proper budgeting mechanism is not likely to be very different.

3.50 So far as the Special Central Assistance for the Scheduled Castes is concerned even the preliminary steps to operationalise the supplementation principle have not been taken in most cases. The allocations for the Special Component Plans are usually notional and sometimes may relate to programmes which may have no relevance for Scheduled Caste development. The Special Central Assistance has no linkages whatsoever with the State Sector programmes.

3.51 In sum, bulk of the Special Central Assistance, both for the Scheduled Castes and Scheduled Tribes, during the Sixth Plan period has not been used to supplement the States' efforts for the welfare and advancement of these communities. It has been used in such a way as to reduce the States' own commitment for the development of the Scheduled Castes and Scheduled Tribes. It is thus a violation of a cardinal principle enshrined in the Constitution. (See paras 3.52 and 3.53 for detailed discussion.) The analysis in the eight States having Scheduled Areas brings out that an amount of Rs.236.75 crores out of the total Special Central Assistance of Rs.410.28 crores released to these States during the Sixth Plan period should be deemed to have remained unspent with the State Governments. Since the lapse in this case is on all sides--the Central Government, the State Governments and the Planning Commission, it will not be correct, and will also not serve the cause of the welfare and advancement of the Scheduled Tribes, if the Central Government were to take a view that this outlay

may be adjusted towards the Special Central Assistance during the Seventh Plan. The State Governments may be asked to make an additional outlay equivalent to the amount which has remained unspent during the Sixth Plan which may be over and above their Seventh Plan outlay to be used exclusively for upgrading the level of elementary education in the tribal areas and should be over and above the outlays already provided for elementary education during the Seventh Plan.

3.52 At this stage I may invite attention to a vital issue concerning reintroduction of the matching principle in a few schemes concerning tribal development. Even though the quantum of assistance involved is small at present, it is a crucial matter since it is not in keeping with the basic premise of the supplementation principle. According to the first proviso to Article 275(1) of the Constitution the Union Government are obliged to provide whatever financial assistance is necessary after the need of a programme for tribal welfare has been established irrespective of the fact whether the State Government are able to contribute something towards it or not. It is within the frame of this Constitutional schema that the methodology for determining the outlays for the Tribal Sub-Plan has been worked out. The base investment is determined first from within the State's own resources. Once this outlay is fixed keeping in view the situation in each case, the Central Government are obliged to make the necessary resources available through the Special Central Assistance to reach the stipulated tasks in tribal welfare. The matching principle, irrespective of the share of the State, makes the Special Central Assistance contingent on the State's ability and willingness to contribute and not the merit of the proposal which is in contravention of the stipulation of the Constitution referred to above.

3.53 The matching principle is not only violative of the Constitution in purely technical terms but is also inequitous to those tribal communities which belong to the economically weaker States. Since these States may not be able to provide their share of investment in the scheme, the tribal people may get no benefit of that national scheme. On the other hand, the economically stronger States may be able to draw upon the same on the strength of their contribution even though that investment may not be required. As stated elsewhere, any generalised formulations like this about tribal welfare are also violative of the basic tenets of the Constitution about tribal welfare. The matching principle denies the tribal people the benefit of the safeguard provided for them in the Constitution.

3.54 This scheme hurts the tribal cause in another important way. If the States know that they will be obliged to find resources later for attracting Central funds for certain schemes for tribal welfare, it is quite natural for them to keep that in view in the course of the first exercise for determining the outlays for tribal welfare

itself. Thus every State will have to keep something aside for that contingency. In other words, the outlay for tribal welfare will be kept at a lower level intentionally compared to what the State resources can otherwise be expected to provide. It is not so much the fact that a somewhat smaller provision is made which is important here. What is objectionable is that an exercise which is supposed to be objective gets vitiated. It is also possible that while keeping the outlays artificially low the States will be tempted to depress the same to the maximum having no relationship to what could be reasonable in the normal circumstances. In this process objectivity in determining the States' effort for tribal welfare gets a back seat and the outcome would depend on how different partners fare in what becomes a battle of wits, an undesirable situation in the context of the value attached to the cause of the tribal people in the Constitution. As will be discussed later in Section V the nodal organisations concerning tribal welfare at present are rather weak who do not always succeed in pressing even what is desirable and fully justified on plain reckoning. This rationalisation of under provision, even though implicit, makes for compromising their position in vital deliberations about determining the Plan effort.

3.55 The allocation for the Special Central Assistance for tribal welfare during the Seventh Five Year Plan by the Planning Commission itself provides a telling example of how tribal cause can be compromised notwithstanding the great fund of goodwill for it on all sides. The outlay of the Special Central Assistance during the Sixth Plan was Rs.485.50 crores. The actual release was Rs.486.11 crores. The overall size of the Seventh Plan of the country was higher by 84.6% compared to the Sixth Plan. This should have raised the Special Central Assistance for tribal development to Rs.896.23 crores even on pro rata basis. In the meantime the Government of India took a welcome decision to extend the coverage of the tribal population through the Special Central Assistance. During the Sixth Plan about 72.75% of the tribal population had been covered by the Tribal Sub-Plans which comprised largely the tribal - majority tracts. The dispersed tribals not covered under Sub-Plans were brought under the ambit of the Special Central Assistance during the Seventh Plan, making the coverage hundred per cent. Even simple arithmetic would show that the outlay for the SCA should have been raised from Rs.485.50 crores to Rs.667.35 crores just to keep the per capita investment at the same level. If the general Plan step up was also to be taken into account the outlay should have gone up to Rs.1231.93 crores. But in contrast the SCA for the Seventh Plan was fixed at Rs.756 crores only which is just about 62.95% of what should have been otherwise due. The per capita outlay of the SCA for tribal welfare thus increased only marginally by 13% from Rs.130.70 to Rs.148.05 against the general rise of 84.6% — not a very happy situation by any standard. This gross anomaly was brought to the notice of the Government of India by me but with no effect (cf. Annexure XII to Chapter VI). It is surprising that such a major point concerning tribal welfare should have gone unnoticed in almost all the forums,

formal and informal, even though some States did protest against the same. There is no plausible explanation but the fact that the nodal organisations responsible for the welfare and advancement of the Scheduled Castes and Scheduled Tribes are rather weak and do not enjoy requisite stature to influence the vital policy decisions relevant for the welfare and advancement of the Scheduled Castes and Scheduled Tribes.

3.56 It is also sad to note that the Union Government were satisfied by the mere issue of an order extending the scope of the Special Central Assistance to the entire tribal population without any preliminary exercise or even follow-up action to ensure that this assistance was tied up with the States' own programmes and did not result in supplanting the States' own efforts outside the Sub-Plan areas. If the analysis presented earlier is any pointer, it should not be surprising if this would have happened on a significant scale.

3.57 I, therefore, recommend that:

(i) The financial assistance for tribal welfare should be provided by the Central Government strictly in conformity with the principle implicit in the first proviso to Article 275(1) of the Constitution. In particular, it should be ensured that (a) the basis for provision of funds for tribal welfare should be the need for the set of programmes for a people rather than the accident of their location in a particular area or State and (b) while State Plan should provide for tribal welfare in accordance with the principle which could be worked out in that regard and their capacity to support them, the financial assistance of the Central Government should be supplemental in character and should not in any way be influenced by the capacity or the willingness of the State to provide a matching contribution. The scheme of financing of those programmes concerning tribal welfare which may be requiring matching contribution of the State should be reformulated accordingly.

(ii) The principle of supplementation for tribal welfare implicit in the Constitution should also be accepted for programmes for welfare of the Scheduled Castes as well.

(iii) A separate Budget head each should be created in all the States for the development of SCs and STs respectively.

(iv) The outlays for the Tribal Sub-Plan should primarily comprise those items which concern the development of the tribal people. In case other items such as power and major irrigation are also included in the TSP, such items should be shown separately as Part B of that Budget with a clear stipulation disallowing any reappropriation from Part A to Part B of the Budget.

(v) The Special Central Assistance which may remain unutilised at the end of a 5-year plan period may be credited to a Special Education Fund exclusively for improving the coverage and also the quality of education at the elementary level.

3.58 I, further recommend that:

(i) The Special Central Assistance which has remained unspent with the States at the end of the Sixth Plan as shown in para 3.51 and such further amounts which may be found to have remained unspent after detailed scrutiny of the outlays and expenditure of these States and other States in regard to the TSP and also, if possible, to the SCP during the Sixth Plan should be made available as additional outlays for elementary education during the last two years of the Seventh Plan.

(ii) The outlays for the SCA for tribal welfare should be suitably raised forthwith at least on pro rata basis, i.e., by 84.6% and additional outlays provided for the current year itself.

(iii) Separate Sub-Plans should be prepared in each State for dispersed tribal people which should clearly indicate the outlays from the State Plans and the Special Central Assistance.

Comprehensive Frame not Materialised

3.59 The provision of outlays for the welfare and advancemnt of the Scheduled Castes and Scheduled Tribes by the State Departments and the Union Ministries discussed above was merely the first necessary step in the direction of preparation of a comprehensive plan for their welfare and advancement. Therefore, the type of anomalies and even distortions noted earlier, particularly in the case of the Tribal Sub-Plans, could perhaps be expected in any first exercise. What is distressing is that they have not only persisted but have received formal approval, albeit implicit. Moreover, the exercise of quantification of outlays by different Departments has become mechanical with little concern about what meaning the sum total of all those little bits makes for the concerned people. The right course after the first assessment of what in concrete terms was being done by each Department through the 'disaggregation exercise' should have been to reverse that process and determine the total effort for the development of the Scheduled Castes and Scheduled Tribes keeping in view (i) the stateof their economy, (ii) the difference between the levels of development of the Scheduled Castes and Scheduled Tribes and the rest of the community, (iii) the rate of growth for the national economy or the State economy as a whole and (iv) the time period within which members of the Scheduled Castes and Scheduled Tribes could be expected to catch up with the rest of the people. Thus the rate of growth for the people who start with a handicap both

in terms of the level of their economy and the socio-economic constraints had to be higher than the rate of growth of the National/State economy as a whole.

3.60 This approach was accepted in principle by the Planning Commission for the Tribal Sub-Plans beginning with the Sixth Five Year Plan and for the Special Component Plans beginning with the Seventh Plan. The States were asked to work out the overall outlays for the development of the Scheduled Castes and Scheduled Tribes separately and determine the sectoral composition of those outlays in accordance with the needs of the development of these communities. It is regretted that the States have not taken any action in this regard, nor do they appear to be ready at the moment for any such exercise. Since the Government of India are already convinced about the need for the change in the process of planning for the welfare and advancement of the Scheduled Castes and Scheduled Tribes. I can only reiterate the same and state that it is high time that this crucial step is taken by the Government so that a real beginning can be made for preparing developmental plans for the Scheduled Castes and Scheduled Tribes in consonance with the spirit of the Constitution.

3.61 I, therefore, recommend that:

Suitable measures should be taken immediately to ensure that the plans for tribal development (Tribal Sub-Plans) and development of the Scheduled Castes (Special Component Plans) with effect from the Eighth Five Year Plan are prepared with a clear perspective and explicit objective that members of the Scheduled Castes and Scheduled Tribes will be enabled to reach the general level of development in the concerned States within the framework of not more than two Five Year Plans. In particular—

(i) The financial outlays for the TSP and the SCP should be worked out concurrently as a part of the overall planning exercise at the national level as also at the level of each State and fixed at a level as may be necessary for achieving the objectives for their development set in advance. The National Plan as also the State Plans should also clearly specify the rate of growth envisaged for the TSP area compared to the rate fixed for the rest of the State and the nation as a whole.

(ii) The sectoral allocations within the overall outlays so fixed for the TSP and the SCP should be worked out in keeping with the priorities for the welfare and development of SCs and STs and not the other way round as at present.

(iii) While the outlays in the Five Year Plans of the concerned States and the Central Ministries should be treated as the base investments, the gap which may remain unfilled for attaining the level envisaged in (ii) above should be provided by the Central Government in full as the Special Central Assistance which

should be treated as supplemental and operated by the nodal Ministry.

Scheduled Areas and Tribal Sub-Plans

3.62 An important feature of the new strategy was the realisation that conventional developmental programmes could not provide the full answer to the complex problems which members of the Scheduled Castes and Scheduled Tribes faced. In the case of the Scheduled Tribes the issues are still more intricate because of the distinctive social and economic characteristics of their situation. These people have a holistic view of life which cannot be neatly dissected into personal, social, religious and economic slices which may be separately handled. Accordingly it is not possible to make a distinction between the so-called developmental and non-developmental facets of administration. They are so indistinguishably interwoven that one without the other may have no meaning, nay, may even become dysfunctional. For example, unless effective measures are taken for protection of land, its development will make the tribal still more vulnerable as added value of developed lands inflames the greed of others while he himself is at odds to manage the same with his traditional skills and limited resources. Any effort to increase production is without much meaning in a situation where the tribal does not receive even a fraction of reasonable market price of what he is already producing and standing crops may have to be sold in advance to discharge the debts incurred during the lean season. The offer of casual wage employment in forestry cannot interest a people whose traditional rights for meeting the daily requirements from the neighbouring forests and collection ~~the~~ MFP are being denied. How can a people be aware about the benign nature of the State when their first contact with the formal system is marked by the non-recognition of what they cherish as their tradition, nay, at times even branding them as unlawful or unethical? And how can an administration, which is wielding tremendous authority by virtue of its inherent strength and also the contradictions of the situation in which the tribal people are pushed on the wrong side, be expected to function in the interest of the people particularly when those who man it are sent to these areas without any consideration of their personal sensitivity and other qualities and, not infrequently, as a matter of punishment?

3.63 The review shows that the Sub-Plan strategy for tribal development was expected to take care of the special situation in tribal areas. While the Tribal Sub-Plans were expected to provide the major thrust by way of needed investment on the economic front, the provisions under the Fifth Schedule to the Constitution were to be used for the necessary administrative thrust. However, all tribal majority areas were not covered by the Fifth Schedule which appeared to be necessary in the new context. Accordingly the Fifth Schedule to the Constitution was amended in 1976 to empower the President to increase the Scheduled Areas.

3.64 In the 'Statement of Objects and Reasons' placed before Parliament at the time of the introduction of the Bill to amend the Fifth Schedule to the Constitution it was mentioned that with a view to intensifying tribal development effort in the Fifth Plan all areas with more than 50% tribal concentration, besides the existing Scheduled Areas, had been delineated in various States and Union Territories. Special programmes had been prepared for these areas under the Tribal Sub-Plans. It was further added: "The Sub-Plan accords highest priority to elimination of exploitation including tackling the problems of land alienation, bonded labour, indebtedness, etc. The Fifth Schedule to the Constitution makes special provision for the administration of tribal areas and provides a broad and flexible frame for effective legal and administrative action. The powers under the Fifth Schedule can be used for effective implementation of developmental programmes and promptly tackling the problem of exploitation in various forms.... while bulk of the Sub-Plan area is covered under the Fifth Schedule, some areas are outside. This presents an anomalous situation since effective simultaneous action cannot be taken throughout the Sub-Plan area. It is, therefore, considered desirable that the area presently covered under the Fifth Schedule may be rationalised so that the Scheduled Area may cover the entire Sub-Plan area in these States."

3.65 In pursuance of the above objectives the Scheduled Areas in all the eight States under the Fifth Schedule were rationalised by suitably extending them and making them coterminous with the tribal majority areas covered under the TSPs during the Fifth Plan. The additional tribal majority areas in these States which were brought under the TSP later during the Sixth Plan, however, have so far remained outside the Fifth Schedule. Moreover, the question of scheduling the tribal majority areas in other States which did not have any Scheduled Area, except Tripura, has not even been taken up.

3.66 While rationalisation of the Scheduled Areas has to some extent remained incomplete what is distressing is that even the first step towards effective legal and administrative action as envisaged under the new strategy and specifically mentioned in the 'Statement of Objects and Reasons' referred to above using the special provision of the Fifth Schedule has not been taken even after 13 years of the amendment of the Constitution specifically for that purpose. A comprehensive Regulation for the Scheduled Areas of Madhya Pradesh has been under active consideration of the Central and the State Government now for about a decade. The result is that the administrative structure has grown phenomenally in a routine fashion as the level of financial investment rose sharply during and after the Fifth Plan. The *ad hoc* measures and sporadic attempts to rationalise and integrate the existing institutions have resulted in a still bigger confusion. New organisations with a wider charter have been established but earlier institutions could not be disbanded. The single line of authority sought to be established with the creation of

Integrated Tribal Development Projects (ITDPs) has been a non-starter and the sectoral authorities continue to function independently. The tribal areas continue to attract indifferent personnel, with rare exceptions, and not infrequently are saddled with wrong persons as a matter of punishment postings with ominous consequences for the welfare of the tribal people. In sum, the administrative situation in the tribal areas has become worse after the TSPs were launched in the Fifth Plan. I will be discussing this question in some detail in a subsequent section.

Priorities in SC and ST Development

3.67 The position in relation to the priorities adopted in the programmes for the welfare and advancement of the Scheduled Castes and Scheduled Tribes, specially the latter, is not a happy one. The new strategy for tribal development rightly accorded the highest priority to elimination of exploitation followed by programmes aimed at building up the inner strength of the community. Economic programmes naturally were to come in the end. This scheme of priorities was not followed in actual practice. In fact, even though some measures were initiated for elimination of exploitation these did not acquire the due primacy in the scheme of development. It is a pity that elimination of exploitation as an item of the highest priority does not find a mention even as a principle in subsequent Plan documents and, what is more, has been glossed over at the national level. The most crucial facet of the tribal situation thus has remained largely ignored.

Protective Measures

3.68 The question of disabilities in general in the specific context of caste and the broader frame of economic relations has been discussed in detail earlier. However, mention may be made here specially of those major issues which specially face the tribal people and were identified as such for being attended to as an integral part of the State's effort for tribal development under the TSPs. These are : (i) excise policy, (ii) forest policy, (iii) credit and marketing and (iv) land alienation. I will discuss the first three questions as the last has been dealt with in sufficient detail earlier.

Excise Policy

3.69 The excise policy for the tribal areas evolved during the colonial period aimed at (a) breaking the resistance of the tribal people and subjugating them and (b) easy mobilisation of revenue. The most ominous aspect of this policy was the negation of their social custom which led to branding of every person as a 'habitual

offender' liable for prosecution under the law. The commercial vending of liquor resulted in the replacement of their wholesome brew by insalubrious drinks and also in phenomenal increase in the consumption of liquor, incidence of drunkenness and indebtedness as the social constraints crumbled in the face of vested commercial interests which have at their back muscle power of their own as also the authority of the State.

3.70 The tribal people continued to carry the cross of this obnoxious policy even after Independence. Even strong condemnation of this policy by the Scheduled Areas and Scheduled Tribes Commission in no uncertain terms was ignored by the system until 1975 when the excise policy in the tribal areas was reviewed afresh. The Government of India issued guidelines with a clear objective of (i) removing the dissonance between the social custom and the prevailing law, (ii) demolishing the diabolic institution of liquor trade from that area and (iii) enabling the people to manage on their own essentially what concerns their social and cultural life. It envisaged stoppage of commercial vending of liquor in the tribal areas and suitable changes in the law so as to allow the people to prepare their traditional drinks for personal consumption and social purposes. It was further envisaged that a suitable provision would be made in the law to entrust the community itself its implementation and make further regulations for self-management in this regard.

3.71 It is regretted that the above policy has not been fully adopted by all the States. Even in those States where a substantive part of this policy has been accepted, there are some vital omissions. For example, in Madhya Pradesh the State has not entrusted the responsibility of management and regulation of matters concerning local excise matters to the people. The result is that the tribal people have continued to be at the mercy of the administration even in regard to the vital social matter. Moreover, the vested interests are taking advantage of this situation to undermine the basic tenets of that policy. Similar is the situation in Maharashtra with an added handicap that commercial vending continues in many small towns deemed to be non-tribal enclaves. There shops are being used as conduit for the flow of illicit liquor as the people are helpless against the unscrupulous elements in the absence of any authority as envisaged in the guidelines. In many areas where the people are becoming conscious of the damage which drinking is causing to their health, economy and society and are keen to rid themselves of its ill-effects through social control, an untenable situation has arisen in which the State is coming in their way. The lower officials take the cudgels of the offenders ostensibly on the premise that the community has no authority under the law to interfere with the personal freedom of any individual. The simple tribal people are simply wonderstruck at this logic according to which they are prohibited from putting their own house in order. It is not realised that the basic social unit amongst the tribal people is the community, not the extended family.

3.72 Whatever may be the 'formal' postures at higher levels, the real reason for the disinclination of the States to implement the excise policy is their concern for the revenue which gets the unholy support through a variety of rationalisations of the lower officials who are keen to keep their stranglehold on these people. It is rather sad that even after Independence the simple tribal people many a time have been trapped by the modern system through the lure of liquor. It is an irony that the State should be disinclined to entrust a people who have the best tradition of responsible self-governance to manage even their social affairs and bring about desired change. The excise policy inherited from the colonial rule is all black with not a single silvery spot in its favour to commend. This single biggest curse for the tribal people must be removed forthwith.

Forest Policy

3.73 The background of the conflict between the administration and the tribal people over the command over and access to the forest resources has been narrated in detail earlier. The position in this regard has not improved after the Sub-Plans were introduced. On the other hand, it has deteriorated and become still worse with the enactment of the Forest Conservation Act and its rigid implementation without due regard to the local situation. It is an irony that the acts of omission and commission of the administration itself result in penalisation of the tribal people. Even if the vexed issue of cultivated lands in the forests is kept aside, the situation in other simpler matters has also not improved. The prices of the MFP even after their nationalisation by some States remain much below the market price. The States continue to charge heavy royalties on these products whose collection was conceded to the people as a right in many cases when the forests were reserved. Moreover, the heavy overheads of the marketing operations are passed on to the primary collector which depresses the collection price drastically. The piece-wage system as adopted in forestry operations does not yield a fair wage in most cases. Consequently, the abolition of contractors has not significantly benefited the tribal people. The principle of partnership of the tribal people in the management of forests is nowhere on the cards.

Credit and Marketing

3.74 The position in relation to credit and marketing has also remained unsatisfactory. All studies of the working of large-sized multipurpose cooperative societies (LAMPS) in the tribal areas show that they have not yielded the desired results. In fact, many crucial points remain to be attended at the implementation level and some even at the policy level. The streamlining of credit and marketing

structure removing all duplications and overlaps has not been done even though decided in principle from the very beginning of the Sub-Plan strategy. Multiplicity of organisations, therefore, continues with associated diffusion of responsibility, laxity of control and heavy outlay on establishment. The arrangements for purchase of tribals' produce and supply of essential consumer commodities at reasonable rates are inadequate, the only exception being, that too partial, the scheme of supply of foodgrains at concessional rates and in some cases Janata cloth. The jurisdiction of the cooperative society is too large to cover effectively the concerned area. As the turnover has not picked up the overheads continue to be heavy. Since the cost of overheads continues to be borne by the marketing structure, both the sale and purchase prices are adversely affected and these institutions in the context of the tribal situation are rendered non-viable.

3.75 The supply of credit continues to be through variegated institutions with no organic linkage with marketing. The functioning of the credit system, therefore, follows the general pattern and is not attuned to the needs of the tribal economy. Even the simple issue to provide consumption credit to the people remains at best a pious hope with no effective plans to see that people get necessary accommodation, which is quite small, when they need the same whether for meeting their day-to-day requirements or social obligations. In fact, consumer credit is a misnomer and unless it is accepted as one of the most primary forms of production credit, the reluctance of the system to accord the importance the so-called consumption credit deserves being crucial for the poor man's economy, cannot be overcome.

3.76. I, therefore, recommend that:

Measures for elimination of exploitation in all forms should be accorded the highest priority under the Tribal Sub-Plans and immediate time-bound measures taken by the State Governments in that regard. The Central Government may consider issuing suitable directions wherever necessary for ensuring effective implementation of these measures. In particular, the following measures may be taken about excise, forests and credit and marketing:

(i) Excise: The States should review their excise policies and bring these fully in line by 1-4-89 with the guidelines issued by the Government of India in 1975.

(ii) Forests: The Government of India may consider formally adopting a resolution accepting unequivocally the tribal people as partners in the management and development of forestry resources so that desired changes can be effected in the perceptions of the administration and of the people about forestry and suitable modalities for future action may be worked out.

(iii) Credit and Marketing: The credit and marketing system in tribal areas should be—

(a) rationalised and restructured with the clear objectives of — (i) providing 'single window' service to the tribal people for meeting all their credit and marketing requirements; (ii) ensuring reasonable rates in the purchase of tribal produce and supply of essential consumer commodities; (iii) meeting in full all credit requirements of the tribal people including consumption credit; and

(b) the cost of the credit and marketing operations should be borne in full by the State until such time as the tribal areas attain the level of development of the rest of the State.

Programmes of Welfare and Advancement

3.77 The programmes of development in tribal areas broadly comprise three categories. The first category relates to what can be termed as building up of inner strength of the concerned people. These comprise education, health and mobilisation. In the second category are those programmes which are directly related to welfare and advancement of the tribal people. The third category comprises those programmes which are in the nature of area development including a variety of projects. Many of these projects are basically planned as a part of the infrastructuring for the regional or national economy. I will take up the last category of programmes separately because of their adverse implications for the tribal people in the immediate context.

3.78 The progress in relation to programmes for building up of inner strength of the tribal communities has been rather tardy. With a massive flow of investment under the Tribal Sub-Plans and high priority formally accorded to the same under the new strategy these programmes should not have suffered on account of lack of resources. It is unfortunate that no State has so far prepared a comprehensive plan for education and health services for the tribal people, the two crucial elements for enabling the tribal people to stand on their own and face the new situation. It is an irony that even in those areas where huge investments are being made for establishing big industrial and mining projects, there is little concern to prepare the people for taking advantage of new opportunities. It is painful to find that lavish institutions are created by these projects for children of their employees while the people directly displaced and facing the full brunt of adverse forces in the neighbourhood have no provision even for ordinary elementary education, let alone facilities for quality education at higher levels which could prepare them for competing on terms of equality for the new opportunities built on the debris of their traditional economy in their own area.

3.79 The economic programmes taken up far under the TSP do not have focus on the welfare and advancement of tribal people. As noted earlier, the TSPs in most cases have remained notional exercises of mechanical disaggregation of sectoral outlays which are grudgingly undertaken to somehow comply with an unavoidable obligation. The result is that general programmes which are formulated with reference to the needs of advanced areas are mutatis mutandis extended to tribal areas without due regard to their needs. The institutions are usually specialised which are not in consonance with the simple socio-economic situation of these areas. The establishment cost is, therefore, exorbitant. Moreover, very often the key specialist functionary may be missing which may render the entire outlay on infrastructure and other supporting personnel infructuous. For example, this very often happens when medical institutions remain without a doctor for a long time. The lack of coordination amongst numerous specialised institutions like those for credit and marketing or the chance of one element in the long chain missing adds to the malfunctioning of institutional infrastructure. Even the design of the programmes may be quite faulty. For example, even though ostensibly liberal provisions are made for health services, bulk of these amounting to lakhs of rupees per annum per PHC is used for meeting the cost of establishment and only a paltry amount of a few thousand rupees is allocated for medicines. What ultimately reaches the tribal people in the form of medicines and medical service is insignificant.

3.80 An important prerequisite for the preparation of a development plan in consonance with the needs of the tribal people is a clear understanding of the social and economic parameters of the relevant area. The socio-economic situation of the tribal people is highly variegated. There are wide differences from one region to another with resource rich regions like Dandakaranya at one end and the depleted resource region in the west at the other. The variation is quite large even within the same region particularly in the hilly areas where the situation may be altogether different from one valley to another, from one aspect of a hill to the other and from the plains in the valley to the hill tops. Consequently, whereas a broad strategy for tribal development can be formulated at the national level and at the State level, any attempt at generalising at the operational level and having a set of uniform programmes for all tribal areas is bound to be frustrating and even dysfunctional.

3.81 There is a basic difference between the economic parameters of tribal areas in general and the national economy. Most of the tribal areas have extensive natural resources with comparatively sparse population. The economy in many cases, therefore, is labour scarce. The national economy, on the other hand, is largely labour surplus. The significance of this basic difference has not been realised with the result that inappropriate economic progra-

mmes are extended to tribal areas. For example, while large programmes may be planned for promoting conventional crops which may account for small proportion of tribal agriculture, the problem of shifting cultivation remains unattended notwithstanding many a pilot project being taken up intermittently. Labour intensive animal husbandry programmes are pushed into these areas which hardly evoke any response from the tribal people. On the other hand, even the very first step for improving the seeds of their major crops like minor millets or hill paddy has not been taken on a significant scale. While large irrigation projects are being taken up at a heavy cost to the people and with large outlays, there are no worthwhile schemes for tapping the natural flow of water in innumerable small rivulets for the simple reason that they do not involve much investment. The people's traditional method of training the nalas and hill rivulets does not find favour with Government Departments on technical considerations because the slopes are said to be quite steep and the land unsuitable for agriculture. Therefore, the people who are struggling to harness the resources are overruled. They are denied the benefits of new advances in technology while schemes of doubtful value may be taken up at exorbitant cost. That the big potential of extensive hilly regions can be optimally utilised through tree crops which will serve the interest of ecology and also provide a viable economic base to the tribal people is not appreciated. The result is that tree-culture remains artificially divided into what are termed as forestry, horticulture and plantation crops in which the tribal's interest cannot but be just peripheral. I must, however, commend a variety of tree growing programmes taken up in Andhra Pradesh and also in West Bengal in which the interest of the tribal people has been kept at the centre. These programmes have outgrown the pilot stage and now cover extensive areas. These programmes with suitable adaptation can be emulated by other States.

3.82 The progress on the drinking water front has been quite impressive. However, the schemes are capital intensive and are not quite successful in many remote and difficult areas. As hand-pumps remain idle for long because of disrepair, the people have to fall back upon their traditional sources. The programme of rural electrification has no doubt taken light to many a hamlet but no significant effort has been made to harness its economic potential. The road network has been substantially extended involving heavy investment, yet accessibility has not improved significantly on account of wrong priorities.

3.83 The basic reason about the results not being commensurate with investment is that planning from below which is a must for tribal areas has not been seriously attempted. The Integrated Tribal Development Projects have not emerged as units for planning and implementation of tribal development programmes. The numerous schemes taken up by the various State Departments and Central agencies continue to be operated in isolation which may sometimes even work at cross-purposes without even a semblance of

integration. There is avoidable confusion in many cases. It is not unusual if a Department swears by the objectives of a scheme just in terms of physical targets with scant regard for the general premise that all programmes in the TSPs must have their focus on the welfare and advancement of the tribal people.

3.84 In fact, the first set of basic economic parameters themselves remain to be defined even in gross terms. The sociological constraints, which can be crucial, may be enunciated in general terms but they largely remain ornamental references in the TSP documents. Identification of micro regions within the ITDPs such as more backward areas, the zone of influence of industrial and mining projects, periphery of urban centres and areas with distinctive resource configuration like extensive forest regions, etc., remains to be done for a real problem solving oriented micro level planning. In fact, there are no plans even for the ITDPs, let alone a plan with focus on the development of the tribal people, the avowed objective of the TSP even now—after an interval of two full Five Year Plans after its inception. Thus, in sum an exercise of what is needed in each Project area for the welfare and advancement of the tribal people has not even been initiated. Consequently, the benefit to the common man in tribal areas has been rather limited notwithstanding the phenomenal rise in the level of financial investments.

3.85 I, therefore, recommend that:

The Tribal Sub-Plans should be prepared in such a way that the focus is constantly on the welfare and advancement of the tribal people and all programmes are attuned to this basic premise. In particular—

(i) In the TSPs the highest priority, next only to elimination of exploitation, should be accorded to programmes such as education, health and mobilisation which go to build up the inner strength of the tribal people and would enable them to face on their own the challenge of transition.

(ii) There should be a stipulation in the State budget that notwithstanding anything contained in any other law, funds needed for universalisation of elementary education and improving the standards of education at that level shall be the first charge on the outlays of the TSPs.

(iii) All programmes taken up in tribal areas irrespective of the source of funding should be fully integrated. They should reach the people in the form of an undifferentiated package and should be executed through a unified agency.

(iv) Planning from below should be the guiding spirit of the TSPs. A beginning should be made with the planning at the level of the Integrated Tribal Devel-

opment Projects with effect from the Eighth Plan for which necessary steps should be taken right away.

(v) While the ITDP plan may follow the priorities laid down in the general strategy for tribal development, the package of programmes at the level of the ITDP should be prepared entirely with reference to the needs of the people in each ITDP. The relative weightage for sectoral outlays for the ITDP should be accordingly determined for which the ITDP authorities should have full discretion.

(vi) In all ITDP programmes full provisions should be made for those items which directly benefit the tribal people like medicines in the Primary Health Centres.

(vii) The planning of infrastructure in the ITDP should also be realigned to the welfare of the tribal people rather than merely developing the area. For example, the road network should aim at improving accessibility for the people through priority for footpaths, bridle paths and culverts.

(viii) In each ITDP, areas and populations facing special problems such as more backward areas, zones of influence of industrial and mining complex, urban growth centres, hunters and gathering communities and such like should be identified for whom micro-plans within the overall ITDP plans should be prepared.

(ix) The plans of all the ITDPs in the State with full details of sectoral as well as scheme-wise outlays and expenditure should be presented separately as a supplement to the Budget Demand relating to the TSP in that State.

Backlash of Developmental Projects

3.86 I will now come to the vital issue concerning the adverse effects on the tribal people as a consequence of establishment of large projects of all descriptions—industrial, mining, irrigation, hydel—in tribal areas and the associated urban growth and displacement. The problems of the tribal people coming under their influence are most acute which should have claimed immediate attention and the highest priority in any systematic exercise of tribal development. While appropriate measures must be taken to provide effective protection to these people, advance action for preparing the people for taking advantage of new investments should be planned well ahead of time. It is regrettable that in most cases even the first preliminary step to identify such areas has not been taken and an increasing large section of tribal people are obliged to face the backlash on their own for which they are not prepared.

3.87 The issues here are not limited to alternative uses of resources, cost-benefit equations of projects and

such like. They are more basic concerning the finer aspects in life such as human rights, civilizational values and national obligation. The tribal people are passing through a unique and unprecedented phase in their history and have no experience in their own tradition to serve them as a guide. The change is so fast and the challenge so severe that there is hardly any possibility of adequate inner response which can enable them to successfully negotiate the impending crisis. The tragedy is that there is little realisation of the real nature of their problems at the national level. The Indravati valley in Bastar, which I visited in October 1986, presents a typical situation, which I may describe in some detail to bring out some of the basic issues (Annexure III).

3.88 A series of hydel and irrigation projects have been planned on Indravati river which cuts through Bastar in Madhya Pradesh and forms the northern and western boundary of South Bastar. A number of forestry programmes have also been taken up along this river and in the middle of this area which vitally affect the people. And South Bastar happens to be one of the most backward tribal regions in the country with more than 80% of its area being formally declared as reserved forest.

3.89 The people in the Indravati Valley, like all tribal people, "are deeply attached to their ancestral homes. But they have a special reason. The nature has especially blessed this valley. The luxuriant forest on the hills and the mighty river Indravati below provide plentiful sustenance to all and even the landless, the old and the infirm... Scarcity is unknown here... The people have built beautiful well-kept and spreadout mud huts in large enclosures...

"...The people are not prepared to move out. Any suggestion of enhancing cash compensation does not interest them. They fear that money will slip through their fingers as they cannot manage it. They affirm that it will be frittered away in drinking, merry-making and other non-essentials which they cannot avoid... The puny tenements built for the landless in many villages outside make them cold when one talks about establishment of model colonies for them... According to them a rosy picture is being painted just to lure them away; once they leave the valley no one will be there even to listen to them. They will be rendered homeless, resourceless and left to wander on their own, friendless...

"...Their conclusion about a bleak future is natural which is reconfirmed by experiences around, known to them personally and through the word of mouth... They tell with folded hands that they are your humble subjects, maro or jiao, i.e., whether they should perish or live is your decision. In desperation they cry that they will not move, let them be shot, gola ghasrao, or the valley bombed..."

3.90 This is clearly emotional outburst of a people who are faced with a real catastrophe—man-made at that—of imminent displacement, disorganisation and destitution. Theirs is a simple economy. Their habitat provides them full sustenance for a happy life. Their skills lie in harnessing its potential at their stage of economy which they are doing reasonably well. If forced to move out, they will be rendered skill-less in the new setting—they will be rendered resourceless even if some land is assigned whose chances are bleak. In contrast, theirs is a land of plenty which they will be forced to leave! They will be strangers outside their forest abode, in no position to face the vicissitudes of an unknown world!

3.91 The simple question, therefore, is whether such a people can be forced to move out against their will by the State notwithstanding the fact that that may be done in accordance with the provisions of the law. What is the relevance of the Constitutional safeguards and the responsibility of the State to provide protection to these people? It is clear that the present law about acquisition of land, which is being invoked as an authority for displacement everywhere, is based on premises which are not valid for tribal areas. This law completely ignores the vital relationship between the tribal people and their habitat and it is concerned merely with formally recognised rights which, if at all, account for a small part of the total economy of the tribal people. It is further presumed that land is negotiable and can be equated with money, which at the present stage, is not acceptable to the tribal people. This law treats every affected person as an individual. But tribal life is inconceivable outside the community. Thus the law concerning acquisition of land is incongruous with the tribal situation. This incongruity has not even been noted by the executive which has been conferred full authority in unequivocal terms by the Constitution and by implication also the grave responsibility for removing all anomalies and distortions between the law and the tribal situation. The result is that the tribal people are being denied due protection of Constitutional safeguards on a vital issue which concerns their very survival as a community.

3.92 At this stage I may refer to a crucial provision in the land acquisition law concerning public purpose. The question as to what can be deemed to be public purpose in the context of the tribal situation does not so much concern what may simply be termed as legal or formal but touches the core of human values, civilizational obligation and in a narrower frame Constitutional safeguards. Can the relative size of the communities involved be accepted as a sufficient ground for determining the 'public purpose'? Can a community be obliged to make way for others even at the peril of its disintegration and destitution of its members? The answer is clear, emphatic and unequivocal 'No'. I had conveyed to the Prime Minister the guhar of a people whose survival as a people depended on how the nation viewed this civilizational obligation. The people in the valley are obliged to the Prime Minister for a positive response. They have some respite as the

matter is being reconsidered. But the spectre of displacement, disorganisation and destitution still haunts them day and night. It is my duty now to convey that guhar to the President and through him to Parliament which represents the conscience of the nation. This guhar from the people of the Indravati valley is not an isolated expression of only those people, it reverberates the feelings of the tribal people all over the country who are facing similar situations and are engaged in a grim battle of their survival—be it the Suvarnarekha in Singhbhum, the Bargee in Jabalpur and the Narmada valley in the west. Elsewhere, however, their pleadings have not yielded significant results so far even by way of satisfactory resettlement plans, let alone the basic questions of human values and civilizational obligation. The simple reason is the incongruity of law and inexpedient construct of 'public purpose' accepted by the concerned authorities which together provide a reference frame which ignores the basic issue referred to above.

3.93 Even within the formal reference frame, albeit inapposite, much remains to be done. For example, even after about two years of my intervention on behalf of the tribal people in the Narmada valley the first step concerning the removal of obvious incongruities in the preliminary proceedings concerning land acquisition and adoption of a common frame by the three States concerned with that issue, viz., Gujarat, Madhya Pradesh and Maharashtra, remains to be taken. If the position with regard to what pertains to merely putting something on paper is so dismal and if the past experience is any guide, one cannot but conclude that the people here are destined to pay the price of development and face disorganisation and destitution while the Constitution would remain a mute witness to that Great Tragedy. The response in other areas is also not much different. In view of the fact that displacement is assuming menacing proportions and the issue vitally concerns Constitutional safeguards for the tribal people, I have taken up a detailed investigation. I will present a Special Report as soon as the investigation is complete within the limitations of resources at my command and also depending on the response which I may receive from the concerned authorities which could provide the necessary background for arriving at a national consensus on this vital issue concerning human values and civilizational obligation. In the meantime I may reiterate what I had conveyed to the Prime Minister about Bodhghat: "...the sentiments of these people, whose nights are sleepless and days restless, should be fully honoured... The final clearance should be given to the project only after the people have been fully convinced about the alternatives offered... I feel that all the ongoing projects should also be reviewed to ensure that people's side has not remained unheard and suitable amends are made urgently, wherever necessary."

3.94 I, therefore, recommend that:

Pending the investigation into the Constitutional safeguards relating to the command over and access to resource of the tribal people and their displacement and consideration by the Government of their findings towards arriving at a national consensus and policy frame, all ongoing projects and also those pending consideration with the Government at different levels may be reviewed and it may be ensured that safeguards provided for the tribal people in the Constitution are honoured in their real spirit and that their side does not remain unconsidered simply because they did not have the opportunity or the necessary articulation for presenting the same or because of the incongruity of the law itself concerning their rights.

Primitive Tribal Communities

3.95 Some tribal communities are still subsisting at preagricultural level of economy like gathering and hunting, cattle rearing and shifting cultivation. These activities require an extensive resource base even for subsistence. In the context of growing pressure from other communities on the resources, which have traditionally provided sustenance to these communities, their resource base has got depleted or in many cases they have been completly deprived of the same. And as a result of their inability to adjust in the changing situations these communities have become extremely vulnerable. In a number of cases these communities have become non-viable even as a biological group and are facing extinction.

3.96 In view of their extreme vulnerability a special programme for development of what have been termed as 'primitive tribal communities' was started from the very beginning during the Fifth Plan which was fully funded by the Central Government. The programme was rather slow to pick up even in the conventional sense of the term as is clear from the fact that only a part of the outlay could be used during the Fifth Plan period. The position during the Sixth Plan period has also not improved significantly. The most regrettable development in this regard has been that the programmes even for communities facing physical extinction have been prepared on the conventional lines. These programmes are not suitable even for larger communities which have the needed resilience. Therefore, the primitive groups are facing the adverse forces more or less by themselves. It is crucial that the programmes prepared for these communities are group-specific and specially tailored to meet the problems of each small community. It may be remembered that the resource base required by these groups who are at pre-agricultural stage of economy is extensive. These people are not found clustered in small areas. They are widely dispersed. The parameters of their economy and the response of the community to the challenges which it may be facing in the specific setting may be widely different.

3.97 The first crucial step in the programme for primitive tribes was to clearly identify the communities and in case of larger communities those sections amongst them which had primitive characteristics. It is only then that the specific problems they were struggling with could be ascertained. It is a mater of concern that in the case of larger groups this exercise has not been done and entire communities have been declared as primitive without a detailed study of the conditions in which their members live in different areas. It is the liberal assistance of the Central Government which has prompted the States to get as many communities included in this special category as possible rather than attending to the crucial task of providing necessary support to a people engaged in a bitter struggle for sheer survival. Consequently, the programmes even for the primitive tribal communities are just the same as for others with the only difference of more liberal assistance. They have simply not clicked.

3.98 The size of some of these communities has become so small that they are non-viable. The retrieval of Todas and Paniyans in the Nilgiris (Tamil Nadu) by the late Dr.S.Narasimhan from the precipice which these communities had reached is a standing example of what people dedicated to the cause can do. Some other communities which are faced with extinction are Onges and Shompens. The number of Onges has been steadily declining from about 500 at the turn of the century to less than one hundred. A detailed study about the state of their health and causes of decline was taken up in 1977 by the Government of India so that a proper plan could be prepared for their retrieval, welfare and development. It is distressing to note that the studies concerning these people whose very survival was known to be at stake were left incomplete just after some preliminary work. This critical slide back did not claim attention of any of the responsible authorities—the Ministry of Health, the nodal Ministry in charge of tribal affairs and the Planning Commission. It was only after the establishment of the Island Development Authority after a lapse of about a decade that the problems of these people came to the fore and the studies have been resumed.

3.99 The detailed investigation of Onges shows that the situation is much worse than what would appear to be just on the basis of their numbers. Their gross population has not declined since 1971. But the female population in this group, which is what matters for survival, has not only significantly declined during this period but the number of females in the reproductive age-group has sharply fallen in the last decade. In the case of Shompens even the preliminary data about their number and sex composition is not available. The constitution of an expert group with representatives of top institutions in the country is a move in the right direction which may be able to provide the guidance for meeting the challenge which these communities are facing.

3.100 The primitive groups in Andaman & Nicobar Islands are, however, the well-known cases. There are a number of lesser known small communities on the mainland like Rajis, Didayis and Hill Korwaswho are also facing the problem of survival. In the absence of any systematic study the cases of other communities may not even be known. This is a human problem which should be specifically attended to by premier medical institutions like the All India Institute of Medical Sciences and the National Institute of Nutrition on their own as part of their special responsibility for the vulnerable communities.

3.101 I, therefore, recommend that:

(i) A systematic review should be undertaken of all those communities which have been included in the list of primitive tribes so as to identify those parts/sections amongst them which are still struggling for survival as hunters and gatherers or as shifting cultivators and have not been turned into landless labourers.

(ii) A comprehensive plan for retrieval, welfare and advancement may be prepared for each group which should not comprise more than 500 people. The plan should attend to the specific issues concerning their health and also socio-economic problems on a priority basis.

(iii) The Government may constitute an expert group for primitive tribes at the national level comprising social scientists, medical and nutritional experts and administrators which should be responsible for providing guidance in the formulation of comprehensive plans, action programmes and reviewing their progress.

(iv) National institutions like the All India Institute of Medical Sciences and the National Institute of Nutrition should assume the responsibility for providing such support as may be necessary for the biological survival of the primitive groups by way of identifying the problems which they may be facing, working out strategy for their retrieval and providing technical back-up for action programmes.

IV

A WIDER FRAME FOR WELFARE AND ADVANCEMENT

The programmes for the welfare and advancement of the Scheduled Castes and Scheduled Tribes discussed earlier tacitly assume that the basic premises concerning equity and justice of the Constitutional schema will be fulfilled. To the extent this assumption does not hold and the premises remain unfulfilled or there is a slide back, these programmes even when they are fully and faithfully implemented will be inadequate for enabling members of these communities to acquire an equable position in the national life. It is a matter of deep concern that not only even the declared objectives remain to be fully achieved, there is serious regression on some vital issues. The dismal performance on the land front has denied members of the Scheduled Castes their rightful claim on a resource which provides to a substantial section amongst them their sustenance and which is the gift of Nature over which all her children have an equal claim. And the near reversal of the roles of the public and the private sectors in the national economy has greatly circumscribed the equity potential implicit in the Constitutional directives about equality of opportunities in education and public employment. If economic forces are allowed to have a free play without reasonable constraints necessary in the interest of equity, the backlash of developmental processes will become increasingly severe which will affect members of the Scheduled Castes and Scheduled Tribes the most. The renewed faith in a higher growth rate is misplaced in the context of growing inequality, soring aspirations and uninhibited consumerism. A significant section of the people appear to be destined to slide back in the face of mounting adverse forces notwithstanding the State's effort for alleviating their condition. Bulk of members of the Scheduled Castes will, therefore, continue to share the plight of the poorer sections in the general population—and, in addition, will have to contend with deep-seated prejudice of the tradition and nascent hostility of others rooted in their envy of those few amongst the Scheduled Castes who may succeed in moving up and their sense of outrage at the prospect of their superior position enjoined by tradition becoming uncertain.

4.2 Vertical mobility for a few amongst members of the Scheduled Castes who are able to enter public sector cannot be a solace for the rest who will continue to struggle for bare subsistence. Their only hope can be equitable deal in a broader frame the benefits of which they could share with the toiling millions. The physical prowess and the skills which the poor possess are their only real assets. If their skills are given due recognition and the contribution of their labour is objectively valued, the poor will no longer remain poor and will automatically

acquire an honourable position in the national life. Let it be clear that the poor people, particularly members of the Scheduled Castes and Scheduled Tribes, who depend for their livelihood on hard work which they are incessantly engaged in, are not in need of help for their economic advancement. No one need labour under the misconceived notion that the poor are helped by others or for that matter even by the State to earn their living. It is the toiling masses who carry the superstructure of the rest of the economy including the State which is supported and sustained by the processes of deprivation of those people who do not receive due returns for their labour to which they should be reasonably entitled. What the poor need is not assistance but liberation from the stranglehold of the system, both old and new, whose forms are different but in essense they are the same.

4.3 At this stage it must be acknowledged, albeit with a sense of deep regret, that as inequality is growing in the national life and is being accepted as something inevitable, if not desirable (in the interests of 'growth for equity' of course!), the same inequitous mould is being emulated by the tribal communities as well which have a rich and living tradition of a more equitable social and economic order. Some inequality in the process of structural transformation of a community could perhaps be accepted as inescapable. But every community irrespective of its initial socio-economic setting need not necessarily allow itself to imbibe extreme forms of inequality which are prevalent in the national life, except that those who may get deprived and slide back will get the benefit of the larger national effort for equity and fair-play. The concept of poverty as in the so-called advanced societies is not applicable for those tribal people who live in the setting of rich natural resources and still enjoy access to them. Theirs is a different stage of economy and in most cases poverty is an unknown phenomenon. It is appearing for the first time in some of these areas as the community is gradually losing the command over resources and is not receiving due benefit from new developments. The minimum which should be planned for these areas in the context of larger egalitarian goals is that poverty shall not be allowed to appear in any form. If the benefits of development could be equitably shared and the differential amongst members of these communities were contained within limits of tolerance of an egalitarian society, for which the tribal people have a better social climate, the tribal people could provide a model for the rest of the nation for emulation.

4.4 The position in relation to the Scheduled Castes is different who comprised a disinherited people and had occupied the lowest stratum not only in the social but also the economic order. In the process of change, as members of the Scheduled Castes begin to get benefits through vertical mobility some differential is inevitable. Nevertheless, if the nation itself were moving along the path of equity and the economic conditions of the poorest people were improving at a faster rate compared to the

general pace and the pace at the top was slower, the differential due to the vertical mobility would not have become large. But since inequity in absolute terms in the national life itself is increasing the differential amongst the ranks of the Scheduled Castes is also growing and will continue to grow because that is the only way in which equity for all sections of citizens in a larger inequitous frame can be defined. Some degree of inequality has already emerged amongst the Scheduled Castes and Scheduled Tribes due to vertical mobility for those who have received the benefit of education and reservations in the new opportunities. But now a sort of stagnation is setting in particularly amongst the Scheduled Castes. The reason is that while the benefits of education are getting extended to increasingly larger sections of these communities, the opportunities in those sectors where reservation is in vogue are limited. This is also true for other sections of the society but with a difference which I will deal with in some detail.

4.5 Firstly, even though all educated youth in principle have equal opportunity with regard to employment, the opportunities for the SC and ST youth cannot be said to be really the same at least for some more time unless there are specific reservations in their favour. There is a big differential in their preparedness for open competition not only in terms of quality of education but also the social background and other support which matter in getting employment. The services under the Government and the public sector together account for only a part of the opportunities of gainful employment in the national economy. And the relative size of this sector is steadily declining and is in danger of being drastically reduced if the present trends continue. If this background is kept in view, it becomes clear that at the end of their educational careers students belonging to SCs and STs and the rest have two altogether different worlds of opportunities before them. Members of SCs and STs can look forward to only employment in the public sector which is now saturated and whose pace of growth is also slow. The other students have before them employment opportunities in the entire economy in which not only their academic attainment is important but the social background becomes highly relevant.

4.6 Secondly, even though the number of SC and ST students is rising, the quality of instruction which they receive leaves much to be desired. The result is that these students are not as well prepared for open competition, whose severity is incessantly increasing because of the slower growth of employment opportunities in the national economy. So far the Scheduled Caste educated youth were having the advantage of a larger number of posts becoming available in the early phase of positive discrimination as more and more organisations particularly in the public sector accepted the reservation policy and implemented the same with increasing rigour. Now the position has got more or less stabilised and the intake level has become steady to a large extent. For example, in the public

sector the only exceptions to the rule of reservation are highly technical and scientific posts which by themselves cannot provide much scope for the ordinary educated youth. Group D positions have been more than fully subscribed for quite some time which even otherwise are not relevant for the educated youth. A point of saturation has been reached now even in Group C which has been providing bulk of the opportunities to the educated. There are shortfalls, at times heavy, in Groups A and B but their absolute numbers are so small that even if they are fully subscribed they cannot make a significant difference so far as opportunities for the common run of educated youth are concerned.

4.7 Thirdly, the private sector comprises two segments —one relating to employment and the other relating to self-employment. The relative size of the latter is quite large. In this segment there is only a small part in which the opportunities are relatable to certain dispensations of Government like licences, quotas and permits in which the policy of reservation can help the SC and ST youth. Bulk of self-employment opportunities depend largely on the backing of capital, money, infrastructure and such like which members of SCs and STs are singularly without.

4.8 The position of the Scheduled Tribe educated youth, however, is different. The tribal majority States represent one extreme situation. The level of education in these States is quite high. But in their case the opportunities in the tertiary sector have also been rising at a very fast rate. Therefore, their system has been able to accommodate the young people so far. However, the growth in their case has been skewed, not balanced, which has distorted their economies. The primary sector in all these States is quite weak and the secondary sector is almost non-existent. It is only the tertiary sector which has grown and become outsized. This cannot be a self-sustaining system. Moreover, this model has been sustained so far in those situations where the relevant population is comparatively small. It cannot be replicated where big numbers are involved. But these models are very attractive to the educated youth whose immediate problem of finding a placement in the public sector is solved. In fact, this provides one of the biggest motive forces for demands for establishment of smaller politico-administrative units. It is obvious that this cannot be continued indefinitely and contradictions are bound to arise sooner than later. This is already happening, e.g., in Bihar where the tribal population is large and the new opportunities for the educated youth cannot be found in the tertiary sector. In their case the potential of all sectors of the regional economy must be fully developed if the new opportunities are to match the growing aspirations.

4.9 Thus the access of the educated youth to the economic opportunities in the country is not free but highly conditioned. It is relatable to the class to which a person belongs. In fact, this stagnation is responsible for growing intercommunity differential amongst those included in the Schedules. While the gains of reservation have

accrued to those communities who were first to take advantage of education, the other groups are now finding it difficult to move up. This not only results in a sense of frustration amongst members of weaker groups within the Scheduled Castes and Scheduled Tribes but also gives an opportunity to the detractors of the policy of positive discrimination to point an accusing finger towards the apparent monopolisation of privilege by a few amongst the Scheduled Castes and Scheduled Tribes denying equitable opportunities to other communities. The fact that this is largely due to a very restrictive view of social equity in which a reasonable place in the major part of the national economy is denied to members of the Scheduled Castes and Scheduled Tribes is conveniently ignored. Those who have arrived are not quite sure of maintaining their position in an open competition. Therefore, they cannot afford to foresake the privilege of reservation. Their apprehension is reinforced by the fact that the scope for moving out into the rest of the economy even horizontally is bleak, let alone vertical movement. The basic premise that education and a share in the public sector will enable members of the Scheduled Castes and Scheduled Tribes to participate in the national economy as a whole on terms of equality has proved to be incorrect because of the basic changes in parameters of the national economy compared to those which were originally envisaged. While it may be necessary to facilitate vertical mobility for those sections amongst the Scheduled Castes who are late starters, the real solution will be to define the next steps in the great task of enabling members of the Scheduled Castes and Scheduled Tribes to become equal partners in all walks of national life in the spirit of our Constitution.

4.10 The above review shows that the frame for the welfare and advancement of the Scheduled Castes and Scheduled Tribes adopted so far was rather narrow, but rightly so in view of certain basic premises about the directions in which the national economy was expected to move. While efforts must continue to retrieve whatever is possible of the earlier commitments like land to the tiller and basic premises about a dominant public sector, the new situation cannot be ignored. Broadly members of the Scheduled Castes and Scheduled Tribes must be assured an equitable position both in the organised sector and in the unorganised sector. Since only a small segment in the organised sector has been brought under the purview of the positive discrimination, which has enabled only a small section amongst the Scheduled Castes and Scheduled Tribes to join that sector, the vast majority amongst them belong to the latter. So far as the unorganised sector is concerned the basic issues relate to valuation of labour, ownership of means of production and access to resources. Members of the Scheduled Castes, who largely depend on their labour, have to be assured due entitlement for their work alongside other poorer sections in the community. They have also to be enabled to acquire control over the means of production, particularly the land on which most of them subsist

one way or the other. In the case of the Scheduled Tribes the most urgent task is to provide effective protection against the processes of deprivation so that their command over resources is not disturbed.

4.11 As the national economy moves on, the organised sector will grow not only in absolute terms but also in relative terms. A lion's share of benefits of development will largely accrue to that sector. Therefore, equity demands that members of the Scheduled Castes and Scheduled Tribes are enabled to become co-partners in development in the organised sector as well. The limited scope of the policy of positive discrimination covering mainly employment in the public sector will not do in the changing context. Its scope should become coterminous with the entire organised sector.

4.12 A word of caution, however, will be necessary at this stage. Equitable participation in the organised sector will stil concern for quite some time a relatively small section amongst the Scheduled Castes and Scheduled Tribes. But that is important even though the general condition of members of SCs and STs will depend on how they fare in the unorganised sector. Nevertheless, the two are two facets of the same issue and have to be dealt with concurrently. If inequity in the nation grows, inequality amongst members of the Scheduled Castes and Scheduled Tribes will also grow. It can, however, be hoped that members of the Scheduled Tribes because of their closer association with a more equitable social order amongst the tribal people and members of the Scheduled Castes because of continuing struggle of theirs who will continue to comprise the vast majority amongst the Scheduled Castes, may exert a significant influence against growing inequity. Much will, however, depend on how the emerging elite perceive their role not only with regard to the welfare and advancement of SCs and STs but the larger national goal of establishing an egalitarian social order.

The Basic Schema

4.13 Any scheme of equable partnership in the national economy would comprise broadly three elements, viz., an equitable share in (i) ownership of property and productive assets, (ii) self-employment opportunities and (iii) employment opportunities in all segments of economic activity in the country. The fulfilment of the first goal can be only a long term objective particularly in the present context when inequity in land distribution inherited from the colonial period has not been ended as originally envisaged and the phenomenal concentration of economic power both in relation to property and productive assets is taking place unabated. Nevertheless, something can still be retrieved if a beginning can be made with certain minimal measures like land to the tiller on which there is national consensus. Even this will involve redistribution of assets on a significant scale which can be expected to generate big

pressure against these measures. But preemption of new assets like those which are getting created through financial investment and use of modern technology in favour of the poor with a reasonable share for members of the Scheduled Castes and Scheduled Tribes should not be difficult, provided the perception is clear and the goals are well set. Similarly the entry of members of the Scheduled Castes and Scheduled Tribes in the self-employment sector will depend on the extent to which they can be helped to acquire new skills, technological and organisational, besides providing necessary financial support including a reasonable cushion for risk taking. While provision of financial assistance is a matter of policy which can be attended to immediately, building up of skills is a rather slow process. The process can be expected to gather the desired momentum only after sustained work for a decade or so until a new generation, fully equipped for the new tasks, arrives. Equitable share in employment can be expected to yield the desired results within a short time which will pave the way for the crucial next steps in other areas.

4.14 The above schema is valid for all situations. But the formulations for putting it into practice will be widely different in different situations. For example, in a situation when forces for equity in general are quite strong, special measures as stipulated in this schema could focus on a few vital issues only. But in a situation where general forces for equity are weak, special measures have to be much stronger and in a broader spectrum. Thus the task of ensuring equity for SCs and STs would become more and more difficult as inequity in the national life increases. Moreover, the sense of relative deprivation even amongst members of the Scheduled Castes and Scheduled Tribes will become more and more intense as inequality grows and acquires visible forms in varying frames of the people beginning with the small community to the national life. The prospects in this regard are becoming grim as consumerism is being allowed to inundate the national life in the hope of its becoming the prime mover of the engines of growth through hard work and keener competition for the laurels. The reality is just the reverse. A milieu of quiet success is being engendered in which there is no relationship between individual's personal effort and innate qualities and his achievements. This has prompted people to freely appeal to primordial considerations which are so easy to tickle and quite powerful when cleverly handled. The strife of quick and easy gains is bound to get sharper with increasing inequality and greatly strain the national fabric. The policy of positive discrimination cannot be a substitute for the primary forces for equity—it can only serve as a corrective to the basic frame which must not be allowed to be distorted for immediate quick gains.

(i) Employment in Private Sector

4.15 Our economy broadly comprises the public and the private sectors. In the public sector the State is the owner while individual participants are the employees whose status in employment, however, is highly variable. The

private sector itself can be said to comprise broadly two segments, viz., economic activities in which individuals are largely self-employed and those in which the means of production are not controlled by employees. This segment includes joint sector enterprises, limited companies and private ventures. As discussed in detail earlier, equality of opportunity as a national goal enshrined in the Constitution should appropriately permeate the entire national life irrespective of the formal differences of the public and the private sectors. But these sectors differ in a fundamental way. The public sector is directly under State control and equality of opportunity therein to a large extent has been institutionalised through the reservation policy. But so far as the private sector is concerned even the question that it can be also obliged to accept that social obligation enshrined in the Constitution has not been raised. It is clear that no sector in our national life can claim the privilege of laissez-faire. All private sector activities have to work within the frame which governs employer - employee relation and also abide by regulations concerning public order, ecology and such like. Similarly it cannot claim immunity from constraints of social equity even though there is no formal obligation so far in this regard. The State has the right to make suitable provisions in pursuance of the larger national goals enshrined in the Constitution. After all the private sector ultimately depends on the invisible and visible infrastructure created by the State and that should be a good enough reason for accepting the social goals which the State is expected to achieve.

4.16 Even if this broader concept of the citizens' obligation may be kept aside for some time, a distinction can be made to begin with between those organisations/institutions which take advantage of public finance through credit institutions and others which depend entirely on purely private resources. A major consideration in the historic decision for nationalising financing institutions was to ensure that the power of money was used for achieving the nationally accepted social goals. Equality of opportunity is not only a fundamental right but a crucial element for equity in national life, albeit in a restricted frame. Therefore, all those organisations which take advantage of institutional finance should be obliged to actively subscribe to the national goal of social equity and accordingly make due contribution towards achieving the same. A stage has been reached where all corporate bodies established under any law including the Indian Companies Act, the Indian Societies Act, Cooperatives and such other organisations which may be taking advantage of institutional finance, partly or wholly, including those established with foreign collaboration should be obliged to give due representation to members of the Scheduled Castes and Scheduled Tribes in the employment opportunities under them. The scope of due representation to members of the Scheduled Castes and Scheduled Tribes should be extended to other private sector organisations also in stages.

Opportunities in Self-Employment Sector

4.17 The next important area in which members of the Scheduled Castes and Scheduled Tribes should get due representation relates to self-employment. There are two aspects of this issue. Firstly, there are certain activities in the self-employment sector for which members of the Scheduled Castes and Scheduled Tribes have the requisite skills. Secondly, there are certain areas particularly in the modern sector of economy for which they do not have the necessary skills and even when they may acquire such skills they may not have the necessary resources to take advantage of those opportunities. Both these facets will need to be considered separately for appropriate action by the Government.

4.18 The traditional vocations still continue to comprise a substantial part of the self-employment sector. The major issues, as discussed earlier, here relate to equitable valuation of traditional skills and extension of the benefits of new technology to the traditional vocations in such a way that those already engaged therein receive a major share of the benefits which may accrue in the process. Moreover, these vocations should be delinked from their caste association and provided full professional status of the modern sector as discussed in detail earlier.

4.19 The new opportunities for self-employment have arisen on a significant scale in the modern sector. These include a variety of activities from agency functions in distribution and supply to trading establishment, small scale manufacturing, etc. Many small enterprises in the modern sector are linked with larger establishments in the corporate sector, both public and private, as their ancillary units or through special contractual relationships. These units provide a good opportunity for those venturing into the unfamiliar arena of free enterprise and having no one to back them up in any sense. Some of those with right aptitude and skills can be expected to move up and get established as independent entrepreneurs.

4.20 The participation of members of the Scheduled Castes and Scheduled Tribes in agency functions is perhaps the easiest because in most cases both the supply of commodities and their sale are assured. Similarly ancillary industries can provide a good setting for their entry into the modern sector. The agencies dealing with scarce items are the easiest to operate. Even in regard to trading activities the siting of an establishment and the type of wares the establishment may be dealing can make a significant contribution to its success. A number of such opportunities are controlled by the State or its organisations like the outlets created by the Tourism Development Corporations or shopping complexes in new townships.

4.21 There is reservation for the Scheduled Castes and Scheduled Tribes in some lines like petrol pumps, LPG agen-

cies and also in allotment of shops. In some cases there are a few concessions as well. Some assistance is also provided for setting up new establishments and special terms are available for some ancillary industries. However, a comprehensive policy frame with the clear objective of ensuring due representation to the Scheduled Castes and Scheduled Tribes in the entire gamut of new opportunities in the self-employment sector has not been prepared. Even in those cases where reservations have been made there is no support from the concerned agencies for ensuring that the benefits of reservations do accrue to them. For example, even in simple distributorship of LPG grant of a licence by itself is no guarantee of success. The individuals must acquire the know-how of that trade and also mobilise the necessary financial resources. And what is most important and crucial is that they must be equipped to cover the unforeseen contingencies during the early phase of their new profession. It may be remembered that the phenomenal success which some communities have recorded in numerous walks of life is to a large extent due to the informal support which the new entrepreneur gets from others established in that line on considerations like ethnicity, caste, region and religion. Members of the Scheduled Castes not only have to depend on the support from formal institutions whose methods are notoriously unhelpful but they have also to contend with tremendous bias and even positive hostility on account of their social background not only from their rivals in that activity but also from the very system which is grudgingly obliged to assist them.

4.22 In the absence of a clear policy frame in this regard not only various Departments of the State Governments but also the Central Ministries, which could be expected to reflect that spirit, take a formalistic stand not in consonance with the general policy of the State and Constitutional obligation. The cases referred to in this Report (Chapter V) about the attitude of the Ministry of Petroleum and the India Tourism Development Corporation are illustrative of the apathy of the system to this vital social obligation. The self-employment segment of the modern sector is highly competitive, particularly when it concerns certain privileged segments in whose cases the entry itself may entitle a person to a premium. Here money begets lots of money. And those who have would not mind spending a little extra and compete out the less privileged at any cost, not to speak of members of the Scheduled Castes and Scheduled Tribes who are just entering the race with not only no resources and other back-up in any other form whatsoever but have to carry the cross of the deep-seated social prejudice. It is, therefore, necessary that a reasonable place is carved out for the Scheduled Castes and Scheduled Tribes in all those segments of self-employment which are under direct control and also under the influence of the State or the public sector. Moreover, it should be the responsibility of the concerned organisation to ensure that these opportunities are availed of by them. Suitable programmes should be prepared for all segments of self-employment which should include training in appropriate skills in general and entrepreneurship in particular, provision

of financial support and guidance during the gestation period with liberal provision for covering risks and unforeseen contingencies.

Command over Means of Production

4.23 An important issue in all self-employment activities is the command over means of production. There are three aspects of this issue, viz.,(i) stabilisation of command over those productive resources which are currently under the possession of members of the Scheduled Castes and Scheduled Tribes, (ii) improvement of those resources and increase in their productive potential and (iii) a reasonable share in the new resources which are likely to be created in the process of general economic development in the country.

4.24 Land is the most important productive resource base of the poor in our country. The issues concerning land to the tiller and providing effective protection to members of the Scheduled Castes and Scheduled Tribes bulk of whom are share-croppers or unrecognised tenants has been discussed earlier. Building up of assets and providing viable economic base to the poor is an important objective of the Integrated Rural Development Programme (IRDP). However, the benefit of many of these schemes to SCs and STs is only marginal in character and some of the important issues concerning them have been missed. The assistance for asset-building as per the usual pattern of grant of loan and subsidy is studded with procedural hurdles and infected by malfeasance of officials with rather limited coverage. Moreover, bulk of members of the Scheduled Castes do not have a right over the land which they cultivate and, therefore, remain outside their purview.

4.25 The ambit of employment generation programmes is more extensive. However, the wage employment programmes are mainly directed towards building up of community assets whose benefits largely go to the better off sections of the society which accentuates inequity. In some States land development has also been included in the employment generation programmes but has numerous constraints. Therefore, building up of productive assets has not acquired the priority which it deserves. Development of land resources owned by members of the Scheduled Castes and Scheduled Tribes should be given the highest priority in the schemes of rural development which should be taken up as a campaign with a clear time frame. This may include land levelling, bunding and provision of a source of irrigation to the land owned particularly by members of the Scheduled Castes. In the tribal areas where lands are extensive, programmes of building up of assets should be so designed that the command of the people over their resource base continues while the potential and productivity improve, e.g., through a well-designed tree-culture programme.

4.26 The animal husbandry and poultry programmes were expected to provide a major source of supplementing the income of marginal farmers and a new economic base to landless people in rural areas. The achievements under these pogrammes have been rather poor notwithstanding the large financial outlays and the number of beneficiaries reported to have been formally covered under the same. The failure in this vital area with great promise to the poor exposes the nature of underlying forces against equity and justice. Here is an area in which the poor people have the requisite skills. Given the right setting, they could have easily assimilated the relevant new knowledge and mastered the new technology. The extension agency and development administration have failed the poor both in regard to preparing him for the new version of his traditional vocation and the necessary organisational support to deal with the organised market. The poorer people could not take advantage of this great new opportunity because of the faulty design of programmes which did not keep the poor man in focus but made them dependent on others both for technological and organisational support. Moreover, the cost of even small projects is highly inflated since their basic design is elite-oriented which does not take into account the real economies of family-based activities. This inflation has also been artificially prompted by the lure of subsidy. Thus even small projects have tended to become big beyond the capacity of the really poor. The inadequate technological support particularly associated with exotic species and over-reliance on exotic markets with no proper linkages did the last act and banished the poor from the scene, not infrequently with an excruciating burden of debt incurred for an enterprise which proved to be a misadventure.

4.27 The official monitoring generally ends with the disbursal of loan and subsidy and the formal report about acquisition of cattle or birds. The interest of the administration ends here since the vital money transactions would have been made and statistical returns furnished. The stronger sections, waiting in the wings, have successfully hijacked the ship which did not belong to them even through any distant allusion. They have entered the arena and established new fiefdoms in which the place of the poor is that of a serf and mere casual wage-earner. Big poultry farms and dairies have sprung up around big cities which are able to command technological and organisational support and proceed on commercial lines. This is a tragic tale of our development. But all is not lost, there is still time for retrieval. This sector should be exclusively reserved for the poorer people. The existing units should be cooperativised. The future programme should be so designed that these enable the poor to participate therein and take advantage of this great new opportunity.

4.28 A reference has already been made to the problems of the people depending on marginal agricultural lands, non-agricultural land including wasteland and forests inclu-

ding depleted forests. The condition of the bulk of these people is precarious which is becoming still worse as the poor are being deprived of the traditional base of their sustenance without any alternative in sight. It is imperative that a comprehensive strategy for land use is evolved which should call a halt to the process of marginalisation of the poor. All future opportunities therein should be reserved exclusively for the worker, banning entry of non-workers and non-poor in any form. The wasteland is the last frontier and the only hope of the poor in our country to acquire a resource base which they can call their own.

Form of Assistance

4.29 It will be useful at this stage to consider in some detail the form of assistance which the State should provide to the poor people. A basic shortcoming of poverty alleviation programmes has been their over-reliance on assistance a substantial part of which is in the form of a grant. The quantum of grant depends on the economic condition of the beneficiary; the poorer the person the larger the grant. This assistance is ostensibly given for enabling the poor to improve and/or acquire an asset base so as to make him economically viable. This approach is based on a simplistic view of poverty which is responsible for limited success in tackling the basic problem. The viability of a poor person really depends on what he receives as return for his labour, be it in the form of wages or the price of the fruits of labour. As we have noted earlier, there is tremendous bias against workers in the unorganised sector who do not get even a fraction of what they would be entitled to if the valuation of their labour were equitous. This holds almost universally for the unorganised sector irrespective of the calling in which a person may be engaged. Unless the entitlement of the poor in terms of wages is made equitable, assistance in any form will get used up in making up the deficit of his economy pushing him back to the earlier level—below or at best hovering around the poverty line.

4.30 The assistance in the form of grants has another ill-effect. The officials do not care and even need not bother about understanding the philosophy behind this assistance. It is usually taken as a dole to a set of 'undeserving' people who should better work hard and stand on their own. Consequently, there are no qualms of conscience if a part of that undeserved gain is retained by the hand that gives. The beneficiary also usually acquiesces in this situation since he also understands that whatever he gets is after all gratis and through their grace. The project costs are inflated to allow for these cuts. The result is that the real cost of the project ultimately has to be borne by the beneficiary in the form of loan. The economics of such projects does not work that way and the beneficiary is overburdened with loan liabilities which are unsustainable.

4.31 The ex gratia assistance has created a very unseemly situation in rural areas. A dependency relationship between the people and the State is being engendered and the poor are solicitous of even minor favours for the simple reason that that is the easy road to success. This erodes the basic values of life such as dignity of work, self-reliance and a sense of honour and essential equality amongst all men. The corrosion of values amongst the tribal people, who have a fine tradition of self-reliance and dignity, is ominous. The doubtful economic gains through such programmes are inconsequential compared to the damage which they are likely to do to the fine fabric of social life, prticularly when the nation is wedded to establishing the very same value system and an egalitarian social order. The programmes for assisting the poor should appropriately be in the nature of entitlements rather than favours. However, subsidy schemes are too well entrenched to be immediately replaced by entitlement approach. But a beginning must be made particularly in the new phase of positive discrimination in a wider frame outlined above. A suitable employment guarantee should be made universal and automatic so that the long winding procedures are removed and right to work flows naturally through the same. It will also be necessary to ensure that the people do get a reasonable wage and in the process build productive assets which may belong to the wage-earner himself so that he gradually acquires a resource base which can make him viable.

(iv) Ownership of Other Assets

4.32 An equitable share to members of the Scheduled Castes and Scheduled Tribes in the ownership of the new assets which are being created in the modern sector of the national economy is a rather intricate issue. Nevertheless, it must be attended to on a priority basis since those already privileged and nearer the sinews of power are cornering the lion's share in the new opportunities. While accentuation of inequality in any form is undesirable in itself, its caste character is reprehensible and deplorable. It is unfortunate that the far-reaching social implications of inequity have not claimed the attention which these deserve.

4.33 The modern sector is largely city-based. A situation is arising in a number of cities where a person may be able to get a job on the basis of his merit but may be unable to avail of that opportunity since he may not get a place to stay. It may be noted here that in the beginning there was social continuum at the level of higher castes between urban centres and rural areas. This has been further reinforced by the large scale induction in the organised sector of members of higher castes from rural areas. These links are facilitating the influx of those in search of new opportunities. On the other hand, the poorer people particularly the Scheduled Castes are facing a big push from the rural economy with nowhere but the dingy slums to go. This is one of the most inhibiting factors for mobility of members of the Scheduled Tribes even within the

tribal areas, where urban centres are now largely non-tribal enclaves, and the tribal people have not even a foothold to stand on.

4.34 Housing is an important activity both in the public sector and the private sector and ownership of a house is not only a privilege but also a source of big windfall gains for the owners. While there are reservations in allotment of houses built by public institutions like Housing Boards, participation of members of the Scheduled Castes and Scheduled Tribes in private sector activity including cooperatives is minimal. Consequently, members of the Scheduled Castes in urban areas have to contend with living at the margin and in slums. It will be desirable to work out a methodology of spatial integration of members of the Scheduled Castes and Scheduled Tribes. For example, it can be made obligatory for all developers including cooperatives to assign a prescribed percentage of houses or flats, as the case may be, for members of the Scheduled Castes and Scheduled Tribes in their plans on random basis. A scheme should also be worked out for giving concessional terms to them since the better off sections of the community can bear a part of the cost of advancement of the weaker sections as a part of their social obligations. Moreover, in real terms it will not be a sacrifice, it will only mean a little less of the unearned benefits for the privileged. The Government should also provide loan assistance to enable members of the Scheduled Castes and Scheduled Tribes to acquire a place in new development areas. The same principle should also be extended to all shopping complexes developed by the State, Corporations or by private agencies.

4.35 I, therefore, recommend that:

The Government of India may prepare a comprehensive policy paper which may clearly spell out a broad strategy for fulfilling the national commitment for ensuring equitable place for members of the Scheduled Castes and Scheduled Tribes in all spheres of national life. Pending formulation of this policy and preparation of a suitable strategy, the following urgent measures may be taken which will obviously comprise the first step in any such frame prepared for fulfilling the Constitutional obligation:

(i) The entitlement for labour and valuation of skills in the unorganised sector in general and of those vocations in which members of SCs and STs are traditionally engaged should be made equitable through an appropriate law.

(ii) Comprehensive employment generation programmes should be launched with focus on creation and development of assets owned by the weaker section of the community with an equitable share secured for those belonging to SCs and STs.

(iii) The traditional entitlements of those people who have been subsisting on marginal resources like the so-called wasteland should be recognised and the entire future potential of these resources developed in association with the poor preempting all rights in their favour to the exclusion of the non-poor.

(iv) All those economic activities such as animal husbandry, poultry, tree-culture including horticulture which can provide a subsidiary occupation to the marginal farmers and landless labourers should be exclusively reserved for decentralised sector. Centralisation in any form therein should be prohibited by law. A small worker-entrepreneur model should be the rule in these activities. The worker-entrepreneur should be provided in full the necessary financial, technical and organisational support.

4.36 I further recommend that:

The policy of positive discrimination should be made more comprehensive. In particular—

(i) It should be extended forthwith to non-Government enterprises in the organised sector as a part of their social obligation in terms of the national commitment. It may be made obligatory for all joint sector ventures and such corporate bodies as are receiving benefits of institutional finance.

(ii) The policy of positive discrimination should also be worked out by each Ministry/Department/public sector organisation in respect of all economic activities under its purview. They should prepare a comprehensive plan for enabling members of SCs and STs to take advantage of that policy. This plan should include training in appropriate skills in general and entrepreneurship in particular, provision of financial support and guidance during gestation period with a liberal provision for convering risks and unforeseen contingencies for achieving the final goal of establishing members of SCs and STs as economically viable entrepreneurs.

(iii) Due reservation should be made for members of SCs and STs in all new assets such as residential houses and commercial complexes which are being created in the private sector in urban centres through support of the State and/or public institutions such as acquisition of land, provision of funds and such like. A built-in differential in favour of SCs and STs should be kept in all these schemes.

(iv) The Government of India should prepare a special scheme for providing necessary financial support to members of SCs and STs for enabling them to acquire a reasonable share in the new assets referred to in (iii) above.

(v) Special Measures in Tribal Areas

4.37 The new economic opportunities in tribal areas are arising at a point of time when the people are not prepared for participating in the same, nay, they are not even aware about its potential. When a road is built the tribal people move away from it and their land on the road side which acquires site value is grabbed by others. When a township grows the tribals are pushed out or voluntarily retreat yielding the incremental benefits to the non-tribal. It is an irony that when a village is converted into a municipality the properties of the original residents also become subject to taxation. Even a person who may be having a modest dwelling in an expansive style is hit hard for he cannot afford to pay even a moderate tax worked out with reference to the appreciated value of his property about which he may have no realisation. He cannot afford to retain his ancestral home not to speak of other property.

4.38 It is necessary that tribals' economic interests during the early phase of development are protected and they are made co-sharers in the gains of development which are based on using the resources which they have traditionally commanded. The general issue concerning their loss of command in the wake of structural transformation of their economy is quite complex and also vital which will be taken up in a Special Report. At this stage attention may be limited to the ordinary developments in new growth centres in tribal areas. In all plans of development of housing in urban centres in tribal areas not less than 50% of the plots, flats or houses, as the case may be, should be reserved for members of the Scheduled Tribes from the hinterland of that centre as may be specified in each case. There should be no provision for dereservation—let the plots/ sites remain vacant till such time as the tribal people are ready to take them.

4.39 Members of the Scheduled Tribes should also be enabled to become partners in all sectors of new economic activities. For example, all commercial establishments, which are located on tribal lands, should be obliged to have the owners of these lands as partners in the establishment whose contribution should be in kind, i.e., the land on which the establishment stands. The property held by the tribal people in urban areas before they are declared as municipalities should be exempt from taxation until such time as it is not used for hire or commercial purposes.

4.40 A reference was made earlier to the partnership of the tribal people in the benefits of development taking place in tribal areas. This partnership should not be construed merely in the form of wage labour or even a share in other employment opportunities. It should be extended to partnership in the ownership of the ventures. The new enterprises in tribal areas should as far as possible be in the form of cooperatives of those who may be engaged in the production of raw materials or their extraction from forests on the model of sugar cooperatives in the country. For all private sector enterprises including

those in the joint sector it should be made obligatory that the share-holding of the tribal people from the concerned area shall not be less than 50 per cent. In all public sector enterprises a special niche should be carved out for persons directly displaced and those living in the zone of their influence and a suitable share should be allocated in their favour so that they become partners in the venture in the real sense.

4.41 I, therefore, recommend that:

Special measures should be taken to ensure that a reasonable share in the new assets being created and new enterprises being established in tribal areas accrue to the tribal people. In particular—

(i) Fifty per cent of house sites, residential buildings and commercial establishments in all schemes for establishment and expansion of industrial and urban centres in tribal areas should be reserved for members of the Scheduled Tribes.

(ii) It should be made obligatory for all persons including public bodies who may establish an enterprise in a tribal area on land belonging to a member of a Scheduled Tribe to associate him with the enterprise as a shareholder by virtue of the fact that the land belonged to him.

(iii) A suitable scheme should be prepared for partnership and/or shareholding by members of the Scheduled Tribes in all corporate enterprises located in tribal areas.

(iv) The labourers engaged in production of raw materials for industries located in tribal areas should be accorded a special status similar to those directly employed by industry and wherever feasible they should be made partners in its shareholding as also in its management.

(v) The tribal people should be exempt from taxes on their ancestral properties in the event of the concerned area being brought within the jurisdiction of an urban body.

(vi) The Government should provide such support as may be necessary to enable the tribal people to take advantage of these special dispensations.

(vi) Growth Centres and New Townships

4.42 I may now refer to the recent initiative by the Government of India about the establishment of growth centres in different States and also the proposed township

on the maninland near Bombay under consideration of the Government of Maharashtra. The development of these centres and township(s) in these cases is likely to be well-planned ahead of time in contrast to the near unplanned urban growth elsewhere notwithstanding the provisions of town planning. The benefits which are likely to accrue to those who may enter the fray in the beginning, just as in other urban areas, are likely to be colossal. It may be mentioned here that the experience of even planned development so far as members of the Scheduled Castes and Scheduled Tribes are concerned has not been a happy one, for example, in settlement colonies alluded to earlier. The new initiative provides a good opportunity for intervention by the State in favour of the Scheduled Castes and Scheduled Tribes for enabling them to get an honourable entry in the new areas and become partners in their development.

4.43 I, therefore, recommend that:

The Central Government in consultation with the concerned State Governments should prepare a comprehensive plan for enabling members of the Scheduled Castes and Scheduled Tribes to take advantage of new opportunities being created in the proposed growth centres in general and the likely new township on the mainland near Bombay in particular. While the plan should provide for a built-in differential in their favour and such other provisions as may be necessary, the Government may create a special fund for enabling members of SCs and STs to partake in new development.

V

THE TASK AHEAD

Having outlined the broader frame which should be adopted for ensuring equity and justice to members of SCs and STs in fulfilment of the obligation of the State in terms of the safeguards provided for them in the Constitution, the next important question is about ways and means for ensuring that the system really works. This aspect will have to be considered at three levels, viz., at the level of the nation, the institutions and the community. It will be necessary to begin at the national level. Unless the perspectives are clear at that level even a comprehensive plan of welfare and advancement as outlined earlier will not be adequate in the face of the backlash of development which will continue to become increasingly severe while the countervailing forces would remain too weak even to neutralise its effect.

National Ethos

5.2 The national ethos after Independence was unequivocally for social and economic justice in its true spirit which was duly reflected in the Constitutional schema. Even though the basic premises have remained unchanged, it is clear that there has been significant slide back on many a crucial point. The result is that not only inequality is growing but it is being accepted, albeit implicitly inevitable if not a positive attribute and to that extent the social and economic goals are being compromised. The basic question is whether in the ethos in which equity has visibly receded to a secondary position, members of the most disadvantaged communities (on account of their social situation in the case of the Scheduled Castes and a different stage of development in the case of the Scheduled Tribes) in general can be expected to get a significantly better deal compared to other poorer sections of the community.

5.3 This is clearly not possible irrespective of the impression which may be created due to the accrual of benefits of positive discrimination to some of their members. Ordinary members of these communities in an inequitous national milieu will continue to face bias, prejudice and hostility in the larger community of the deprived engaged in the raw struggle for existence. In fact, it is now clear that in the initial enthusiasm after Independence the intricacies of the problems, which would arise in the way of equity and justice and the way the vested interests in the society could realign themselves and reappear with new vigour, were not realised. In a milieu of good faith it was sincerely believed that the inequity was transient

and the normal processes of change in a nation wedded to the establishment of an egalitarian society would be sufficient to make good the initial handicap and neutralise the adverse processes.

5.4 The implications of the premises noted above are best illustrated by the policies relating to the welfare and advancement of the Scheduled Tribes in whose case the safeguards in the Constitution are explicit and comprehensive. The importance of special provisions in the Fifth Schedule to the Constitution has been discussed earlier. But the Scheduled Areas and Scheduled Tribes Commission in 1961, in keeping with the ethos of that time, came to the conclusion that the States could enact suitable laws in the ordinary course for protecting their interests. Therefore, they concluded that extension of the Scheduled Areas so as to cover all the tribal majority areas was not really necessary. The rationale of strong provisions being made in the Constitution under the Fifth Schedule thus got ignored. This was reinforced by the lack of appreciation of the tribal situation at the policy making levels and their belief in general programmes of development being the right answers to their problems. For example, it was under this belief that a number of communities in Uttar Pradesh were not declared as Scheduled Tribes even though they were recognised as aboriginal tribes for a long time during the pre-Independence period. Consequently, they have been denied even the minimal protection which the tribal people elsewhere enjoyed resulting in unprecedented and unparalleled exploitation of these people in the remote recesses of hills and forests on the southern border of that State.

5.5 The most fateful omission with regard to the tribal situation has been non-appreciation of the fact, let alone its implications, that the tribal people are passing through a unique phase in their history when the change is so fast that it is beyond their comprehension and the response of most of the tribal communities to the new challenge by itself is bound to be inadequate. This transitional phase is critical since whatever is lost during this period cannot be retrieved. The tribal people are not only losing command over resources at a very fast rate but are also facing social disorganisation which is unprecedented in their history. It is a pity that these processes are sought to be rationalised and at times are even accorded the aura of inevitability. The situation in tribal areas provides the most propitious setting for operation of not only a variety of malignant forces in complete disregard of the law but even for their operation under the guise of law which could have devastating effect on the community. Much of the exploitation in tribal areas is ironically perpetrated in forms which appear to be innocuous and in pursuance of the normal tasks of the administration under the relevant laws and rules. The traditional style of neutrality in the administration, therefore, is unsuitable for these areas. The administration cannot remain a mute witness to the depredations of the tribal economy by the

vested interests even though the law may not be offended or their masks may carry some attractive designs.

5.6 The tales of woes from tribal areas are hardly heard outside. And when they come they are not taken seriously and are ascribed to some odd lapse here and there. There has been no systematic appraisal of the tribal situation on a continuing basis even though the Constitution enjoins on the Governor the responsibility for preparing a Report on the state of Administration of the Scheduled Areas for submission to the President annually. These Reports are no doubt prepared but in a routine fashion as if for complying with the formality. They do not even touch the delicate subject of the state of administration and are mere compilations of Departmental activities. Even this grave omission in regard to a Constitutional directive has been taken as an ordinary lapse. The result is that the vital role which the administration is expected to play has been lost sight of and its depredations have gone unnoticed. No Government have accepted boldly the adverse effects of malfunctioning of the system with the result that there has been ambivalence in the State's policies, programmes and action. Otherwise how can one explain that even when it is universally accepted that the biggest problem which the tribal people face is the exploitation by the small functionaries of Government and it is also acknowledged that these areas have been treated as punishment postings in almost all the States, years pass by in routine paper exercises and no action is taken on this crucial issue either by the State Governments or by the Central Government? Even communications from the highest level are forgotten within a short period of their issue and the situation continues to go from bad to worse.

5.7 The denial of safeguards to members of the Scheduled Castes and Scheduled Tribes through inaction is a common device which is conveniently acquiesced in by the vested interests. But reference here must be made to some new trends which are at variance with the climate of faith and goodwill alluded to earlier. The incidence of actions taken under the cover of law and misuse of legal processes has risen significantly and the trend is continuing. There are occasions where even the Government Departments do not hesitate to resort to these devices. Relief sometimes can be claimed through intervention of courts but even courts cannot go beyond a point. And their directions can be complied with merely for the sake of keeping to the form without making a significant difference in the real situation.

5.8 There are three typical situations—(i) ignoring the provisions of law and Constitutional obligations, (ii) inequitous actions by officials ostensibly in pursuance of their duty but not in consonance with the spirit of the law or the declared policies of the Government but acquiesced in by the Government and (iii) patently illegal actions by the Government. A few examples from three major areas which concern the Scheduled Castes and Scheduled

Tribes the most—forest, land and wages—and are illustrative of the trend are given below:

Forest

(i) Forest Villages

5.9 With the enforcement of the Constitution on 26 January 1950 begar and other similar forms of forced labour stood prohibited and punishable in accordance with law. The incongruity of the conditions imposed by the Forest Departments on the people living in forest villages, however, continued since those were taken to be as natural as the appearance of flora and fauna evincing no special note. The plea of the Scheduled Areas and Scheduled Tribes Commission (1961) for security of tenure did not make any difference. It was only in Kerala (1969) that the Hillman Rules which govern the condition of living of the people in the forest area were challenged and struck down by the High Court which held that these constituted violation of the fundamental rights, the conditions being in the nature of forced labour. More than five years elapsed before the Government of India took note of this violation and advised the States in 1975 to convert all the forest villages into revenue villages and restore to the people living in these areas the right of freedom guaranteed to the citizens of the country. While some States have accepted this advice, albeit reluctantly at times, some others are still holding on in gross violation of the fundamental rights of the people living there for generations.

(ii) Fight over Droppings of Cattle

5.10 In Madhya Pradesh an enthusiastic young Divisional Forest Officer decreed that the tribal people could not collect in the reserved forests droppings of the cattle which used to migrate in large numbers for grazing during the season under valid permits. According to this officer the droppings constituted a minor forest produce over which the tribal could stake no claim being not provided for under any rule. This deprived hundreds of tribal people who used to get engaged in this activity every season for decades and earn a little money. Representations from the people directly and also through voluntary organisations were of no avail. The District Collector also could not intervene. My own reference to the Forest Minister, when this matter was brought to my notice, remained unreplied.

5.11 Getting no relief from any quarter including the Constitutional authority, a petition was filed by the people. Even that petition which made plea both for equity and justice against illegal action did not make the system respond for review of the orders suo moto by the Department or prevail on the State to undo the injustice. Instead the State decided to support the action by defending it before the Court. The learned Government Advocate appearing for the respondents, i.e., the State of Madhya Pradesh,

used the legal prowess at his command and also the full authority of the State behind him to assert the claim of the State on droppings of the cattle in a cool stoical style without any qualms of conscience. There was not even a semblance of realisation that the learned Advocate was appearing for the very same State which was responsible for providing protection to the very same people on the opposite side, who had been reduced through diabolic processes of deprivation to a state of ignomy where they had to fight for the privilege of collecting the droppings in an area, which at least in their dreams had continued to inspire images of the abode of their ancestors in the bygone golden age. It was fortunate that the Honourable Justice of the High Court accepted the interpretation of the terms used in the law in favour of the people(AnnexureIV). They could resume the collection and make a living, albeit at the sub-human level.

5.12 One wonders what would have been their plight if a somewhat different word had been used in the law, for no one can predict what turn each term in the law may take in future and become the arbiter of the destiny of a people who know nothing about the learned deliberations at the time of its enactment or later when it is interpreted. Nothing happened in this State even after this gross violation of the right to life of a people was exposed and confirmed by the Court. Ostensibly the State must have deemed this violation to be the duty of its officers, not of insignificant consequence to the welfare of the State!

(iii)Wages in Forestry

5.13 In Maharashtra a notification under the Minimum Wages Act was issued on 15-5-1986 by the Labour Department which entitled the forestry workers to a wage of Rs.14 per day. The Forest Department, however, had fixed the wages earlier according to the departmental procedure which envisaged a minimum wage of Rs.7.60 per day only. This notification under the law was ignored by the Forest officers in deference to the provisions in the departmental circular. This decision of the Forest officers cannot have any rationale other than the premise of an exclusive domain or 'government within government' of theirs so far as the forest region in the State is concerned. The Forest Development Corporation of Maharashtra, however, appears to have tripped with regard to this unstated premise and accepted the dictate of the law and started paying the minimum wage as per statutory provision. This was obviously blasphemous. Suitable instructions were issued by the Forest Department. The Corporation was obliged to concede the dictum of the Department notwithstanding the clear authority of law behind its action. It had to revert to the departmental rates in full knowledge of the fact that these constituted violation of the law.

5.14 When this illegal and unjust position came to my notice a reference was made by me to the State Government(Annexure V) in the hope that such an obvious illegality would be removed

and what was due to the people under the law would be conceded once it came to the notice of the Mantralaya, since that was the least which could be expected in a system wedded to the rule of law. It is regretted that this simple belief in the system was belied. The Forest Department held the view, which was obviously accepted by the State Government, that the notification was null and void since the due procedure was not followed by the concerned Department before the issue of notification. The response to a writ petition in the High Court on behalf of the forestry workers was also stoic. It failed to move the Government to see the reason. The Tribal Development Department of the Government was not even aware about the same since no one considered it necessary or worthwhile to inform them. Even my attempt, invoking my role as the Special Officer appointed under the Constitution, to invite the attention of the State Government to the incongruous and also improper situation in which one arm of the very same Government, which was responsible for providing protection against all forms of exploitation to the tribal people, was itself responsible for exploitation of the very same people, also proved to be of no avail. Instead the State Government issued another order which was not only unjust but also illegal according to which 'the implementation of the minimum wages fixed' under the notification was 'held in abeyance until further orders'. No one cared about the void which was created by this notification. My reference to the State Government even on this point failed to evoke any response. The exploitation of the people under the guise of rules but in utter disregard of the law unmindful of the State's Constitutional obligation continued unabated. The rules prevailed as the law remained mute and the Constitution a hapless witness!

5.15 It was only in March 1988 that the minimum wages for forestry were revised, albeit grudgingly. But the authorities were perhaps fully convinced about the equity of the wages which they had been paying till then, for that was what perhaps according to them was due to the tribal people whose needs were not many and also perhaps because they also owed something to the forest which provided them other forms of sustenance. Consequently, they could not reconcile to such a big jump in the earnings of those people. The circular of the Forest Department authorised its officials that labourers in forestry could be engaged for a duration of 75% of the normal working day and could be paid a wage equivalent to three-fourths of that provided in the statute. I have been informed that this practice was in vogue in the Forest Department for some time. But no one seems to be concerned that this may be violative of the law of minimum wages. Moreover, nobody thought it necessary to ponder as to how those who were still guided by the sun and stars could be expected to make fine computation as envisaged in that fiat and

that too in a setting where the Forest Guard was the lord and the forest an exclusive estate. And what will they do with the one-fourth time at their disposal? All these considerations are perhaps not valid since the tribal people live in a different world. That the people who have worked for the Forest Department after the new wage rate was enforced under the law and are entitled to the arrears equivalent to the difference in the wage rate has remained unresolved and my reference on this point unresponded. One wonders whether the Government could have afforded to withhold even for a single day a single dime of what is legally due to the workers, say, in Bombay or Delhi!

Land

5.16 The most ominous development is where some State authorities have boldly taken the course of denying the safeguards in utter disregard of the law concerning land. The most important reason for protective measures against land alienation being ineffective is the tremendous pressure which can be brought about by non-tribals who wield influence and to which the administration also acquiescesin. The restoration of land is resisted to the end by these people. In fact, even patently illegal transfers are sought to be justified on moral grounds and there is a feeling of hurt when the State tries to undo what it considers as unjust. Ironically as the scale of land alienation has become larger, the power of numbers has swung against the tribal people and all sorts of rationalisations are trotted out which evoke a positive response in all forums because what at the moment seems ultimately to matter is the arithmetic of numbers. The injustice meted out to the tribal people in the beginning is forgotten and sympathy is shown to those who may have to give way in favour of the rightful claimants of the land illegally held.

5.17 The way the States of Kerala, Maharashtra and Andhra Pradesh have dealt with the land issues of tribals would illustrate this undesirable trend. The Government of Kerala passed a law for protection of tribal lands and restoration of illegally alienated lands in 1975. This Act was not brought into effect for one full decade. The Government took the next step of notifying the law in 1986 only after embarrassing questions were raised in different forums. And even after they were reluctantly obliged to enforce the law it was made effective from 1982, not even 1975, let alone an earlier date which is what honouring the Constitutional spirit would have required. And the chances are that even after all formal processes have been gone through the law may remain a dead letter for the will to enforce it may be lacking. The population of the tribal people in Kerala is just one per cent and obviously what happens to them cannot be a big concern to those who are concerned about the majority opinion--right or wrong.

5.18 In Maharashtra a secret circular was issued on 31-7-86 by the State Government asking the Revenue authorities not to take action for restoration of lands to the tribal people illegally acquired by the non-tribals in accordance with the provisions of the law in force for protection of tribal people. This circular was obviously not only against the law but was in flagrant violation of the State's responsibility for providing protection to members of the Scheduled Tribes. However, when this matter was brought to the notice of the Chief Minister by me the circular was promptly withdrawn.

5.19 Andhra Pradesh presents an extreme example. The State Government issued an order in 1979 asking the Revenue authorities not to take action for restoration of illegally alienated tribal lands under the provisions of the Regulation in those cases where the person currently in possession of the land happened to be a small cultivator. The High Court of Andhra Pradesh struck down this circular being patently illegal. However, the State Government did not consider it necessary to withdraw this order. The State Tribal Development Department only circulated the decision of the High Court to the Revenue officers. The implicit message was clear. Even though the impugned order was illegal, the officials still need not take action as that was not only the expressed will of the Government but also the real intention. The formal references from the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes as also the Union Welfare Minister did not have any effect. Even a communication from me inviting the attention of the State Government that this amounted to the denial of Constitutional safeguards by the State Government to members of the Scheduled Tribes, which was its Constitutional responsibility, has evoked no response even after a lapse of more than a year. On the contrary, an unusual development took place in Andhra Pradesh. An all party meet was organised on this issue which endorsed the desirability of changing the law itself. Here is a unique situation where the interests of the most vulnerable sections of our community, which are provided safeguards by the founding fathers with great care and consideration, are sought to be negated simply because the rest of the people in the State feel otherwise. It is intriguing as to why the Central Government did not consider this flagrant disregard of the Constitutional provisions by the State Government as a fit enough issue for invoking the powers bestowed on them by the Constitution and issuing a direction to the State Government asking them to withdraw that black order which stands for the negation of the great values for which our Constitution stands.

Wages and Bondage

5.20 While the issue of wages in agriculture no doubt concerns the State of the agricultural economy as a whole, the fact remains that the non-viability of ordinary culti-

vators and their inability to pay higher wages is used as a ploy by those who can afford to pay not only the minimum wages but even more. The ostensible posture of some States to protect the interests of the farmers is really serving as a counteragent to the normal processes of change informing that sector which could bring about a new balance. The pegging down of wages in all works taken up under the employment guarantee scheme to the minimum agricultural wages in Maharashtra deprives the poor of the due benefits of buoyancy in other sectors which instead accrue to middlemen and contractors in the form of huge profits.

5.21 The most ignominous example of dire poverty coexisting with affluence comes from South Gujarat. This region has received substantial benefit of irrigation. The farmers have adopted modern agronomical practices and taken to growing of cash crops, particularly sugarcane. The farmers are articulate and informed having organised themselves in sugar cooperatives and have thus established direct links with the market retaining the full benefit of value-added due to processing and manufacturing. But ironically the Halpatis, one of the weakest tribal communities who have lost the command over their resource base long back in history and have been working as agricultural labourers ever since, not only could not claim even a small share in the benefits of this development but their position has become worse. In fact, one has not to search for labourers in real bondage; they strike the eye anywhere if one only cares to see. They continue to serve in bondage for meagre wages on the estates of the neo-rich farmers whose stranglehold have become still more tight. The resource base of the tribal people in the neighbouring region extending from Panchmahals to Khandesh has got so depleted that it cannot sustain the people even for a few months in a year. Consequently, they are driven in search of employment in all directions including islands of affluence in South Gujarat. These people away from their homes are obliged to work for any wage howsoever meagre. The local farmers have successfully used the myth of local labourers, particularly the Halpatis, being lazy persons incapable of sustained hard work. These migrant sugarcane harvesters work in deplorable conditions and receive not even a fraction of what can be considered to be reasonably due to them in the sugarcane economy.

5.22 A sensitive officer in the Labour Department of Gujarat undertook a realistic assessment of their economic conditions and came to the conclusion that the law of the land was being violated insofar as their wages were far below the statutory minimum wage. However, no action was taken by the Government even though the sugar factories which employed these labourers could not have any justification for paying low wages on account of their assumed incapacity to pay or otherwise. It was left to the goodwill of some voluntary organisations to agitate their case before the Court where the legal battle is continuing even though some concessions have been given.

5.23 That the provisions of the two important laws concerning labour, viz., the Minimum Wages Act and the Inter-State Migrant Workers Act, have been flagrantly violated is crystal clear. But in this the fact that the provisions of the Bonded Labour System (Abolition) Act are attracted has been ignored. When I invited the attention of the State Government to the gross violation of the law by institutions which are supposed to be cooperative and work for the welfare of the people, a formal reply was received. It has been contended by the State Government that there was no violation of the Bonded Labour System (Abolition) Act. It is regrettable that the State Government did not deem it necessary to formally investigate the impugned violation of the safeguards provided for the Scheduled Tribes under the Constitution even after I in my capacity as Special Officer had specifically opined that the conditions of work of migrant labourers in the area were in the nature of bondage as stipulated under the law (Annexure VI).

Mere Formal Compliance

5.24 The most important factor responsible for this state is the formal way in which the Constitutional requirements with regard to the setting up of institutions and their functioning have been attended to without due regard to the underlying spirit. The safeguards incorporated in the Constitution and institutions for protecting the interests of the weaker sections are an integral part of the formal State apparatus. Such safeguards are necessary even in a democratic nation wedded to establishment of a socialist republic because in real life there may be situations where the interests of smaller groups may be ignored and even negated in the face of the interests of the majority. Equity for the smaller groups, particularly those who have a further handicap of social prejudice as the Scheduled Castes and that of being at a different stage of development as the Scheduled Tribes, could not be left to the normal functioning of a democratic system. These provisions, therefore, are really concerned with the spirit of a democratic society rather than the functioning of the formal system in accordance with formally defined democratic processes. But having made the provisions in the Constitution and established the institutions in the system the discharge of those obligations would depend on the way the authorities responsible for running the affairs of the State are disposed towards them. Even here the founding fathers were cautious and incorporated important provisions in the Constitution so that these matters were not subject to the trial of strength amongst different groups in the representative bodies. For example, the necessary devolution of funds for tribal development is a charge on the Consolidated Fund of India. This was done with a view to avoiding this question being discussed along party lines in the legislature. Specific responsibilities alongwith adequate powers in matters concerning tribal welfare have been assigned to the Governor of the State.

But even these arrangements did not work out in accordance with the spirit of the Constitution as has been alluded to earlier.

5.25 I trust that the spirit in which the issues mentioned above have been taken up by me will be appreciated by the concerned authorities. I would urge that it may be ensured that once the question of Constitutional safeguards is brought in, the same is considered in accordance with the spirit of the Constitution rather than in a routine formal way. The Constitution itself has charged the State with the responsibility of ensuring that the interests of the Scheduled Castes and Scheduled Tribes are not compromised merely for considerations of form, procedure or even the law. This is particularly so in the case of tribal people living in the Scheduled Areas. It is expected that the stand of the State in this regard will be unequivocally in their favour. Any wilful neglect of this responsibility at any level is obviously a violation of the spirit of the Constitution even though it may not offend a law. Therefore, any dissonance such as noted in the preceding paragraphs should automatically claim the attention of the Cabinet and the Governor in the State and also that of the Union Cabinet. It is also necessary that suitable modalities are worked out for dealing with cases of wilful neglect of this Constitutional responsibility.

5.26 I, therefore, recommend that:

Suitable provisions may be made in the rules of business of Government for dealing with cases of alleged violation of Constitutional safeguards for members of the Scheduled Castes and Scheduled Tribes. All such cases should claim the attention of the Cabinet and the Governor in the State and the Union Cabinet at the Centre. A convention should also be established and, if necessary, a suitable Central law may be enacted for making a reference to the Supreme Court about those cases in which an authority knowingly acts in a way so as to deny to members of the Scheduled Castes and Scheduled Tribes the privilege of Constitutional safeguards or knowingly refrains from taking appropriate measures for providing effective protection against exploitation. Such wilful neglect, if established, should make the concerned person or persons liable for appropriate action.

Institutional Structure and Organisation

5.27 I will now take up for consideration institutional arrangements for the Constitutional safeguards. There are two aspects in this regard which have to be clearly appreciated. As has been repeatedly referred to earlier, equity to the weaker sections is not just a matter of some welfare schemes and developmental programmes. They are important but come next to what can be considered as a precondition, viz., provision of effective correctives to those operations of the larger system which are respon-

sible for engendering adverse forces affecting the weaker sections. It must be noted here that the institutions and people in the modern sector of the economy have the advantage of moving alongwith the new forces of development. Therefore, the management of those institutions is a comparatively easier task and the people who manage need not possess extraordinary qualities of hand, head and heart. But institutions responsible for ensuring equity for the weaker sections have an extremely onerous task as they have to contend against the forces of development, nay, the tide of time itself. Therefore, these institutions must be exceptionally strong and efficient to be effective. Such institutions have to function like a built-in corrective mechanism within a system the normal tendency of which is to move on, not only disregarding but at times trampling upon the interests of those for whose protection these institutions may have been established. In this context mere establishment of institutions by itself cannot be sufficient. Nay, if the institutions responsible for these corrective measures are themselves weak they will not only be ineffective but even dysfunctional since their presence may be deemed to fulfil the formal requirements as envisaged in the Constitution, yet not discharging the responsibility in the real sense. The existence of weak institutions thus goes against the interests of the poor. They may succumb before the pressure of other powerful interests and may not be able to rise to the occasion needed for defending the cause of the weak in a system which is built on the premise of adequacy of internal checks and counterchecks within itself. A case not represented is better than a case poorly represented.

5.28 It is here that there is ambivalence about the role of institutions responsible for the welfare and advancement of the Scheduled Castes and Scheduled Tribes. Their role as an instrument for countering effectively the general processes of the system which adversely affect these communities so as to ensure an equitable balance has not been really appreciated. At best they become concerned with salvage operations and welfare after the damage has been done. In fact, their intervention at the policy level to ensure that the interests of the weak are not adversely affected in the processof change and development is ignored, if not curtly resented. It is unfortunate that this role of theirs is perceived as negative and as an avoidable irritant rather than being accepted as a positive contribution which they make by standing for equity and justice which is the only sure bet for ensuring that the pace of development is steady and its progression in the right direction.

5.29 The genesis of the above ambivalence can be traced to the design of the administrative structure. The structure of the institutions responsible for the welfare of the Scheduled Castes and Scheduled Tribes follows the common pattern and is exactly the same as that of other functional Departments/Ministries. But in the case of functional organisations the lines of command are clear and the responsibilities are specific. Each one of them has a limited

slot whose size is becoming increasingly smaller with greater specialisation of administrative functions. Some of them are at most concerned with public dealings and not welfare of a people. Usually it is not the administration which goes out to the people but the people are expected to approach the system. Such a structure is obviously unsuitable for the welfare and advancement of the Scheduled Castes and Scheduled Tribes which cannot be fully defined in purely formal terms comprising, e.g., a set of schemes of development. It is generally the better placed and stronger sections amongst the weaker sections who are not only able to take advantage of welfare schemes but also approach the authorities for redress of their grievances. The vast majority of the poor accept all forms of deprivations as destined and are reconciled to live with them.

5.30 The task of a Department concerned with the welfare of such people, therefore, by any standards is a stupendous one. A mixed feeling of awe and admiration engulfs one when one considers the responsibility of the Central Welfare Ministry charged with the task of ensuring equity and justice for one-fourth of the country's population, who are not only facing the ravages of poverty but are struggling against deep-seated prejudice both of the traditional feudalistic mould and the modern development theology. The Central Ministry and the State Departments have to ensure that the innumerable activities—tiny, small and big—taken up by the maze of institutions and organisations in the end make sense to the person whom they are supposed to serve. It is well-known that a small omission in the design or a little dissonance in the functioning of components of a large machine can make the total effort infructuous or may even become a liability to the person whom it is supposed to serve. In administration coordination is a dirty word. Consequently, the question is whether the nodal Ministry/Department has sufficient stature to effect the needed coordination and provide the requisite leadership so that all bits put together yield the desired result. The common feeling is that it is not so.

5.31 It may be recalled at this stage that the Tribal and Harijan Welfare Departments in the States and the Central Ministry in the beginning were mainly concerned with a few welfare programmes under what is known as the Welfare of Backward Classes Sector. The scope of their responsibilities underwent a sea-change after the new strategy for tribal development during the Fifth Plan and for the Scheduled Castes' development during the Sixth Plan were accepted. But their style of functioning has remained more or less the same. The most important element of the new strategy is that the welfare and advancement of the Scheduled Castes and Scheduled Tribes is a national task and all sectoral authorities are responsible for those items which come under their purview. In this frame the Tribal and Harijan Welfare Departments cannot be expected to have direct responsibility of executing specific schemes as during the earlier phase. They should have assumed

a much bigger responsibility of ensuring that the other agencies take their tasks seriously and, what is more important, they themselves would stand by members of the Scheduled Castes and Scheduled Tribes in all contingencies, particularly when they are at odds with the apparatus of the State itself. However, in the absence of due appreciation of this role these Departments have preferred to add to their direct responsibilities in various functional areas as the level of investment in these programmes rose sharply after the Fifth Plan. This makes for overlap of jurisdiction and blurring of responsibilities, the most notable cases being in respect of education and marketing, e.g., in Madhya Pradesh, Orissa and Maharashtra. This results in laxity in control and infructuous heavy overheads. Moreover, what is worse, while the concerned functional Department, say, the Education Department which has the expertise does not feel fully responsible and involved in tribal education, the subject is handled by those who have no competence for the same. This is in contravention of the new strategy and has inhibited these Departments from assuming the crucial role of an effective nodal agency and spokesman of the weaker sections and affected persons. The inevitable result of the above ambivalence is creation of a vicious circle. These institutions have remained weak and they are not even well-equipped for discharging the onerous responsibilities cast on them by the Constitution itself. In the context of non-appreciation of the real roles and lack of strength in the concerned institutions for taking up the great challenges, they seek fulfilment in doing a few tasks here and there which can be projected as their accomplishments and make for reasonable reports. Consequently, these institutions are not prestigious. The assignments therein are not high in the choice of administrative personnel notwithstanding some outstanding exceptions. Some sensitive people do make a choice, even though the institutions are rated low in hierarchy. But these people find themselves at odds as soon as they try to project their roles in the right perspective. When they become more inconvenient they are readily replaced. It is only in the State of Andhra Pradesh that the postings in tribal areas and relating to the Scheduled Castes' development have acquired peer group appreciation in some of the services and are coveted postings. Otherwise more often than not, not only these institutions have a low prestige value, many of those who man them are not equal to the difficult task expected of them.

5.32 The most important task of the nodal Ministry/Department for the Scheduled Castes and Scheduled Tribes is to be continuously apprised of the perceptions of the people and keep abreast of their real situation uninhibited by the constraints of the formal system of which the Ministry/Department happens to be a part. This requirement is at variance with the parameters of normal administrative Departments in whose case the paradigm of the system is supreme and binding. This is not so particularly in the case of tribal affairs in which the Constitution itself envisages the system to be adapted suitably. In the case of ordinary Departments the link with the citizens is

through the political executive and also through interaction with non-officials including people's representatives in different forums. But this limited interaction cannot be sufficient for enabling the organisation to imbibe people's perception. Therefore, the nodal Department will have to go much beyond the normal frame of formal organisation. A system will have to be evolved in which there is continuing interaction between the people and the organisation responsible for the welfare of SCs and STs through channels other than purely official and formal.

5.33 The most incongruous situation in this case arises when the tribal people face the wrath of laws which themselves are incongruous and not in keeping with the spirit of the Constitution. In these cases even force may be used where the issues under dispute may concern genuine rights of the people. In these cases the nodal organisation must act on behalf of the people and provide effective protection to them. I have already referred to the urgent need of a law prohibiting use of force in settling of issues which concern essentially civil matters and a prior report to a designated authority if a situation of that nature is likely to arise before the administration takes any step. There is urgent need for reinforcing the legal provisions for providing effective protection to members of the Scheduled Castes and Scheduled Tribes and refurbishing the administration responsible for their welfare and advancement. In particular, these concern the provisions of the Protection of Civil Rights Act, rights of the tiller of the land, minimum wages and equality of opportunity in the national economy as a whole. The administration responsible for welfare and advancement of the Scheduled Castes and Scheduled Tribes must be fashioned as the strongest arm of Government and the task should be assigned to hand picked persons in consideration of their qualities of hand, head and heart.

5.34 I, therefore, recommend that:

The functions and also the structure of the Ministry in charge of welfare and advancement of the Scheduled Castes and Scheduled Tribes should be urgently reviewed in keeping with the responsibility of the State envisaged in the Constitution. The Ministry should primarily function as a nodal authority and should not be burdened with responsibilities which appropriately belong to functional Ministries/Departments. This Ministry may also be assigned the nodal responsibility relating to the poverty alleviation programmes for they provide the foundation on which supplemental effort can be built. The rules of business in the States and at the Centre should make it obligatory for all functional Ministries to seek concurrence of the nodal Ministry in all matters which may have implications for the welfare and advancement of the Scheduled Castes and Scheduled Tribes before a final decision is taken in that regard in the Ministry or the matter is placed before the Cabinet for consideration. A convention should be established that if the Minister-in-charge of the nodal Ministry concerning the Scheduled Castes and Scheduled Tribes is not the Prime

Minister or the Chief Minister, he should be formally assigned the next position in the Cabinet so that nodal responsibilities can be effectively discharged.

Some Inherent Limitations

5.35 The institutional intervention for equity for the Scheduled Castes and Scheduled Tribes also has another inherent limitation which needs to be consciously overcome. This limitation arises from the fact that these institutions are a part of the formal system which has built-in bias against those who are outside the system. The system is a part of the organised sector which enables the members of that system to appreciate better the problems of those in the organised sector which incidentally also serves their own personal or sectional interests. The weaker sections, to which the bulk of the Scheduled Castes and Scheduled Tribes belong, ex hypothesi, belong to the unorganised sector. Here is the dilemma. The institutions responsible for their welfare, therefore, sometimes take or are obliged to take a partisan approach which may not only be against the interests of these communities but also grossly inequitous.

5.36 The perception of the system with regard to the command over and access to the natural resources alluded to earlier provides the best illustration. This general perception in the larger system inhibits the institutions responsible for the welfare and advancement of SCs and STs from attending to their responsibilities in their true spirit. It is true that the frame of reference for any institution has necessarily to be the law of the land. Therefore, so long as a law is on the statute book, all institutions are expected to accept that as the relevant frame of reference. But here lies an important point. There is no guarantee that a law passed by a State legislature or Parliament must necessarily be in consonance with the spirit of the Constitution. It is clear from the fact that the laws are challenged by citizens and courts sometimes do strike down such laws. That some laws may not be in consonance with the interests of the tribal people is recognised in the Constitution itself by making an extremely flexible and comprehensive provision under the Fifth Schedule to adapt the laws of the land. Moreover, the responsibility in this regard has been vested unequivocally with the executive. It is thus incumbent on the agencies responsible for welfare of the Scheduled Tribes particularly that the legal frame need not be accepted by them as sacrosanct. The frame of reference of these institutions has to be the advancement and welfare of SCs and STs.

5.37 That this role has not been appreciated by the administration is clear from many an incongruous law being extended to the Scheduled Areas notwithstanding the adverse effects which they have on the life of the tribal people. In some cases it is just the ignorance and in some mistaken

perception about the reality. In some cases it is sheer obeisance to the general concern about revenue. The position becomes rather invidious in the emerging context in which the natural resources, which have sustained the tribal people for ages and which they rightfully consider as belonging to them, are acquiring centrality in the national economy. The power elite go by the formal position with regard to these resources according to which the State has absolute right over the same and the rights of tribals are treated as avoidable encumbrances. Their perceptions, therefore, are conditioned by the conventional frame of input-output considerations. And the use of these resources is accordingly planned with full support of reason, law and economics.

5.38 In the context of the above situation the Scheduled Areas in particular present an invidious situation. While the Constitutional schema envisages necessary adaptation of the legal frame to the local situation, the discretion for action, which is unfettered, lies with the executive. Moreover, in this case initiative can come from the executive alone, since the people themselves are unaware even about the nature of issues involved and their representatives are also rather inarticulate. Other enlightened groups in the country are unfamiliar with the variegated situations prevailing in different tribal tracts. And in this background if the executive fails to take initiative in this vital matter, the incongruity between the legal frame and the tribal situation continues as has been alluded to earlier in numerous contexts. In fact, even a formal procedure has not been attempted for ensuring that a law not compatible with the tribal ethos is not extended to a Scheduled Area or any part thereof or is extended with suitable changes. There are instances where extension of an inappropriate law has evoked sharp reaction from the people. But more often than not even such laws are tolerated with unhappy consequences for the people.

5.39 Here is a strange situation. An incongruous law may prevail not because a conscious decision has been taken to that effect but simply because the executive has failed in discharging its Constitutional responsibility. This position in relation to the Fifth Schedule areas stands out in contrast with the situation in the Sixth Schedule areas since any extension of general laws in the latter case is subject to a process prescribed in the Constitution itself. This has saved the Sixth Schedule areas from being inundated by laws not compatible with the local situation. In the absence of due adaptation of laws before their extension to the Fifth Schedule areas the potential rights of the people inplicit in the Constitutional schema remain unrealised. Moreover, the people are even penalised for violation of such laws—the most obvious example being that of excise—for no fault of theirs. This is, to say the least, an incongruous situation which should be urgently considered at the highest level and also engage attention of the Supreme Court in the interest of natural justice who may consider giving such directions as they may deem fit in the circumstances mentioned above.

5.40 I, therefore, recommend that:

(i) A suitable procedure should be instituted for a regular review of the ordinary laws before their extension to the Scheduled Areas as they are or with such adaptation as may be necessary in each case.

(ii) The unhappy situation arising from non-action by the executive in regard to due adaptation of laws may be considered by the Supreme Court for such directions as they may deem necessary in that regard.

Living Touch and Monitoring

5.41 An important task of the nodal Ministry/Departments in the context of the above situation is to devise suitable modalities so that they can have a clear perception of what the people are feeling about their own situation and what the Government propose to do for them. There is hardly any monitoring in this sense which is real and crucial. What is being monitored is only the outlays and expenditure and some figures about beneficiaries. These figures do not tell much as we will see presently. The functioning of the Research Institutes concerned with the Scheduled Castes and Scheduled Tribes has been routinised. They are hardly throwing any light on issues vitally concerning the welfare and advancement of the Scheduled Castes and Scheduled Tribes.

5.42 Let me begin with the simplest items like the flow of information. As noted earlier, even the figures about outlays, expenditure, etc., for the welfare of the Scheduled Castes and Scheduled Tribes leave much to be desired. In most cases the information for each item has to be specially collected on each occasion. There is no reason why all the organisations and institutions should not organise their information flow in such a way that what they are doing in discharging their Constitutional responsibility towards the welfare of the Scheduled Castes and Scheduled Tribes becomes known for self-appraisal in normal course as is being done in the case of reservations in services which touches only a small part of the complex issues of equity and justice. For example, the Reserve Bank of India collects information regarding the large-sized multipurpose cooperative societies and the Education Ministry collects information about enrolment, etc., as a part of the normal flow. This practice can be easily adopted by other organisations.

5.43 There is no baseline data about status of the economy of the Scheduled Castes and Scheduled Tribes nor is there any attempt to generate a time series which could give the trend. In the absence of this realisation on behalf of various Departments even detailed exercises by them miss the tribal realities for the simple reason that the ordinary parameters adopted for general studies may not be capable of giving correct picutre of the tribal situation. For example, the major crops of tribal areas

are lumped together as 'others' in the standard proforma of agricultural statistics and rightly so because they account for a small part of the agricultural produce in the country as a whole. But such statistics are of no use even for a preliminary review of the tribal economy, let alone detailed planning. The vital variations in the local situations, which is one of the distinguishing characteristics of tribal areas, are averaged out even at the Block level, yielding no information about the reality. Village-wise presentation of available social service may not convey anything worthwhile about their status for the tribal people for whom the relevant unit is the hamlet and not the village which may at times comprise scores of them scattered over a large area. Similarly authentic information on shifting cultivation, even about the number of tribal people depending on shifting cultivation wholly or partly, is not available to date notwithstanding the most detailed agricultural census every five years.

5.44 I, therefore, recommend that:

(i) The Government of India should prepare a status paper about the social and economic conditions of the Scheduled Castes and Scheduled Tribes in the country for the year 1989 which should also give an estimate about the differential between the levels of development of SCs and STs and the rest in different parts of the country based on sample surveys and indepth studies. This should serve as the bench-mark for assessing the level of development in the coming years.

(ii) The bench-mark survey may be followed by an annual reconnoitre survey which should aim at keeping track of the trends.

(iii) The next comprehensive study should be undertaken in the last year of the Eighth Five Year Plan for assessing the levels achieved, identifying the gaps and determining the effort for their advancement during the next Five Year Plan.

(iv) Each functional Ministry should prepare a status paper on the economic situation of the Scheduled Castes and Scheduled Tribes in relation to their respective areas of responsibility.

(v) The normal information flow in each Ministry should be reviewed and suitably revised so that necessary information relating to SCs and STs is available as a part of the normal flow.

(vi) The responsibility for the bench-mark survey, quinquennial comprehensive survey and annual reconnoitre survey should be entrusted to the National Sample Survey Organisation which has the necessary expertise. The NSSO should be suitably assisted in this regard by various organisations including the Tribal and Harijan Research Institutes in the States.

Peace and Good Government in Scheduled Areas

5.45 The measures suggested above are necessary for dealing with general matters concerning SCs and STs. But the position of the tribal people living in the Scheduled Areas is unique which has been referred to earlier in numerous contexts. In their case peace and good government of the relevant areas are crucial, which is also the focus of attention in the Fifth Schedule. It is regrettable that the biggest default with reference to the Constitutional safeguards for the tribal people has been in this vital matter. Consequently, the situation in tribal areas is not a happy one. There is simmering discontent throughout the tribal regions over the issue of command over resources including land and forests. Displacement due to establishment of new projects is assuming menacing proportions. It has led to a state of confrontation in many areas. Still, as noted earlier, no action has been taken by the States under the provisions of the Fifth Schedule for streamlining the administration which can provide a firm base for peace and good government in tribal areas. Since the Governors of the States have not taken the initiative expected of them under the Constitutional provisions, it is time that the Union Government take the initiative and issue suitable directions and ensure their compliance.

5.46 The state of peace as envisaged in the Constitution cannot be restored in tribal areas unless the basic causes of the conflict are removed. The Regulations for peace and good government in the Scheduled Areas, therefore, should in the first instance provide for effective protection to the tribal people against exploitation in all forms irrespective of the fact whether individuals, institutions or even the laws of the State itself are behind them. They should also create conditions for engendering of countervailing forces which may effectively check the processes of deprivation let loose in these areas.

5.47 The following are some of the major issues which should be specifically covered under these Regulations:

(i) Credit and Marketing

The worst form of exploitation in the tribal economy is through usurious moneylending and marketing operations. While some States have prohibited private moneylending, others have generally regulated the same. The importance of weekly markets in the tribal economy has not been appreciated. There are no Regulations governing the operation of traders in these markets. It is essential that private moneylending is stamped out and fully substituted by co-operative credit. Similarly the variety of malpractices plaguing marketing in tribal areas like advance purchase of crops should be made penal offence. The working of the weekly markets should be brought under the control of the people's institutions at the village or a group of villages level.

(ii) Land Alienation

5.48 Even though some Regulations have been promulgated in different States, the tribal people are not enjoying effective protection. The Regulation should draw upon the experience of working of earlier Regulations and plug all the loopholes effectively. I may reiterate my earlier recommendation that these Regulations should in particular provide for (i) complete ban on transfer of land from tribals to non-tribals—this provision should include the tribal women married to non-tribals in all cases other than in a matrilineal community so as to stamp out the nefarious practice of acquiring land through marriage, (ii) regulation of transfer of land from members of one tribal community to those of another tribal community in view of the phenomenon of growing differential in the pace of development amongst them, (iii) prohibition of sale of land by credit institutions and Government agencies for realisation of their dues and (iv) right of preemption in favour of the tribal people in all future sale of land. Illegal acquisition of tribal land should be made a penal offence. Similarly re-entry on lands restored to the tribal people should attract a deterrent punishment.

(iii)Management of Forests

5.49 The Regulation should unequivocally recognise the right of the tribal people to collect the MFP and prohibit levying of royalty by the State. All processing of the MFP should be through cooperatives of tribals with a provision that the benefit of value-added should accrue to the primary collector of the forest produce. The Regulation should provide for partnership of the tribal people in all forest-based industries as also in the management of forest resources.

(iv) Excise

5.50 The Regulation should (i) remove the dissonance between the social custom and the State law and (ii) provide for authorising the community at the village level (as distinct from the formal institution of Gram Panchayat) to manage and regulate the preparation of the traditional drinks for individual and social purposes. This should include the powers to impose penalties on deviants and to enforce prohibition if there is a general consensus in its favour particularly amongst women in the village. The Regulation should prohibit all commercial vending of liquor in tribal areas except in non-tribal enclaves such as industrial areas in whose case the vending should be exclusively through Government-owned shops.

Activities of Undesirable Persons in Scheduled Areas

5.51 A number of unscrupulous persons have found their

entry into tribal areas particularly through the channels of excise trade and as musclemen of contractors and traders. These elements do not take kindly to protective measures. The moment action is initiated by the administration they get busy with perfecting new devices to nullify the same. Moreover, finding their routes blocked on one side, they invent new methods for exploiting the simple situation. A special provision should be made for (i) identification of undesirable persons in tribal areas, (ii) regulation of their activities and (iii) their summary eviction from the Scheduled Area or any part thereof, should the situation so warrant. The Regulation should make incumbent on the administration to identify such persons and initiate suitable proceedings suo moto.

Self-Governance by the Community

5.52 Good government is no substitute for self-government is a universal principle accepted in all civil societies. In the case of tribal areas where the tradition of self-management is still in vogue, self-governance is also the best bet for good government. A major contributing factor for lack of peace and tranquility in tribal areas is the waning authority of the community, interference by exotic agencies even in matters concerning their day-to-day life and their growing dependence on others in matters such as right over land and access to other resources. Since the community life in tribal areas is still vibrant and capable of managing its internal affairs it will be in the general interest of the people and their well-being if their authority is not allowed to get eroded. It will also help in engendering a sense of self-confidence amongst the people to face the new challenges from all sides and maintenance of their proverbial idyllic milieu.

5.53 In view of the above situation as large an area as possible should be brought within the purview of specially constituted local institutions. These institutions should be responsible to the people of the village and not to any higher authority either in the administration or even formal representative institutions. The provisions in the Sixth Schedule could be taken as a model though with a difference. The responsibility in this case should vest with the local institutions directly responsible to the community and not to a formal representative institution like the District Council. It should be incumbent for these institutions to work in open forums and report to the village body regularly. They should be given the authority for (i) management of land and forest, (ii) establishment and management of social services including educational and health institutions, (iii) maintenance of law and order and (iv) adjudication of all inter-personal matters other than heinous crimes. The Regulation should also make it obligatory on the State to transfer adequate resources for these functions so that there are no financial constraints for their effective functioning.

Single Line of Simple Administrative Structure

5.54 Another prerequisite for good government in tribal areas is that the administrative structure should be in consonance with the undifferentiated simple socio-economic situation. Moreover, the officials should be vested with adequate powers—financial, technical and administrative—for discharging the responsibilities assigned to them. With a view to keeping the administrative structure simple, functional and efficient the personnel in tribal areas should be liable to assume multifarious responsibilities notwithstanding the limited charter of the organisation to which they may belong consistent, however, with the technical requirements for the relevant tasks. The Regulation should provide the statutary base for (i) the unity of command at the level of the Block and the Project which are the basic units for planning administration in tribal areas and (ii) vesting of necessary powers with the nodal authorities at these levels cutting through the normal administrative hierarchy. The administrative authorities at the level of the Block and the Project should be made responsible to suitably constituted bodies which may comprise both the traditional and the new leaders of the people and their representatives.

Disciplining the Administrative Personnel

5.55 The administrative personnel in tribal areas wield tremendous authority simply by virtue of the colour of their office. Moreover, they tend to support each other with the result that the tribal people are defenceless against the authoritarian methods of the lower bureaucracy. This situation is in contrast with that in advanced areas where the people are more articulate and conscious of their rights and understand the nature of the authority which an official can use. The Regulaion should provide for a special Code of Conduct for officials working in tribal areas. In particular, (i) there should be complete prohibition of acquisition of properties by the officials including their relations, (ii) stringent penal provision for misuse of authority in any form against the tribal interests and (iii) summary disciplinary proceedings against the officials on lines similar to those for persons in uniform.

5.56 Besides the formal changes outlined above the first major task towards giving good government to tribal areas will be to screen the officials working in these areas and summarily remove those found not suitable. It should also be ensured that postings in future to these areas are not done as a matter of routine and in no case should undesirable persons find their way to these areas as a matter of punishment or otherwise. A suitable mechanism of screening of undesirable elements and preventing their possible entry in future should be incorporated in the Regulations which should be made a special responsibility of specified officers.

Creation of Sub-cadres

5.57 In some States tribal areas comprise a substantial part of their territory. In these cases a provision like making it obligatory for an officer to spend a few years in tribal areas does not work. Ultimately only willing persons and undesirable ones barring a few exceptions remain there. The logistics of the situation in these States would demand that every officer in State services ordinarily should serve for a substantial part of his career in tribal areas unless he is specially favoured or can avoid the same consciously. This uncertainty creates a lot of psychological problems which is not in the interest of good government of the Scheduled Areas. It is necessary that placement of officers is systematised. Since every officer in these States must serve in tribal areas for a minimum period, it would be preferable that he serves in these difficult areas while still young and when he has comparatively less responsibilities. The Regulation, therefore, should provide for creation of sub-cadres in all major State services with a stipulation for service in tribal areas, say, for 10 years or so at the beginning of the career.

Protection against Backlash of Development

5.58 An important concomitant of good government in the Scheduled Areas is to ensure that the tribal people are not subject to backlashes of development. The responsibility to protect the tribal people from backlash of any description whatsoever should be specifically assigned to designated officers who should be authorised to take such action as may be necessary to protect the people. No bona fide action taken by such officers in pursuance of their responsibility to discharge this legal obligation should make them liable for any action, legal or otherwise, by any person or authority whatsoever. Moreover, notwithstanding anything contained in any law or in any contract entered into by a tribal, he should be protected from incurring any liability by virtue of taking a loan or otherwise for any scheme of development, which may have been taken by him in good faith but does not yield the desired benefits as stipulated in that scheme. This will provide immunity to the people against acts of omission and commission of the officials of the State, cooperatives, banks and other institutions. The concerned administrative authorities should be obliged to sort out the matters arising from this stipulation amongst themselves and assign the responsibility for the failure of the scheme as also the associated liability.

5.59 The issues concerning the access to and command over resources, the denial of this right in the wake of alternative uses of the same and not only their rehabilitation but also participation in the fruits of development are quite complex which should be dealt with in a separate Regulation covering all these aspects. In particular, it will be necessary to redefine 'public purpose' in the

context of tribal areas in whose case the relative size of a community vis-a-vis other interests cannot be the basis for adjudication about public purpose Similarly two basic premises on which the law of land acquisition stands, viz., (i) the land is negotiable and can be equated with money and (ii) each person can be considered as a separate entity for the purposes of determining his entitlement, do not hold good in tribal areas. In fact, the action under the Land Acquisition Act in the Scheduled Areas is legal no doubt, but ironically renders the tribal vulnerable and denies in effect the safeguards provided for in the Constitution. This question will be dealt with in detail in the Special Report.

5.60 I, therefore, recommend that:

Comprehensive Regulations for peace and good administration of the Scheduled Areas should be prepared by all the concerned States forthwith. These Regulations should, inter alia, include provisions for—

(i) establishment of a single line of administrative authority in the Scheduled Areas;

(ii) creation of sub-cadres for tribal areas in all State services;

(iii) a special code of conduct for public servants with provision for summary disciplinary proceedings;

(iv) establishment of suitable institutions at the village level answerable directly to the people in conformity with the local tradition for self-governance. These institutions should be responsible for all day-to-day matters including management of land and forest, excise, maintenance of peace and settlement of all disputes other than heinous crimes;

(v) regulation of weekly markets;

(vi) surveillance over the activities of undesirable persons; and

(vii) protection against backlash of development.

Review of State of Administration of Scheduled Areas

5.61 The Regulations for peace and good government of the Scheduled Areas by themselves will be inadequate unless the system of review of administration of the Scheduled Areas is fully institutionalised. The Reports of the Governors on the Administration of the Scheduled Areas currently comprise a mere narration of activities particularly of the Welfare Departments in these areas. They hardly touch the basic issues of peace and good government concerning the common man there. Nor is there any review of these

Reports at the national level. In fact, the concept as to what constitutes good government and what should be reported by the Governor are not clear. In the absence of this exercise even the specific provision regarding the raising of level of administration of the Scheduled Areas to that of the other areas in the State in the first proviso to Article 275(1) of the Constitution has remained inoperative.

5.62 The irony is that it was because of this specific Constitutional provision that the vital question of the state of administration in the Scheduled Areas remained outside the purview of the Finance Commission as well. In a clarification to the query by the Second Finance Commission about the scope of its terms of reference with respect to the aspects specified in the two provisos, it was concluded that the "the effect of provisos to clause 1 is thus to carve out an exception to that clause by taking away the powers conferred on Parliament under its substantive part". It was further added that "it is open to the State to sponsor schemes at any time not necessarily once in five years, being the period during which a Finance Commission is normally constituted under Article 280 of the Constitution". In other words, the approval of the schemes and the grant of financial assistance for them go together and since this is a continuous process it is appropriate that these matters are left to be dealt with between the Government of India and the Governments of the States without bringing the Finance Commission into the picture. And the matter that was better "left to be dealt with between the Government of India and the Governments of the States" as a part of a continuous process has not come up for consideration between them even for once since the process still remains to be initiated even 38 years after the adoption of the Constitution by the nation.

5.63 The decision of the Finance Commission not to consider the special problems of tribal areas as a part of the substantive provision of Article 279 was not in consonance with the spirit of the Constitution. The provision under the first proviso to that Article, in accordance with the general schema for the welfare and advancement of tribal people, is in the nature of supplementing the general effort made by all authorities and institutions as a part of the normal activities under their purview. This position was, however, corrected, even though partially, by the Seventh Finance Commission. The Ministry of Home Affairs and the State Governments for the first time presented to them the special problems of tribal areas with the request that additional provision might be made as a part of the general award to the States under the substantive provision of Article 279. This view was accepted by the Commission. However, they allowed only a small amount for housing and compensatory allowance for employees working in these areas 'to overcome their financial and other disadvantages'. They, however, did not concede other requests as they were 'unable to appreciate the logic behind the proposals'. The Eighth Finance Commission besides making provision

for compensatory allowance and housing also provided for infrastructural facilities. While the Commission were appreciative of the fact 'that living conditions in tribal areas entail considerable hardships' they felt themselves 'handicapped in assessing the quantum of outlay required' because 'no details are forthcoming about the number of Government servants working in the tribal areas who are still to be covered by the scheme of compensatory allowance'. Not a happy comment about the concern of the States for the quality of administration of the Scheduled Areas!

5.64 It would appear that the allocation of funds by the Finance Commission under substantive clause of Article 275 has been confused with the special allocation under the first proviso to that Article, even though this distinction was maintained by the Government of India in their memorandum before the Seventh Finance Commission. It was stated therein that the proposals might be taken as "a part of long term perspective for improving the quality of administration" in the Scheduled Areas. It was added that "a continuous review would be necessary for fixing the base investment in each State from year to year, for providing supplementation as may be decided by the Finance Commission and for identifying further gaps in terms of the first proviso to Article 275(1). The periodical review should lead to a clearer presentation of the tribal situation before the next Finance Commission." But even this promise remained just an intention. While the special Constitutional provision remained inoperative for another long spell, the case of tribal areas has largely gone by default even before the Eighth Finance Commission since the memoranda lacked even the basic data, let alone the qualitative aspects and refinements which should have been worked out to make the administration capable of ensuring in these areas 'peace and good government' as envisaged in the Constitution. This situation of ambivalence needs to be corrected forthwith.

5.65 I, therefore, recommend that:

Even though the specific issue relating to 'the raising of the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State' mentioned in the first proviso to Article 275(1) of the Constitution is outside the purview of the Finance Commission, the Government of India may henceforth include the administration of the Scheduled Areas as a special term of reference of the Finance Commission to ensure that the ordinary needs of the administration of these areas, as distinct from the requirements for raising its level, are separately assessed keeping in view their specific situation and are adequately provided for. Suitable guidelines should also be issued by the Government of India to the State Governments for presenting the case of the Scheduled Areas systematically to the Finance Commission, bringing out clearly those features which may need special attention of the Finance Commission.

5.66 The review of administration of the Scheduled Areas is crucial for maintenance of peace and protecting the tribal people against the adverse forces and backlash of development. This can be the only reliable and firm foundation for welfare and advancement of these people. Such a vital issue cannot be left to the routine which may be followed in each State. The Union Government have a special responsibility in this regard. The executive powers of the States in relation to the Scheduled Areas are not as extensive as for other areas and are subject to the provisions of the Fifth Schedule. The Union Government have the power to issue directions to the States about the administration of the Scheduled Areas and thus by implication are charged with an onerous responsibility about the same. A part of this responsibility of the Union Government, that is, concerning the funds which may be needed for raising the level of administration discussed above has been adequately provided for in the Constitution.

5.67 Since the quality of administration holds the key to welfare and advancement of the tribal people, its appraisal should appropriately be a continuous process. For example, a review of the administration can be taken up before but independent of the Annual Plan discussions of the State every year. A clear procedure may be set out for review of the administration of the Scheduled Areas at the level of the State Government and also the Union Government.

5.68 All the States having Scheduled Areas may be required to prepare preliminary reports on the administration of the Scheduled Areas in accordance with the guidelines which may be prepared for this purpose in consultation with the States. The concept of good government may be clearly spelt out in terms of various parameters, both qualitative and quantitative. The Regulations for good governance of the Scheduled Areas outlined earlier can be taken as a frame for this discussion with such supplementation as may be necessary in each case. The preliminary report should be accompanied by a financial memorandum incorporating funds for such items as may be necessary for raising the level of administration in terms of the first proviso to Article 275(1). The preliminary report may be submitted to the Union Government by a stipulated date every year. The same may be discussed in an official level Review Committee which may comprise, inter alia, representatives of the nodal Ministry in charge of Tribal Development, the Planning Commission, the Ministry of Home Affairs and the Department of Personnel. The State Government may suitably revise the Administration Report in the light of the deliberations of the Review Committee. The revised report of the State Government should form the basis of the Governor's Report on the Administration of the Scheduled Areas to be submitted in due course to the President. These Reports of the Governors should be processed by the nodal Ministry and placed through a Cabinet Committee which may be specially constituted, inter alia, to review the administration of the Scheduled Areas. The Committee should hold a special discussion with the Chief

Minister of the State. All items in the financial memorandum which may be mutually agreed to may be provided in full to the States in terms of the Constitutional provision in that regard. A comprehensive review of the state of administration of the Scheduled Areas should be placed before the Governors' Conference and finally before Parliament.

5.69 I, therefore, recommend that:

The administration of the Scheduled Areas should be reviewed annually by a Cabinet Committee in the Government of India, specially constituted for that purpose, based on the Reports of the Governors on the Administration of the Scheduled Areas submitted to the President under the Fifth Schedule to the Constitution. The procedure for preparation of the Governor's Administration Report may be laid down as suggested in para 5.68. The Report should be accompanied by a financial memorandum which may, inter alia, contain a statement of outlays necessary for raising the level of administration of the Scheduled Areas.

5.70 I, further, recommend that:

Since the Finance Commission have accepted the need for compensating the officials for working in difficult conditions and also for providing physical facilities and incentives, the need for such a comprehensive scheme is established. As a first step towards raising the level of administration in the Scheduled Areas, the Government of India in consultation with the State Governments, therefore, should draw up a comprehensive scheme of graded compensation and incentives which should take into account the inaccessibility of the place of posting, the level of social services available, the climate and such other factors for determining the quantum of compensation and incentives. The funds for this purpose may be provided by the Government of India in terms of its obligation under first proviso to Article 275(1).

VI

THE PEOPLE AND THEIR INSTITUTIONS

Mobilisation of the People

The need for strengthening and suitably equipping the institutional framework can hardly be overemphasised. But no external assistance to the people can become a lasting solution to the problems arising from clash of interests and hardening of lines. It is imperative that members of SCs and STs are themselves prepared for facing the challenge. Wherever education has advanced and there is diffusion of knowledge the people have been able to assert for themselves. Nevertheless, the normal processes particularly in tribal areas are so slow that it will be gross injustice to wait for those processes to become strong enough for meeting the challenge. Mobilisation of members of SCs and STs, particularly the latter, therefore, should be an important item on the agenda concerning their welfare and advancement.

6.2 The voluntary organisations have played a valuable role wherever they have been able to induct dedicated persons. The State's support for mobilisation of the poor is rather limited notwithstanding the fact that it has been accepted as an integral part of poverty alleviation strategy. Moreover, even where such support is forthcoming there are inherent limitations in a situation where the concerned people may be struggling against the malfunctioning of the administration itself, as is the case with the tribal people. And in case a voluntary organisation strikes roots and gains confidence of the people it tends to get detracted from its main objective. Its support is coveted by political parties which makes it difficult for them to remain neutral and continue objective espousing of the cause of the poor.

6.3 Another serious limitation of State assistance for voluntary work arises from the need for performance appraisal. In mobilisation work the assessment of individual's contribution with reference to certain quantifiable indicators is not possible, which is otherwise so easy, e.g., for institutions engaged in specific social service activities like education, health, etc. Consequently, if the activities of an organisation are limited to mobilisation, there is no real check in a formal system for ensuring that the assistance is being used for the intended purpose. Such organisations may be used just as a ploy for getting funds from the State and may be treated by the administration as a fund giving device to the favourites.

6.4 The role of the State-aided voluntary agencies

with regard to mobilisation can, therefore, be only limited. Some of them are doing commendable work particularly in remote areas where they have established educational and health institutions. But the scope of these activities also cannot be large since the real strength of voluntary organisations is the smallness of their operation. If their work expands beyond a point they are also likely to be bogged down with the problems of management as in other bureaucratic organisations. Moreover, the social services are to be provided by the State and what is necessary is that the general quality of these services improves. The small isolated effort, howsoever commendable, cannot be a substitute for an effective and efficient State programme.

6.5 The work of mobilisation of the poor needs an informal support structure. Unfortunately private funds for voluntary social work are almost non-existent notwithstanding the emergence of an outsized class of neo-rich in the country. The experience of inducing industrial houses in philanthropic work has not been a happy one but for a few exceptions. Even in their case the work amongst the Scheduled Castes and Scheduled Tribes did not receive any attention. It is an irony that the major support for voluntary organisations, particularly for those which are presently working in tribal areas, comes from foreign organisations. The voluntary workers in these cases ostensibly enjoy a lot of freedom of operation and can also work for sensitization and mobilisation. But mobilisation through foreign assistance, particularly in sensitive areas of a country, has its own limitations and cannot be allowed to go beyond stringently prescribed limits. Consequently, whatever may be the formal stance of voluntary organisations receiving foreign aid, their role in mobilisation cannot but be limited. Their position is bound to become incongruous when their programme brings them in confrontation with the local administration. Here again is the question of the general national milieu. Much will depend on how the sensitive people in the country respond to these challenges facing the weaker sections of the community.

6.6 Having said this, it cannot be conceded that the State can absolve itself of the responsibility of providing the needed support to the people even for their mobilisation against adverse forces, even though they may be emanating from the processes of development or the State's own actions. The State is duty bound to do so, for example, in the case of the Scheduled Castes and Scheduled Tribes, particularly the latter. And this is feasible though within reasonable limitations. The most promising area in this respect will be to channelise the ferment amongst the educated youth some of whom are keen to participate in constructive programmes. A significant number of young men and women are in search of a challenge and a purpose. They are joining voluntary organisations and even extremist groups at considerable risk. But many of them get disillusioned as the scope of work in voluntary organisations cannot sustain their interest for long, particularly because of

the problems which they face when basic issues get involved and the struggle against the system through extremist methods proves to be a blind alley. The Government may prepare a plan for involving students, specially those belonging to SCs and STs themselves, for mobilisation work during the course of their educational career, say, after their secondary examinations on a voluntary basis. A Student Volunteer Corps could be organised comprising those students who may agree to work back in the village for one full year alongwith the people participating in their ordinary tasks and in the process also organise the people and sensitize them about their rights and responsibilities. It is important that this period should not be less so that non-serious students do not enter. It should not be more either so that it does not degenerate into a job opportunity. Volunteers may be given a subsistence allowance. These students could be given credit for this work if they resume their studies at higher levels and also in the matter of employment by recruiting agencies.

6.7 I, therefore, recommend that:

(i) Suitable forums may be established at the Block, district, State and national levels for a continuing dialogue with those social activists/voluntary organisations who are primarily engaged in the mobilisation of the Scheduled Castes and Scheduled Tribes and resolution of conflict situations which may arise from time to time on various issues with the local officials.

(ii) The Government may consider organising a Student Volunteer Corps, particularly those belonging to the Scheduled Castes and Scheduled Tribes. Each volunteer may work for a year in the Corps and do mobilisation work through participation in the ordinary economic activities of the people. The student volunteer may be given subsistence allowance equivalent to minimum wage prevalent in the area. This work of volunteers should be accorded academic recognition and should also be given some weightage later in recruitment to services.

6.8 Reference at this stage may be made to the damage done to the tribal communities following the superimposition of an exotic formal system and the disregard of their tradition of managing all facets of people's life through informal institutions of self-governance. The tribal people, like others, are now dependent for almost everything concerning their life on city-based institutions whose ways they do not know. The result is that their rights over land are at the mercy of the Patwari who maintains the records and their access to the forest is dependent on how the Forest Guard behaves. What a tribal owes to the moneylender is decided on the basis of a paper on which he might have put his thumb-impression according to the

procedure prescribed under the law, which may have nothing to do with the actual transaction. Disputes of all descriptions have to be settled in a court of law which costs and costs heavily. Even when his honour is at stake he must approach a police station, only to find an appropriate preemptive entry registered by the culprit in which sides change and the victim becomes the accused. No wonder the most ardent desire of a tribal is to be left alone!

6.9 Even the Panchayat Raj institutions have not made much difference to the tribal people. These institutions are also a part of the formal system and have to function in accordance with the rules and procedures as may be prescribed. Moreover, they are hierarchical and responsible to institutions and authorities at higher levels—far away from the mass-roots which they are supposed to serve. The representatives of the tribal people in these institutions are generally unaware about the way of their functioning. Therefore, they are liable to be led by the articulate, whose number may be small, or by the officials. Moreover, even the people's representatives can tend to acquire vested interests particularly when they are not subject to the scrutiny of the people who know the facts. The mere formalities are not difficult to comply with specially when the officials also become a privy.

6.10 In contrast to the situation in the Fifth Schedule areas in middle India, the tribal communities in the North-East are governed by the Sixth Schedule which specifically provides for self-governance with regard to all matters concerning their day-to-day life. This includes management of land and forest resources, adjudication of disputes and criminal acts of individuals. The jurisdiction of the police does not extend to their villages. The tribal people in middle India could not imagine a better haven than a State where the Patwari, the Forest Guard, the Police Constable and the Excise Inspector were not present.

6.11 Even though the authority of the traditional institutions has been greatly eroded in middle Indian tribal belt, they are still functioning because the civil matters concerning marriage and divorce are still governed by their tradition and managed by the community organisations. Moreover, the people are scared to approach the administration in other matters as well and prefer settlement within the community because there everyone knows the facts of the case and also the conventions about the settlement. He is spared the trauma of facing the authorities and the courts where everything is unknown including the procedures and even the convention about making a statement about the facts of the case. The tribal people are facing a tremendous challenge as the authority of their traditional institutions is being increasingly challenged by the deviants in the society. As a community they are facing both the backlash of development and the challenge of individualism. They are destined to face disorganisation of an order unprecedented for any community in the history because of the confluence of forces which they are unable to contend

with on their own. It is essential that the people are empowered and enabled to respond to the new forces according to their genius.

6.12 I, therefore, recommend that:

At the village level Panchayat Raj institutions in tribal areas should be specially constituted so as to be in consonance with the traditions of the tribal community. This may be done either through a special provision in the concerned Panchayat Raj law or through a Regulation amending the said law to the extent necessary. In particular, it should envisage—

(i) All institutions at the hamlet/village level in tribal areas should be answerable directly to the people in the hamlet/village.

(ii) These institutions should function in the open in accordance with a procedure which may be decided upon by the people in that regard.

(iii) These institutions should have wider responsibilities covering all matters concerning people's day-to-day life and also management of local resources including land and forest.

The Special Officer

6.13 The scope of the Constitutional safeguards for the Scheduled Castes and Scheduled Tribes is quite extensive and has necessarily to cover all aspects of their life—social, economic and political—both in the traditional setting and in the emerging modern context. The safeguards are both explicit and implicit in the scheme of the Constitution. The implicit safeguards are even more important than what is explicitly provided since the latter without the former would lose their significance and may become a mere ritual without touching the spirit. The situation in tribal areas is extremely complex and unique which has been explicitly acknowledged in the scheme of the Constitutional safeguards. But it is better acknowledged by not working out every detail and making specific provisions because any such attempt is bound to be inadequate and may even go against the prevailing socio-economic situation of some people in some areas. Consequently, the executive has been given unlimited discretion.

6.14 The investigation of the functioning of these safeguards on a continuing basis is crucial, particularly in the case of the tribal people since omission of a vital matter at a crucial time may make all the difference and the damage which may thus be caused may be irretrievable. The most critical issue concerning these people is the command over and access to natural resources. This is one such area where the basic issues have not been brought to the fore with the result that the people are engaged in a serious struggle in which they are alone while the powerful interests are pitched against them in which the

State itself is on the other side. A stage has been reached where the simmering discontent is finding expression in open revolts and confrontation. The tribal people are being displaced in the name of development, using the provisions of laws which are incongruous and do not take the reality of their situation into account. Nor is there any evidence of the State having given due consideration to the safeguards provided for them in the Constitution. This is an extremely serious matter which is being investigated under the provision of Article 338 of the Constitution, albeit within the limitations of the present institutional arrangements. In view of its crucial importance this issue deserves to be reported specially so that it can claim the attention which it deserves. The Special Report will be presented as soon as the information sought from the States, now for more than a year or so, is received but without waiting indefinitely.

6.15 The investigations by the Special Officer at the moment are generally subject to serious limitations and fall far short of the expectations implicit in the Constitutional schema concerning this office. The investigations presently comprise reports from the State Governments and the Central Ministries, ad hoc studies by the officers in the organisation and investigations into specific incidents which may come to the notice of the Special Officer in ordinary course or through special communications received by him. The investigations are in the nature of general enquiries depending largely on the goodwill of the concerned organisations and authorities. It is anomalous that the provision regarding inquiry into the safeguards of the Scheduled Castes and Scheduled Tribes even after being enshrined in the Constitution has not been backed by specific legal authority by the Government, e.g., through conferral of powers on the Special Officer and officers designated by him under the Commission of Inquiries Act. The Special Officer has been referred to as the Ombudsman for the Scheduled Castes and Scheduled Tribes (cf.ILO 75th Session 1988 Report VI(1) on Partial Revision of the Indigenous and Tribal Populations Convention, 1975, p.23), yet his is a feeble voice, which is almost inaudible in the growing tumult of development.

6.16 While the enquiries into those incidents where private parties are involved may yield some results, albeit limited, situations where Government officials, Departments or the State itself may be involved become almost intractable. Firstly, the reference on inconvenient issues may not be attended to or, if attended, dealt with in a routine fashion. The reaction to persistent enquiries usually is in the form of presentation of a strong case for action supported by the provisions of the law and procedures and the version of the State about the circumstances leading to the incident. It is regrettable that correctives even with regard to the wholly indefensible cases are not easily forthcoming and the postures get hardened when such cases are pursued. Reference has been made earlier to a number of cases particularly those relating to land and forest in which no relief could be provided notwithstanding a

clear stand of the Special Officer about the benefit of the safeguards provided in the Constitution being denied to these people. Unless it is acknowledged that the poorer people, particularly members of the Scheduled Castes and Scheduled Tribes, are victims of those very processes which are ostensibly in accordance with the law, they cannot get much relief and the Constitutional safeguards will remain unimplemented in their true spirit even though the proforma performance may be excellent. A major task of the institutions responsible for the welfare and advancement of the Scheduled Castes and Scheduled Tribes is to provide these people protection against such innocuous and apparently legal processes for which they must be adequately equipped. Even the Departments incharge of the Scheduled Castes and Scheduled Tribes, as integral parts of the establishment, must assume this role, so also the Government officers working in the field. The Special Officer and his organisation, which is not formally a part of this establishment and is an independent Constitutional authority, must not only be expected to assume this role but also be given necessary stature as also legal and organisational support for attending to the grave responsibility in respect of the safeguards provided in the Constitution for the quarter of the citizens located at the margin.

National Development Council

6.17 In the end, I must reiterate that equity for SCs and STs cannot be taken as something concerning merely the formal observance of certain safeguards in the Constitution. It must be perceived as the moving spirit of the national endeavour for creating a new social order in which all that is valuable in our tradition is retained and the real spirit of a modern society—the values of secularism, equity and justice are imbibed. This great task was visualised as a national task by the founding fathers and should be continued to be addressed as such. The omissions, aberrations and distortions from the Constitutional schema referred to in this Report must be assiduously eschewed. This can be made possible only when equity and justice for the weaker sections of the community, specially for SCs and STs, become the touchstone of all actions of the State. The National Development Council is the highest forum for guiding the processes of change and development in the country. It will be in keeping with this mettle if the NDC specifically considers these issues and ensures that the true spirit of the Constitution is imbibed by all the constituents of the State at all levels.

6.18 I, therefore, recommend that:

The National Development Council may constitute a Standing Committee which should (i) specially consider in advance all matters with reference to their implications for Constitutional safeguards for SCs and STs in their true spirit before these are placed before the NDC, (ii) identify the possible omissions, aberrations and distortions in general and the likely adverse effects, if any, of developmental programmes on the conditions of SCs and STs in particular and (iii) ensure that corrective measures are incorporated in all programmes and members of SCs and STs are assured of a reasonable share in the fruits of development in the nation.

SUMMARY OF RECOMMENDATIONS

1. While enforcement of the Protection of Civil Rights Act may be made stringent, suitable measures should be taken to ensure that economic issues do not gather caste and ethnic overtones. In particular—

   (i) The Government should support those social activists who are fighting against inequity and are mobilising the poor, particularly members of the Scheduled Castes and Scheduled Tribes, to assert their legal rights.

   (ii) The Government should especially recognise the services of those civil servants who stand by the poor and provide protection to them against vested interests and the Government should scrupulously refrain from actions like sudden transfer of those doing good work so as to remove the impression of the establishment's propensity to support the strong.

   (iii) Any public stand, particularly by prominent persons in the society in favour of untouchability or any other form of discrimination and social inequity should be promptly challenged and counteracted through strong legal action.

(Para 2.8)

2. The National Development Council may specially deliberate on the social consequences of growing economic inequality and unrestrained consumerism with special reference to their implications for the social and economic situation of the Scheduled Castes and Scheduled Tribes.

(Para 2.9)

3. A system of regular review should be instituted concerning all those cases in which —

   (i) there are allegations about (a) harassment, (b) abuse of the process of law and (c) action involving violation of law by Government servants against members of the Scheduled Castes and Scheduled Tribes;

   (ii) members of the Scheduled Castes and Scheduled Tribes may be in police custody and in judicial custody before trial.

The District Magistrate should review these cases every month and forward a report to the State Government. A similar review should also be undertaken at the State level by the Chief Secretary at the official level and by the Cabinet at the political level. A report of this review should be forwarded to the Commissioner for Scheduled Castes and Scheduled Tribes.

(Para 2.14)

4. A Central law may be enacted prohibiting use of force in civil matters particularly in those cases where the concerned person or the majority of persons in the concerned party belong to the Scheduled Castes and Scheduled Tribes. In the meantime the Central Government may issue instructions that in all those cases, in which the administration may have a reasonable doubt that force may have to be used or where the administration may be contemplating to act under the shadow of force, without intending to use it, the concerned officier shall prepare a detailed report at least a week in advance and forward the same to an authority designated by the Commissioner for Scheduled Castes and Scheduled Tribes giving full facts and the reasons for requisitioning of force and the likely reaction of the people. Any use of force in such matters without due information to the designated authority as indicated above should make the officer liable for penal action.

(Para 2.17)

5. The law concerning alienation of land belonging to SCs and STs and restoration of illegally or irregularly transferred lands should be made stringent. The Central Government should prepare a model Regulation/law in this regard which may be forwarded to the States for adoption within a stipulated time frame of not more than one year. These provisions in particular should provide for:

(i) prohibition of all future transfers of land by members of SCs and STs in favour of members of other communities as also to such Scheduled Tribe women who may have married or may be living with a non-tribal;

(ii) regulation of transfer of land by a member of one tribal community to members of any other tribal community;

(iii) prohibition of sale of land of a Scheduled Caste/Scheduled Tribe person in realisation of dues including loans advanced by individuals, cooperatives or institutions notwithstanding the provisions in the law or the decree of a court;

(iv) prohibition of consent of passing of decrees by courts which may involve transfer of land by a Scheduled Caste/Scheduled Tribe persons;

(v) prohibition of appearance of pleaders in cases involving restoration of lands to SC/ST persons;

(vi) provision for summary proceedings in cases involving alienation of lands belonging to SC/ST persons;

(vii) provision for only one appeal in cases where transfer of land by a Scheduled Caste/Scheduled Tribe person is held by the court as illegal or malafide;

(viii) provision for compulsory restoration of land after the decision in favour of a Scheduled Caste/Scheduled Tribe person and within a stipulated period but not later than the harvesting of crop, if any, already in the field and prohibition of stay orders by the appellate authorities in case an appeal is preferred; and

(ix) occupation of land within three years of the date of restoration of land to a Scheduled Caste/Scheduled Tribe person by any person whosoever should be made a cognizable offence.

(Para 2.24)

The principle of land to the tiller must be reenunciated and suitable laws should be enacted for enforcing the same. The access to and command over the resource base of the people, particularly members of the Scheduled Tribes, should not be disturbed and they should be enabled to use the same optimally consistent with the constraints of ecology, if any, and made partners in development. In particular, the following measures may be taken immediately as the first step towards achieving the goal:

(i) The practice of share-cropping should be formally recognised under the law and the conditions of share-cropping regulated such that the share-cropper as tiller of the land is entitled to not less than two-thirds of the gross produce.

(ii) No person in a nuclear family, one of whose members has a permanent employment in the organised sector or is engaged in another vocation which yields an income equivalent to that of the lowest grade employee in the organised sector, should be entitled to own agricultural land. Coparceners in an extended family, tenants and share-croppers should have a right of preemption in case of land being transferred by any person on any count whatsoever and the consideration payable in these cases should be statutorily fixed adopting the same principles as for ceiling surplus lands.

(iii) All land held by a variety of trusts and such cooperative societies in which all members are not actual tillers of land should be taken over by the State and distributed to the

landless people. The State may assume the responsibility of supporting the public purpose, if any, for which a trust might have been established and all other claims whatsoever should lapse.

(iv) The position of all land which is held by corporate bodies and which is not being used for non-agricultural purposes should be reviewed and such area as may be in excess of their immediate requirements should be taken over by the State.

(v) The ceilings on land should be drastically reduced. The present two-way classification, viz., irrigated and unirrigated, for this purpose should be replaced by a finer classification based on parameters such as the quality of land, extent of its development and productivity.

(vi) The land which becomes available to the State in terms of the formulations at (iii), (iv) and (v) above should be distributed to landless labourers and marginal farmers in that order with due share for members of the Scheduled Castes and Scheduled Tribes which should not be less than their relative strength amongst the landless labourers.

(vii) The State should create a special fund for giving advances to members of the Scheduled Castes and Scheduled Tribes for purchase of land which may become available in terms of the formulation at (ii) above. The loan should be interest free and recoverable in not less than ten annual instalments.

(Para 2.32)

7. The Government of India may immediately start a dialogue with the State Governments on the issue of the alleged unauthorised occupation of forest land by the tribal people and the collection price of the MFP. An understanding should be reached with the tribal people on the basis of maintaining the status quo on either side in accordance with the scheme outlined in the preceding paragraph pending preparation of a long term plan for associating the tribal people in the management of forests as partners.

(Para 2.40)

8. The Union Government may take urgent measures for improving the working conditions of labourers in the unorganised sector in which members of the Scheduled Castes and Scheduled Tribes comprise a substantial section. Special attention should be paid to those

economic activities which are traditionally associated with the Scheduled Castes and Scheduled Tribes. It should be ensured that (i) the wages in all these vocations are equitable and they are not afflicted by inherent prejudice against their valuation and (ii) due weightage is given to (a) the relevant skills, (b) arduous nature of work and (c) uncongenial working conditions. In particular, the following minimal measures may be taken immediately without waiting for the findings and recommendations of the National Labour Commission:

(a) Minimum Wages

(i) The present inequity even in the statutory minimum wages should be removed. The Minimum Wages Act should contain a provision to the effect that the daily wage of ordinary labourers in all economic activities shall be so determined following the principle that the earnings of one person in a family should be sufficient for the maintenance of the entire family.

(ii) Any reduction of working hours with pro rata cut in the daily wage should be prohibited except in those situations where work is not of continuing nature and the quantum available is not sufficient to keep even a single person fully engaged for the whole day.

(b) Scavenging

While all out efforts should be made for eradication of the practice of carrying nightsoil as headload, scavenging should be organised on professional lines with immediate effect. In particular, the scheme may include:

(i) fixation of remuneration of scavengers equivalent to that of Group C employees in the Government;

(ii) complete segregation of personal life of those engaged in scavenging from their vocational life;

(iii) legal prohibition of children below the age of 14 being engaged in scavenging; and

(iv) compulsory and free education in residential institutions for all children upto the age of 14 whose parents are engaged in scavenging.

(c) Traditional Dais

The traditional dais should be accepted as an integral part of the National Health Service.

They should be suitably trained and provided modern equipment. The dais in the villages should be paid a fixed remuneration plus a reasonable honorarium, say, about Rs.100 per delivery attended by them.

(d) Leather Workers

The entire vocation relating to leather work beginning with flaying upto the manufacture of finished goods should be organised on cooperative lines as a vocation so that it gets formally delinked from its caste association. In particular, special measures should be taken for (i) removing all contractors/intermediaries from the profession, (ii) upgradation of skills and extension of benefits of new technology to ordinary workers and (iii) establishing a strong marketing network.

(Para 2.53)

Education should be given the highest priority in the programmes for the welfare and advancement of the Scheduled Castes and Scheduled Tribes. In particular—

(i) Necessary outlays for education should become the first charge on the outlays which may be earmarked for the development of the Scheduled Castes and Scheduled Tribes.

(ii) Special programmes of assistance should be taken up for those communities amongst the Scheduled Castes and Scheduled Tribes which are extremely low in literacy, say, less than 7% literacy level. The unit for the purpose of this special thrust should be Taluk/Block for which literacy figures as per 1981 Census are available.

(iii) A thorough review may be undertaken of the rates of scholarships and stipends and income level for eligibility to them. These rates should be linked to a suitable index, say, 'cost of education index' (CEI) for day scholars and resident scholars. The CEI should comprise a mix of consumer price index and general living index with equal weightage to them. The rise in the rates of scholarships and stipends should neutralise the effect of rising prices in full. This CEI should be computed once a year at the end of the calendar year. The new rates of scholarships and stipends should be worked out on the basis of the new index and made effective from the next academic session.

(iv) All scholarships and stipends should become due to the students on the first of the month

and not at the end of the month as at present. The scholarship for the first month should become payable on the date of admission to the next class on the strength of an eligibility card which may be issued to the students on a permanent basis.

(Para 3.20)

10. A comprehensive policy of reservation for SCs and STs in Government services and public sector undertakings may be adopted. In particular —

(i) The Central Government should make a comprehensive law on reservations and also make suitable rules thereunder. This law should have a provision for being suitably adapted by each State in the context of its local situation. However, in case no adaptation is made by a State within a stipulated period, say, three months after the enactment of the Central law, it should be deemed to be automatically extended to the concerned State.

(ii) The Central Government should prepare a comprehensive manual on reservations, not only a collection of circulars, removing all the lacunae pointed out in this Report and the earlier ones in consultation with the Commissioner for Scheduled Castes and Scheduled Tribes.

(iii) The advice of the Commissioner for Scheduled Castes and Scheduled Tribes in matters of dereservation of vacancies in Government should be binding. The public sector enterprises should also be brought under his purview in this regard.

(iv) It should also be made obligatory for the State Governments to adopt a similar procedure about dereservation which should be referred to an independent authority whose advice should be binding.

(v) The public sector enterprises should be directed to dispense with the practice of assigning safai work on contract. This work could be organised on cooperative lines with the proviso that members of workers' cooperatives are extended the full benefits of those entitlements which are due to oter employees.

(Para 3.27)

11. For dealing with claims for inclusion in and exclusion from the lists of SCs and STs and for verification of

SC/ST certificates the following measures may be adopted:

(i) All claims by different communities for inclusion in the lists of the Scheduled Castes and Scheduled Tribes should be thoroughly examined by a team of experts specially constituted in each case. The expert team should be required to investigate the claims with reference to the social situation (a) of each sub-group, if any, within that community and (b) in each of the relevant geographical unit, as may be necessary for this purpose, in the context of historical, ethnic and linguisitc dimensions. The expert team should also record the reactions about the proposal from other Scheduled Castes and Scheduled Tribes, as the case may be, in the concerned geographical units. The report of the expert team alongwith the full record may be considered by a national committee comprising social scientists of repute. The recommendations of the national committee and also the observations of the Commissioner for Scheduled Castes and Scheduled Tribes, if any, on each case should be made available to Parliament when the proposal for amending the Schedules comes up for their consideration.

(ii) Such anomalies in the lists which are used for presenting false claims as may come to the notice of the concerned authorities should be compiled and circulated for informatiion and guidance to those authorities who are responsible for issuing SC/ST certificates.

(iii) All SC/ST students at the end of their school education should be issued permanent community certificates alongwith computer numbers. It may be made obligatory for the School Boards to incorporate the computer numbers assigned to SC/ST students in the High School certificates. This certificate should be deemed to be a conclusive evidence about a person's membership of a SCheduled Caste or a Scheduled Tribe.

(Para 3.34)

12. In view of the special responsibility of the Central Government for the welfare of the Scheduled Castes and Scheduled Tribes the scheme of financial assistance and the procedure of its accounting, etc., should be streamlined. In particular —

(i) The financial assistance for tribal welfare should be provided by the Central Government strictly in conformity with the principle implicit in the first proviso to Article 275(1) of the Constitution. In particular, it should be ensured that (a) the basis for provision of funds for tribal welfare should be the need for the set of programmes for a people

rather than the accident of their location in a particular area or State and (b) while State Plan should provide for tribal welfare in accordance with the principle which could be worked out in that regard and their capacity to support them, the financial assistance of the Central Government should be supplemental in character and should not in any way be influenced by the capacity or the willingness of the State to provide a matching contribution. The scheme of financing of those programmes concerning tribal welfare which may be requiring matching contribution of the State should be reformulated accordingly.

(ii) The principle of supplementation for tribal welfare implicit in the Constitution should also be accepted for programmes for welfare of the Sceduled Castes as well.

(iii) A separate Budget head each should be created in all the States for the development of SCs and STs respectively.

(iv) The outlays for the Tribal Sub-Plan should primarily comprise those items which concern the development of the tribal people. In case other items such as power and major irrigation are also included in the TSP, such items should be shown separately as part B of that Budget with a clear stipulation disallowing any reappropiration from Part A to Part B of the Budget.

(v) The Special Central Assistance which may remain untilised at the end of a 5-year plan period may be credited to a Special Education Fund exclusively for improving the coverage and also the quality of education at the elementary level.

(Para 3.57)

13. The utilisation of the Special Central Assistance during the Sixth Plan and its allocation during the Seventh Plan should be reviewed. In particular —

(i) The Special Central Assistance which has remained unspent with the States at the end of the Sixth Plan as shown in para 3.51 and such further amounts which may be found to have remained unspent after detailed scrutiny of the outlays and expenditure of these States and other States in regard to the TSP and also, if possible, to the SCP during the Sixth Plan should be made available as additional outlays for elementary education during the last two years of the Seventh Plan.

(ii) The outlays for the SCA for tribal welfare should be suitably raised forthwith at least on <u>pro rata</u> basis, i.e., by 84.6% and

additional outlays provided for the current year itself.

(iii) Separate Sub-Plans should be prepared in each State for dispersed tribal people which should clearly indicate the outlays from the State Plans and the Special Central Assistance.

(Para 3.58)

14. Suitable measures should be taken immediately to ensure that the plans for tribal development (Tribal Sub-Plans) and development of the Scheduled Castes (Special Component Plans) with effect from the Eighth Five Year Plan are prepared with a clear perspective and explicit objective that members of the Scheduled Castes and Scheduled Tribes will be enabled to reach the general level of development in the concerned States within the framework of not more than two Five Year Plans. In particular —

(i) The financial outlays for the TSP and the SCP should be worked out concurrently as a part of the overall planning exercise at the natioinal level as also at the level of each State and fixed at a level as may be necessary for achieving the objectives for their development set in advance. The National Plan as also the State Plans should also clearly specify the rate of growth envisaged for the TSP area compared to the rate fixed for the rest of the State and the nation as a whole.

(ii) The sectoral allocations within the overall outlays so fixed for the TSP and the SCP should be worked out in keeping with the priorities for the welfare and development of SCs and STs and not the other way round as at present.

(iii) While the outlays in the Five Year Plans of the concerned States and the Central Ministries should be treated as the base investments, the gap which may remain unfilled for attaining the level envisaged in (ii) above should be provided by the Central Government in full as the Special Central Assistance which should be treated as supplemental and operated by the nodal Ministry.

(Para 3.61)

15. Measures for elimination of exploitation in all forms should be accorded the highest priority under the Tribal Sub-Plans and immediate time-bound measures taken by the State Governments in that regard. The Central Government may consider issuing suitable directions wherever necessary for ensuring effective implementation of these measures. In particular, the following measures may be taken about excise, forests and credit and marketing:

(i) Excise:

The States should review their excise policies and bring these fully in line by 1-4-89 with the guidelines issued by the Government of India in 1975.

(ii) Forests:

The Government of India may consider formally adopting a resolution accepting unequivocally the tribal people as partners in the management and development of forestry resources so that desired changes can be effected in the perceptions of the administration and of the people about forestry and suitable modalities for future action may be worked out.

(iii) Credit and Marketing:

The credit and marketing system in tribal areas should be —

(a) rationalised and restructured with the clear objectives of — (i) providing 'single window' service to the tribal people for meeting all their credit and marketing requirements; (ii) ensuring reasonable rates in the purchase of tribal produce and supply of essential consumer commodities; (iii) meeting in full all credit requirements of the tribal people including consumption credit; and

(b) the cost of the credit and marketing operations should be borne in full by the State until such time as the tribal areas attain the level of development of the rest of the State.

(Para 3.76)

16. The Tribal Sub-Plans should be prepared in such a way that the focus is constantly on the welfare and advancement of the tribal people and all programmes are attuned to this basic premise. In particular —

(i) In the TSPs the highest priority, next only to elimination of exploitation, should be accorded to programmes such as education, health and mobilisation which go to build up the inner strength of the tribal people and would enable them to face on their own the challenge of transition.

(ii) There should be a stipulation in the State budget that notwithstanding anything contained in any other law, funds needed for universalisation of elementary education and improving the standards of education at that level shall be the first charge on the outlays of the TSPs.

(iii) All programmes taken up in tribal areas irrespective of the source of funding should be fully integrated. They should reach the people in the form of an undifferentiated package and should be executed through a unified agency.

(iv) Planning from below should be the guiding spirit of the TSPs. A beginning should be made with the planning at the level of the Integrated Tribal Development Projects with effect from the Eighth Plan for which necessary steps should be taken right away.

(v) While the ITDP plan may follow the priorities laid down in the general strategy for tribal development, the package of programmes at the level of the ITDP should be prepared entirely with reference to the needs of the people in each ITDP. The relative weightage for sectoral outlays for the ITDP should be accordingly determined for which the ITDP authorities should have full discretion.

(vi) In all ITDP programmes full provisions should be made for those items which directly benefit the tribal people like medicines in the Primary Health Centres.

(vii) The planning of infrastructure in the ITDP should also be realigned to the welfare of the tribal people rather than merely developing the area. For example, the road network should aim at improving accessibility for the people through priority for footpaths, bridle paths and culverts.

(viii) In each ITDP, areas and populations facing special problems such as more backward areas, zones of influence of industrial and mining complex, urban growth centres, hunters and gathering communities and such like should be identified for whom micro-plans within the overall ITDP plans should be prepared.

(ix) The plans of all the ITDPs in the State with full details of sectoral as well as scheme-wise outlays and expenditure should be presented separately as a supplement to the Budget Demand relating to the TSP in that State.

(Para 3.85)

17. Pending the investigation into the Constitutional safeguards relating to the command over and access to resource of the tribal people and their displacement and consideration by the Government of their findings towards arriving at a national consensus and policy frame, all ongoing projects and also those pending consideration

with the Government at different levels may be reviewed and it may be ensured that safeguards provided for the tribal people in the Constitution are honoured in their real spirit and that their side does not remain unconsidered simply because they did not have the opportunity or the necessary articulation for presenting the same or because of the incongruity of the law itself concerning their rights.

(Para 3.94)

18. The programme for development of primitive tribal communities should be streamlined. In particular —

(i) A systematic review should be undertaken of all those communities which have been included in the list of primitive tribes so as to identify those parts/sections amongst them which are still struggling for survival as hunters and gatherers or as shifting cultivators and have not been turned into landless labourers.

(ii) A comprehensive plan for retrieval, welfare and advancement may be prepared for each group which should not comprise more than 500 people. The plan should attend to the specific issues concerning their health and also socio-economic problems on a priority basis.

(iii) The Government may constitute an expert group for primitive tribes at the national level comprising social scientists, medical and nutritional experts and administrators which should be responsible for providing guidance in the formulation of comprehensive plans, action programmes and reviewing their progress.

(iv) National institutions like the All India Institute of Medical Sciences and the National Institute of Nutrition should assume the responsibility for providing such spport as may be necessary for the biological survival of the primitive groups by way of identifying the problems which they may be facing, working out strategy for their retrieval and providing technical back-up for action programmes.

(Para 3.101)

19. The Government of India may prepare a comprehensive policy paper which may clearly spell out a broad strategy for fulfilling the national commitment for ensuring equitable place for members of the Scheduled Castes and Scheduled Tribes in all spheres of national life. Pending formulation of this policy and preparation of a suitable strategy, the following urgent measures may be taken which will obviously comprise the first step in any such frame prepared for fulfilling the

Constitutional obligation:

(i) The entitlement for labour and valuation of skills in the unorganised sector in general and of those vocations in which members of SCs and STs are traditionally engaged should be made equitable through an appropriate law.

(ii) Comprehensive employment generation programmes should be launched with focus on creation and development of assets owned by the weaker section of the community with an equitable share secured for those belonging to SCs and STs.

(iii) The traditional entitlements of those people who have been subsisting on marginal resources like the so-called wasteland should be recognised and the entire future potential of these resources developed in association with the poor preempting all rights in their favour to the exclusion of the non-poor.

(iv) All those economic activities such as animal husbandry, poultry, tree-culture including horticulture which can provide a subsidiary occupation to the marginal farmers and landless labourers should be exclusively reserved for decentralised sector. Centralisation in any form therein should be prohibited by law. A small worker-entrepreneur model should be the rule in these activities. The worker-entrepreneur should be provided in full the necessary financial, technical and organisational support.

(Para 4.35)

20. The policy of positive discrimination should be made more comprehesive. In particular —

(i) It should be extended forthwith to non-Government enterprises in the organised sector as a part of their social obligation in terms of the national commitment. It may be made obligatory for all joint sector ventures and such corporate bodies as are receiving benefits of institutional finance.

(ii) The policy of positive discrimination should also be worked out by each Ministry/Department/public sector organisation in respect of all economic activities under its purview. They should prepare a comprehensive plan for enabling members of SCs and STs to take advantage of that policy. This plan should include training in appropriate skills in general and entrepreneurship in particular, provision of financial support and guidance during gestation period with a liberal provision for covering risks and unforeseen contingencies for achieving the final goal of establishing members of SCs

and STs as economically viable entrepreneurs.

(iii) Due reservation should be made for members of SCs and STs in all new assets such as residential houses and commercial complexes which are being created in the private sector in urban centres through support of the State and/or public institutions such as acquisition of land, provision of funds and such like. A built-in differential in favour of SCs and STs should be kept in all these schemes.

(iv) The Government of India should prepare a special scheme for providing necessary financial support to members of SCs and STs for enabling them to acquire a reasonable share in the new assets referred to in (iii) above.

(Para 4.36)

21. Special measures should be taken to ensure that a reasonable share in the new assets being created and new enterprises being established in tribal areas accrue to the tribal people. In particular —

(i) Fifty per cent of house sites, residential buildings and commercial establishments in all schemes for establishment and expansion of industrial and urban centres in tribal areas should be reserved for members of the Scheduled Tribes.

(ii) It should be made obligatory for all persons including public bodies who may establish an enterprise in a tribal area on land belonging to a member of a Scheduled Tribe to associate him with the enterprise as a shareholder by virtue of the fact that the land belonged to him.

(iii) A suitable scheme should be prepared for partnership and/or shareholding by members of the Scheduled Tribes in all corporate enterprises located in tribal areas.

(iv) The labourers engaged in production of raw materials for industries located in tribal areas should be accorded a special status similar to those directly employed by industry and wherever feasible they should be made partners in its shareholding as also in its management.

(v) The tribal people should be exempt from taxes on their ancestral properties in the event of the concerned area being brought within the jurisdiction of an urban body.

(vi) The Government should provide such support as may be necessary to enable the tribal people to take advantage of these special dispensations.

(Para 4.41)

22. The Central Government in consultation with the concerned State Governments should prepare a comprehensive plan for enabling members of the Scheduled Castes and Scheduled Tribes to take advantage of new opportunities being created in the proposed growth centres in general and the likely new township on the mainland near Bombay in particular. While the plan should provide for a built-in differential in their favour and such other provisions as may be necessary, the Government may create a special fund for enabling members of SCs and STs to partake in new development.

(Para 4.43)

23. Suitable provisions may be made in the rules of business of Government for dealing with cases of alleged violation of Constitutional safeguards for members of the Scheduled Castes and Scheduled Tribes. All such cases should claim the attention of the Cabinet and the Governor in the State and the Union Cabinet at the Centre. A convention should also be established and, if necessary, a suitable Central law may be enacted for making a reference to the Supreme Court about those cases in which an authority knowingly acts in a way so as to deny to members of the Scheduled Castes and Scheduled Tribes the privilege of Constitutional safeguards or knowingly refrains from taking appropriate measures for providing effective protection against exploitation. Such wilful neglect, if established, should make the concerned person or persons liable for appropriate action.

(Para 5.26)

24. The functions and also the structure of the Ministry in charge of welfare and advancement of the Scheduled Castes and Scheduled Tribes should be urgently reviewed in keeping with the responsibility of the State envisaged in the Constitution. The Ministry should primarily function as a nodal authority and should not be burdened with responsibilities which appropriately belong to functional Ministries/Departments. This Ministry may also be assigned the nodal responsibility relating to the poverty alleviation programmes for they provide the foundation on which supplemental effort can be built. The rules of business in the States and at the Centre should make it obligatory for all functional Ministries to seek concurrence of the nodal Ministry in all matters which may have implications for the welfare and advancement of the Scheduled Castes and Scheduled Tribes before a final decision is taken in that regard in the Ministry or the matter is placed before the Cabinet for consideration. A convention should be established that if the Minister-in-charge of the nodal Ministry concerning the Scheduled Castes and Scheduled Tribes is not the Prime Minister or the Chief Minister, he should be formally assigned the next position in the Cabinet so that nodal responsibilities can be effectively discharged.

(Para 5.34)

25. The following measures may be adopted regarding extension of ordinary laws to the Scheduled Areas:

(i) A suitable procedure should be instituted for a regular review of the ordinary laws before their extension to the Scheduled Areas as they are or with such adaptation as may be necessary in each case.

(ii) The unhappy situation arising from non-action by the executive in regard to due adaptation of laws may be considered by the Supreme Court for such directions as they may deem necessary in that regard.

(Para 5.40)

26. The Government of India should prepare a status paper about the social and economic conditions of the Scheduled Castes and Scheduled Tribes in the country for the year 1989 which should also give an estimate about the differential between the levels of development of SCs and STs and the rest in different parts of the country based on sample surveys and indepth studies. This should serve as the bench-mark for assessing the level of development in the coming years. Further—

(i) The bench-mark survey may be followed by an annual reconnoitre survey which should aim at keeping track of the trends.

(ii) The next comprehensive study should be undertaken in the last year of the Eighth Five Year Plan for assessing the levels achieved, identifying the gaps and determining the effort for their advancement during the next Five Year Plan.

(iii) Each functional Ministry should prepare a status paper on the economic situation of the Scheduled Castes and Scheduled Tribes in relation to their respective areas of responsibility.

(iv) The normal information flow in each Ministry should be reviewed and suitably revised so that necessary information relating to SCs and STs is available as a part of the normal flow.

(v) The responsibility for the bench-mark survey, quinquennial comprehensive survey and annual reconnoitre survey should be entrusted to the National Sample Survey Organisation which has the necessary expertise. The NSSO should be suitably assisted in this regard by various organisations including the Tribal and Harijan Research Institutes in the States.

(Para 5.44)

27. Comprehensive Regulations for peace and good administration of the Scheduled Areas should be prepared by all the concerned States forthwith. These Regulations should, inter alia, include provisions for —

(i) establishment of a single line of administrative authority in the Scheduled Areas;

(ii) creation of sub-cadres for tribal areas in all State services;

(iii) a special code of conduct for public servants with provision for summary disciplinary proceedings;

(iv) establishment of suitable institutions at the village level answerable directly to the people in conformity with the local tradition for self-governance. These institutions should be responsible for all day-to-day matters including management of land and forest, excise, maintenance of peace and settlement of all disputes other than heinous crimes;

(v) regulation of weekly markets;

(vi) surveillance over the activities of undesirable persons; and

(vii) protection against backlash of development.

(Para 5.60)

28. Even though the specific issue relating to 'the raising of the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State' mentioned in the first proviso to Article 275(1) of the Constitution is outside the purview of the Finance Commission, the Government of India may henceforth include the administration of the Scheduled Areas as a special term of reference of the Finance Commission to ensure that the ordinary needs of the administration of these areas, as distinct from the requirements for raising its level, are separately assessed keeping in view their specific situation and are adequately provided for. Suitable guidelines should also be issued by the Government of India to the State Governments for presenting the case of the Scheduled Areas systematically to the Finance Commission bringing out clearly those features which may need special attention of the Finance Commission.

(Para 5.65)

29. The administration of the Scheduled Areas should be reviewed annually by a Cabinet Committee in the Government of India, specially constituted for that purpose, based on the Reports of the Governors on the Administration of the Scheduled Areas submitted to the President under the Fifth Schedule to the Constitution. The

procedure for preparation of the Governor's Administration Report may be laid down as suggested in para 5.68. The Report should be accompanied by a financial memorandum which may, inter alia, contain a statement of outlays necessary for raising the level of administration of the Scheduled Areas.

(Para 5.69)

30. Since the Finance Commission have accepted the need for compensating the officials for working in difficult conditions and also for providing physical facilities and incentives, the need for such a comprehensive scheme is established. As a first step towards raising the level of administration in the Scheduled Areas, the Government of India in consultation with the State Governments, therefore, should draw up a comprehensive scheme of graded compensation and incentives which should take into account the inaccessibility of the place of posting, the level of social services available, the climate and such other factors for determining the quantum of compensation and incentives. The funds for this purpose may be provided by the Government of India in terms of its obligation under first proviso to Article 275(1).

(Para 5.70)

31. Suitable forums may be established at the Block, district, State and national levels for a continuing dialogue with those social activists/voluntary organisations who are primarily engaged in the mobilisation of the Scheduled Castes and Scheduled Tribes and resolution of conflict situations which may arise from time to time on various issues with the local officials.

(Para 6.7)

32. The Government may consider organising a Student Volunteer Corps, particularly those belonging to the Scheduled Castes and Scheduled Tribes. Each volunteer may work for a year in the Corps and do mobilisation work through participation in the ordinary economic activities of the people. The student volunteer may be given subsistence allowance equivalent to minimum wage prevalent in the area. This work of volunteers should be accorded academic recognition and should also be given some weightage later in recruitment to services.

(Para 6.7)

33. At the village level Panchayat Raj institutions in tribal areas should be specially constituted so as to be in consonance with the traditions of the tribal community. This may be done either through a special

provision in the concerned Panchayat Raj law or through a Regulation amending the said law to the extent necessary. In particular, it should envisage —

(i) All institutions at the hamlet/village level in tribal areas should be answerable directly to the people in the hamlet/village.

(ii) These institutions should function in the open in accordance with a procedure which may be decided upon by the people in that regard.

(iii) These institutions should have wider responsibilities covering all matters concerning people's day-to-day life and also management of local resources including land and forest.

(Para 6.12)

34. The National Development Council may constitute a Standing Committee which should (i) specially consider in advance all matters with reference to their implications for Constitutional safeguards for SCs and STs in their true spirit before these are placed before the NDC, (ii) identify the possible omissions, aberrations and distortions in general and the likely adverse effects, if any, of developmental programmes on the conditions of SCs and STs in particular and (iii) ensure that corrective measures are incorporated in all programmes and members of SCs and STs are assured of a reasonable share in the fruits of development in the nation.

(Para 6.18)

ANNEXURE I

Statement showing the total population, Scheduled Caste population and Scheduled Tribe population with percentage in the total population in 1971 and 1981 Censuses

S.No.	State/U.T.	Total		Scheduled Castes			
		1971	1981	1971	%age	1981	%age
1	2	3	4	5	6	7	8
	STATES						
1.	Andhra Pradesh	4,35,02,708	5,35,49,673	57,74,548	13.27	79,61,730	14.87
2.	Assam*	1,46,25,152	1,98,96,843	9,12,639	6.24	12,41,526	6.24
3.	Bihar	5,63,53,369	6,99,14,734	79,50,652	14.11	1,01,42,368	14.51
4.	Gujarat	2,66,97,475	3,40,85,799	18,25,432	6.84	24,38,297	7.15
5.	Haryana	1,00,36,808	1,29,22,618	18,95,933	18.89	24,64,012	19.07
6.	Himachal Pradesh	34,80,434	42,80,818	7,89,572	22.24	10,53,958	24.62
7.	Jammu & Kashmir	46,16,632	59,87,389	3,81,277	8.26	4,97,363	8.31
8.	Karnataka	2,92,99,014	3,71,35,714	38,50,034	13.14	55,95,353	15.07
9.	Kerala	2,13,47,375	2,54,53,680	17,72,168	8.30	25,49,382	10.02
10.	Madhya Pradesh	4,16,54,119	5,21,78,844	54,53,690	13.09	73,58,533	14.10
11.	Maharashtra	5,04,12,235	6,27,84,171	30,25,761	6.00	44,79,763	7.14
12.	Manipur	10,72,753	14,20,953	16,376	1.53	17,753	1.25
13.	Meghalaya	10,11,699	13,35,819	3,887	0.38	5,492	0.41
14.	Nagaland	5,16,449	7,74,930	-	-	-	-
15.	Orissa	2,19,44,615	2,63,70,271	33,10,854	15.09	38,65,543	14.66
16.	Punjab	1,35,51,060	1,67,88,915	33,48,217	24.71	45,11,703	26.87
17.	Rajasthan	2,57,65,806	3,42,61,862	40,75,580	15.82	58,38,879	17.04
18.	Sikkim	2,09,843	3,16,385	9,502	4.53	18,281	5.78
19.	Tamil Nadu	4,11,99,168	4,84,08,077	73,15,595	17.76	88,81,295	18.35
20.	Tripura	15,56,342	20,53,058	1,92,860	12.39	3,10,384	15.12
21.	Uttar Pradesh	8,83,41,144	11,08,62,013	1,85,48,916	21.00	2,34,53,339	21.16
22.	West Bengal	4,43,12,011	5,45,80,647	88,16,028	19.90	1,20,00,768	21.99
	UNION TERRITORIES						
1.	A & N Islands	1,15,133	1,88,741	-	-	-	-
2.	Arunachal Pradesh	4,67,511	6,31,839	339	0.07	2,919	0.46
3.	Chandigarh	2,57,251	4,51,610	29,073	11.30	63,621	14.09
4.	Dadra & Nagar Haveli	74,170	1,03,676	1,332	1.80	2,041	1.97
5.	Delhi	40,65,698	62,20,406	6,35,698	15.64	11,21,643	18.03
6.	Goa, Daman & Diu	8,57,771	10,86,730	16,514	1.93	23,432	2.16
7.	Lakshadweep	31,810	40,249	-	-	-	-
8.	Mizoram	3,32,390	4,93,757	-	-	135	0.03
9.	Pondicherry	4,71,707	6,04,471	72,921	15.46	96,636	15.99
	INDIA	54,81,59,652	68,51,84,692+	8,00,05,398	14.60	10,59,96,149+	15.47

(Contd.)

S.No.	State/U.T.	Scheduled Tribes			
		1971	%age	1981	%age
1	2	9	10	11	12
	STATES				
1.	Andhra Pradesh	16,57,657	3.81	31,76,001	5.93
2.	Assam *	19,19,947	13.13	21,85,845	10.99
3.	Bihar	49,32,767	8.75	53,10,867	8.31
4.	Gujarat	37,34,422	13.99	48,48,586	14.22
5.	Haryana	-	-	-	-
6.	Himachal Pradesh	1,41,610	4.09	1,97,263	4.61
7.	Jammu & Kashmir	-	-	-	-
8.	Karnataka	2,31,268	0.79	18,25,203@	4.91
9.	Kerala	2,69,356	1.26	2,61,475	1.03
10.	Madhya Pradesh	83,87,403	20.14	1,19,87,031	22.97
11.	Maharashtra	29,54,249	5.86	57,72,038	9.19
12.	Manipur	3,34,466	31.18	3,87,977	27.30
13.	Meghalaya	8,14,230	80.48	10,76,345	80.58
14.	Nagaland	4,57,602	88.61	6,50,885	83.99
15.	Orissa	50,71,937	23.11	59,15,067	22.43
16.	Punjab	-	-	-	-
17.	Rajasthan	31,25,506	12.13	41,83,124	12.21
18.	Sikkim	-	-	73,623	23.27
19.	Tamil Nadu	3,11,515	0.76	5,20,226	1.07
20.	Tripura	4,50,544	28.95	5,83,920	28.44
21.	Uttar Pradesh	1,98,565	0.22	2,32,705	0.21
22.	West Bengal	25,32,969	5.72	30,70,672	5.63
	UNION TERRITORIES				
1.	A & N Islands	18,102	15.72	22,361	11.85
2.	Arunachal Pradesh	3,69,408	79.02	4,41,167	69.82
3.	Chandigarh	-	-	-	-
4.	Dadra & Nagar Haveli	64,445	86.89	81,714	78.82
5.	Delhi	-	-	-	-
6.	Goa, Daman & Diu	7,654	0.89	10,721	0.99
7.	Lakshadweep	29,540	92.86	37,760	93.82
8.	Mizoram	-	-	4,61,907	93.55
9.	Pondicherry	-	-	-	-
	INDIA	3,80,15,162	6.94	5,38,14,483+	7.85

Source: For 1971 figures Series 1, Paper 1 of 1975, Scheduled Castes and Scheduled Tribes published by RGI in October 1975. For 1981 figures Series 1, Part II B(ii) and Part II B(iii), Primary Census Abstract Scheduled Castes and Scheduled Tribes respectively (published by RGI in 1983).

* In respect of Assam, 1971 Census figures include those of Mizoram. Census was not held in Assam in 1981. Total population projected by RGI in PCA. Population of SC/ST projected on growth rate of total general population, i.e., 36.05%.

@ This figure would appear to include high returns relating to certain communities with nomenclatures similar to those included in the list of ST consequent on the removal of area restrictions.

\+ These figures include projected SC/ST population of Assam in 1981.

ANNEXURE II

Copy of the Minute dated 19-6-74 from the Prime Minister to the Home Minister

There is growing unrest among tribals in the various parts of the country. Numerous memoranda are being submitted by Members of Parliament and others in this regard. The problems mentioned in these memoranda, etc., are generally looked into by the Ministries/Departments as individual or isolated incidents. However, the emphasis that we wish to give to the development of tribal areas makes it necessary to take a more comprehensive look at the problem.

2. It is well known that the present unrest among tribals is mainly due to:

(i) land alienation,

(ii) exploitation by 'outsiders', and

(iii) lack of development in tribal areas.

But if one goes at the root of these problems, interesting facts come to light. Moreover, they are not separate problems in themselves -- and in order to tackle them successfully an integrated strategy is called for.

3. The problem of tribal communities can broadly be divided into three groups:

(i) tribal areas in North-East excluding Manipur, Tripura and Plain Tribals in Assam;

(ii) tribal belt in Central India, Manipur, Tripura and Assam; and

(iii) dispersed tribal population.

The North-East tribal situation differs from that in the rest of the country by virtue of (i) comparative isolation; (ii) continued protection of traditional rights in forest and land; (iii) educational advancement; and (iv) comparatively larger plan effort. The problem of exploitation and deprivation, which is plaguing the other areas, is largely absent. Here the main problem is in regard to developmental efforts. These small States tend to formulate programmes on the model of bigger States with the result that the average tribal has not benefited much notwithstanding large investments.

4. In the rest of the country, tribal areas are parts of large States and there has been considerable intermingling. The new contact in the absence of adequate protective measures, and ineffective enforcement of such measures, leads to exploitation, viz., indebtedness, bondage, land alienation and loss of control over other productive assets. Large areas still continue to be predominantly tribal. The more inaccessible areas are underdeveloped but are comparatively free from exploitation.

5. In areas, where tribals have been reduced to a minority through immigration and dispersal, they have also been deprived of their control over productive assets. Thus, there is a qualitative difference between areas of tribal concentration and dispersed tribal population.

6. The problems of areas of tribal concentration are easier to solve since area based planning with focus on the development of tribal communities can be envisaged. The situation can be saved from further deterioration and tribals can be helped to develop according to their genius.

7. A scrutiny of the various letters and memoranda written by tribal MPs and others has provided interesting and useful material in understanding their problems. The problem of dispersed tribal population, as stated, is different but the other two groups have the problems of (i) inadequacy of development effort, (ii) increasing exploitation in various forms, and (iii) indifferent administration. And now, when the Fifth Plan is being formulated it should not be difficult to give this problem the attention it deserves.

8. In respect of development effort, the primary question that is usually raised is in regard to financial resources. In the Fifth Plan this problem is sought to be tackled by the device of "Sub-Plan" for areas of tribal concentration. So far the State Plan efforts have been much too small and the additive Central Assistance generally has been the only investment. The States have now been asked to give necessary weightage for these areas in their Plans. The Central Ministries have also been asked to prepare Sub-Plans for these areas with some weightage in their favour. An outlay of Rs.200 crores (out of Rs.500 crores for hill and tribal areas) is likely to be set apart for these areas. As many of the general programmes are not suitable for tribal areas, the sectoral authorities have been asked to adapt their programmes and, where necessary, take up new programmes in these areas. It is also proposed that the outlays for the tribal areas should be made non-divertible. What is to be ensured now is that there is no resistance in the Ministries and States in adopting this approach. Once this is done, the financial resources will not be adequate although the difference between the levels of investment in the North-East and the other tribal areas will continue. However, disparity of investment may not be the real issue, as the size of investments will be unprecedented. The main task will be to ensure their proper utilisation, otherwise investment of this order itself will result in dislocating the tribal economy.

9. In areas outside the North-Eastern region, apart from proper utilisation of development funds highest priority has to be given to elimination of exploitation. Such of

the policies of the State Governments as are leading to exploitation or having an adverse effect on the tribal economy have to be reviewed. It would be seen from the letters written by MPs and others from time to time that the following need special attention:

(a) Excise: It is now generally accepted that the excise policy followed by the State Governments has resulted in exploitation. A Sub-Committee of the Central Advisory Board on Prohibition, comprising Excise Ministers of States, which went into this question has confirmed this finding. Some time ago a group of Members of Parliament had represented against sale of distilled liquor in tribal areas. They went to the extent of suggesting that the developmental outlays could be reduced if revenue considerations come in the way. The Central Advisory Board on Prohibition has endorsed the suggestion. At the meeting of the Board, the Excise Ministers did raise the question of revenue but in view of the continuing exploitation it was agreed that compensation could not be a pre-condition for the change. The Scheduled Areas and Tribes Commission had made similar recommendations in 1961 but it is a pity that even though accepted by the Government these have remained unimplemented so far. Since the matter has been gone into in detail, an early decision on the new excise policy should be taken without any further delay.

(b) The forest policy, which is intimately connected with the tribal economy, is progressively veering towards commercial exploitation unrelated to the local economy. In more backward areas it is giving rise to considerable tensions. This needs an urgent review.

(c) The licensing policy and project-formulation for big industrial and mining complexes hardly take into account the local simple tribal situation. New vested interests are being created in these areas. A balanced relationship between the traditional economy and the modernised sector has to be built by introducing an element of local participation wherever possible and advanced planning for all-round development in the potential region.

(d) Exploitation by traders and money-lenders continues to be a serious problem. A unified credit-cum-marketing structure has been accepted in principle which may attend to all their needs including credit for production, consumption and social needs, supply of essential consumer commodities and purchase of agricultural and minor forest produce. However, for the tribal areas the State Governments, the Reserve Bank of India, cooperatives and other organisations concerned with this problem have to change their rigid stands on procedure and organisational structure.

10. Despite legal safeguards, land alienation continues to be a serious problem in tribal areas. Although the enforcement of relevant laws is ineffective, the main reason for land alienation is the general economic condition of tribals for which the factors mentioned above are responsible to a great extent. Therefore, while the enforcement of land laws will have to be strengthened, that alone will not help in solving the problem. The importance of the above mentioned factors has to be viewed in this context.

11. The most critical input for tribal development is the quality of administration. The socio-economic conditions of the tribals vary considerably from one area to another and from one community to the other. Administrative conventions, evolved over long periods in the past with reference to local situations have been superseded by uniform procedures creating adverse effects on the tribal population. The super-imposition of general administrative structure, evolved for advanced areas, on the simple tribal areas has resulted in considerable confusion. There is over-specialisation, avoidable duplication, lack of coordination and diffusion of responsibility. As protective and developmental functions can be hardly distinguished in most of these areas, bifurcating of development and regulatory functions is premature. The simple tribal situation needs a simple administrative structure within the comprehension of the people.

12. But what is worse, by and large postings in tribal areas are regarded as "punishment" postings with the result that the quality of personnel in these areas is generally indifferent. There is considerable exploitation by petty officials with the resultant lack of confidence in the local administration. To state the obvious, key functionaries must have sympathy for the tribal. The selection of the right type of personnel is necessary to improve the quality of administration. It is relevant to note that proviso to article 275(1) specifically provides for bringing up the level of administration of tribal areas. But not enough attention has been paid to this aspect.

13. The tribal development, which is carried on through the State Governments, is one of those fields in which the Constitution vests the Union Government with extensive power. The Constitution has a provision for making regulations in case of any legal difficulty and a provision for issuing direction to States to avoid any Centre-State controversy. It makes expenditure for tribal development a charge and financial sanction for developmental schemes automatic under proviso to Article 275(1). But the Centre has not exercised this authority enough. In actual practice its role has been confined to making grants to the States for this purpose. Now that the Centre intends to provide a very much higher outlay than in the past it is necessary in order to ensure proper uitlisation of these funds, that it takes a more positive role in the subject as a whole on the basis of a clear cut strategy.

Sd/-
(Indira Gandhi)

ANNEXURE III

BODHGHAT AND THE PEOPLE LIVING IN THE AREAS OF ITS SUBMERGENCE

Dr. B.D. Sharma
Commissioner for Scheduled Castes & Scheduled Tribes.

The River Indravati

A series of hydel projects have been planned to tap the power potential of Indravati river in Bastar District. These projects are proposed to be located at Bodhghat, east of Kutru, west of Kutru, Bhopalpatnam and finally at Inchampalli on the confluence of the Indravati and the Godavari. The total power potential of all these projects is about 1,500 megawatts. The generating capacity of the Bodghat project will be 500 megawatts. Some smaller power plants are also proposed like the one at Chitrakut falls with a potential of 7.5 megawatts. No irrigation is planned on any of these projects except for Inchampalli.

2. The Indravati runs from east to west dividing Bastar into two parts. It flows from the Bastar plateau for about 50 Kms. before it cuts deep into it at Chitrakut falls. After running through a deep valley for about 35 Kms. it spreads out at Sātdhār and thereafter flows on the southern fringe of the rugged hills of Abujhmar with extensive plains and to low hills to the south of it. On the southen extreme of this extensive plain is a hill range which follows the Godavari river, forming the southern boundary of Bastar with the States of Maharashtra and Andhra Pradesh.

Bastar south of the Indravati

3. Bastar south of the Indravati comprises three Tahsils, viz., Bijapur, Dantewara and Konta, and also part of Jagdalpur. It is sparsely populated except around the growing population centres of Jagdalpur, Geedam, Dantewara and Kirandool axis. Most of the forests are reserved and cover about 80% to 85% of the geographical area of this part of Bastar. These forests include some of the richest pure sal tracts. There are also mixed forests with bamboo, teak, bija and saja as the dominant species. These forests abound in edible leaves, roots and fruits and a variety of other forest produce used by the local people.

4. Southern Bastar is comparatively backward because of its inaccessibility and absence of economic infrastructure. Forestry has been the major economic activity besides agriculture. Bailadilla, an iron-ore project, is the only exception. However, this project has not benefited the local economy in a significant way. It has emerged as an enclave of migrant population who were drafted for the modern industrial activity and of others attracted by the new opportunities. Only a few amongst the tribals have managed to creep into the modern sector at the lower levels.

Its impact on the social organisation of the people in the surrounding area has been very adverse which has created tribal antagonism against the new establishment.

Missing Perspective and its Consequences

5. In the absence of a long-term plan for the development of natural resources and their utilisation in this resource-rich region, stray suggestions have been made from time to time as and when there was a search for good agricultural land or some projects were proposed needing extensive land areas. For example, at one stage a decision was taken to establish a colony for the rehabilitation of displaced persons from the erstwhile East Pakistan. It was proposed to excise about 1 lakh acres of agricultural land for that purpose in Bijapur Tahsil alone. However, the experience of resettlement in Narainpur Tahsil where 1 lakh acres of land was given for that purpose was not a happy one. While the displaced persons were helped assiduously and gradually became good cultivators, the tribal people were left to fend for themselves. This created a situation where the Bengalis had emerged as a powerful and exploitative element in the backward areas and the administration so far had failed to take corrective measures to ensure that the tribal people became partners in the development of the new area. The proposal for Bijapur, therefore, fell through on account of local opposition.

Forestry Experiments

6. Even though the population in the southern Bastar is comparatively small, the pressure on agricultural lands has mounted since a large proportion of the geographical area has been covered by reserved forests. In the pre-Independence period a number of villages were deserted by the people because of depredations of the local zamindars who were taking advantage of inaccessibility and remoteness. The agricultural lands in these areas were reclaimed by the forests which in due course came to be classed as protected forests and even reserved forests. As the situation after Independence improved and the pressure of population increased, there were demands for allowing cultivation in the forest area. A significant number of people moved into forest without any formal permission. There was a serious confrontation between the people and the administration on this issue. During 1965 to 1968 when some political parties launched a land grab movement, extensive forest areas in the southern part of Jagdalpur, Dantewara and near about Barsoor were burnt by the people. This confrontation was defused by the administration through systematic identification of cultivable land in the area and settlement of people thereon. It was possible to persuade them to move even to remote areas as the formal settlement was preceded by personal discussions, sponsored extensive visits by the people to the prospective area and a continuing dialogue until they finally found their stay comfortable. However, there were differences about some of the lands settled between the Revenue and the Forest Departments about their jurisdiction with the result that regular

pattas have not been given to the people in some cases even after a lapse of 15 years.

7. The systematic resettlement programme was, however shortlived. Consequently, the unauthorised movement of people into forest area in an unregulated way is continuing. Recently some instances were reported in which huts of the forest villagers were burnt by the Forest officials on the ground that they constituted encroachments in the forest. In sum, a substantial population from thickly populated areas has moved into forests of southern Bastar. They have cleared small patches and also occupied the old lands cultivated by their forefathers in the abandoned villages.

8. The Bastar forests have also been subjected to a number of other experiments in forestry which have generally disregarded the people's requirements and aspirations. Firstly, the working plans in Bastar have favoured plantation of teak in place of natural forests abounding in sal and other useful species. Its impact on the tribal economy has become clearer as larger areas are coming under teak plantations. Eucalyptus has also been planted in many parts of Bastar on experimental basis. This project, however, was abandoned at an early stage. Even though the impact of eucalyptus plantation in Bastar as a whole is negligible, it has adversely affected the economy of the villages around which large areas have been brought under it. The last ambitious plan to convert the natural forests of Bastar into man-made forests by planting pine on an extensive scale with an eye on its commercial utilisation was mooted in the 'seventies . The pilot phase of the pine plantation was taken up near Jagdalpur. The project, however, had to be abandoned at the final stage of its clearance by the World Bank with a projected investment of Rs.4,000 crores on considerations of ecology and also on the ground of its adverse effect on the tribal economy. Much of the pine plantation in the pilot project area got engulfed in a devastating fire a few years back. The people in the small area around the pilot project do not have a happy memory of that venture.

9. The above experiments were motivated by economic considerations. The inspiration of another series of projects in forestry emanates from the conservationists concerned. The extensive hill area of Abujhmar was proposed to be developed as a natural preserve. The idea was that the forests and also the people in this area should remain untouched from outside influence. This proposal, however, was abandoned at an advanced stage on the ground that the State did not accept the museum piece theory for the tribal people.

10. There are two sanctuaries in southern Bastar—one covering the Kanger valley and the other covering a part of the Kutru reserved forest. The former is being developed as a national park while the latter is a sanctuary for bisons. A large number of villages have come under the

the purview of the bison sanctuary. The affected people are resisting their eviction. Even the neighbouring villages are affected by the bison menace. If they take any defensive measures against the wild animals, they have to face the wrath of the Forest officials.

Forest Conservation Act, 1980

11. The enforcement of the new provisions of the Forest Conservation Act of 1980 has also created disaffection amongst the tribal people. The traditional rights of Nistar are not being fully honoured everywhere. The situation has been accentuated by the decision to redraw the reserved forest boundaries in the district. Bastar has a large area designated as protected forests. In many cases the forest growth in this area is as good as in the reserved forest. The operation aims at transferring these forests from the category of protected to reserved forests. In many cases the new boundary lines are quite close to the village habitations. There is a widespread apprehension that once these areas are declared as reserved forests the people will be denied access to them. In some cases the new rules are being enforced even in anticipation of the proposed transfer. In those regions where a bulk of the geographical area (85 to 90 per cent) is under the reserved forest the people are facing serious problems. In some cases even the small developmental requirements like those for a school building or a health centre or a minor irrigation tank are not being fulfilled which places the administration in not a very laudatory position.

12. The discontent over the issues relating to land and forest in Bastar is not new. The tension has been relieved from time to time as encroachments have been settled and a new hope was given to the people. But a long term perspective in this regard has not emerged so far. The popularity of Baba Bihari Das, an imposter of the former ruler of Bastar, rested on his promise that the land and forest would be opened up as was the practice during the Raja's period if they followed his advice. The extremist elements also acquire their following through similar promise as was exemplified in the land grab movement of the late 'seventies. These elements were neutralised by a systematic programme of settlement of people on available lands. The extremists, however, now are finding a fertile ground for their work as discontent on a number of issues related to the management of forest and land is increasing. They are also getting support from the neighbouring areas in Andhra Pradesh as well as the mining centre of Bailadilla within the district where they have a foothold. The administration has perceived the new tension more or less as a law and order problem without adequate appreciation of the people's perspective on the issues involved. The police machinery in the district has been reinforced. The Forest officials are being granted licences for firearms and it is also suggested that some of them may be formally armed in pursuance of a State level policy decision to that effect. The State armed forces have been inducted in south

Bastar with a battalion strength. A special Bastar Task Force has also been raised ostensibly with men drawn from within Bastar. However, it is understood that a large percentage amongst them are from outside having found their way through the local Employment Exchange with the help of their relatives.

Deployment of Force

13. The situation in south Bastar is rather uneasy. The administration in Bastar, particularly the police outpost, has always been considered by the tribals as an alien element. The police administration has not been viewed by them as their protector but as an ally of the non-tribal groups. The behaviour of the other armed forces is not exemplary by any standard and they are being considered as less desirable elements than the district police force.

14. The extremists in this area have an advantage of speaking in a language and medium which is understood by the people. They tell them pointing to their earlier deserted homes that the forests belong to them and, therefore, no one has a right to stop them from using them for their bonafide local needs. They also point out that the State is awaiting the contractors who were really responsible for the depletion of those resources. They keep a watch over the rates of payment of wages. They work as a pressure group in case undue cuts are made. Even in those cases where the State itself fixes the collection prices of minor forest produce at a level lower than the market rate they prevail on the contractors and insist on payment of market price. In case this is not done they persuade the tribal people not to collect the produce and even forego the small economic benefit which they would have otherwise derived.

15. The average tribal in south Bastar faces a serious dilemma. The extremists speak for him and there is no reason why he should not listen to them. But the administration, particularly the police, takes the tribal to task for having contact with them. If he gives away under the pressure of the police, the extremists themselves may not take kindly to him. The administration has no answer to the questions which are posed by the extremists on their behalf. Their influence, therefore, continues to grow. In the present situation the only response to this is the augmentation of the police force which in turn will accentuate the confrontation without in any way resolving the basic issues.

Execution of Bodhghat Project

16. Harnessing the power potential of the Indravati has been under consideration for a long time. The first survey around Bodhghat, however, was started in the late 'sixties. Initially it was expected that it might be a multipurpose project with provision of some irrigation as well. However, finally it emerged as an exclusively power project with no irrigation whatsoever. The precise site of the dam and its height have also been under discussion for a long

time. As there were some uncertainties about the geological structure and rock formations, a clear picture about the project emerged only much later. The then Prime Minister laid the foundation stone of the project on 21-1-1979. Thereafter the decision about the agencies responsible for its execution involved some delay. Some work was started by the Irrigation Department. It was then assigned to the Madhya Pradesh Electricity Board but again that decision was revised. Now the project is again being executed by the MPEB for the last few years. It took sometime before the infrastructure for the construction of the Bodhghat project could be established. The first colony for execution of this project was set up at Raipur and the second one at Jagdalpur. There was no road beyond village Barsoor. Even the road connecting Barsoor with Geedam was only on paper. The entire road from Geedam to Barsoor and from Barsoor to Bodhghat has been constructed by the project authorities. It was also necessary to construct a big bridge across the Indravati to facilitate transport of building materials from the other side. The road and the bridge constructed by the project will finally become a part of the State highway connecting Kirandool with Narainpur and Rajnandgaon. This road will also run parallel to the proposed railway line.

17. It appears that the detailed survey of the area likely to come under submergence was not necessary in the early stages of the preparation of the project proposals since the hills are very steep and the affected villages could be identified even on the topo sheets. The villages are located in the two strips below the hills on either side of the Indravati which are generally quite narrow but at places they spread out considerably. There are also small islands in the river bed. There is no habitation on these islands but the land on some of them is cultivated by the people from the nearby villages. The forest in this region is extensive and of a very high quality. In some areas sal is the dominant species, elsewhere the species are mixed. The habitations are quite small and the area is sparsely populated. The total area likely to come under submergence and required for other purposes of the project is 13,783 hectares the break-up of which is given below:

	Forest land	Revenue land	Private land	Total
Submergence	5433.862	2708.427	4698.188	12840.477
Construction	270.470	360.101	312.099	942.670
Total	5704.332	3068.528	5010.287	13783.147

Naturalists versus Protagonists of Development

18. The Bodhghat project does not evince special interest for the people of Bastar since it does not have an irrigation component which would have created new expectation

in the possible area of its command. The discussion about this project was confined to the official circles and technical departments. The early phases of this work, therefore, went almost unnoticed by the people. The project came to the limelight in the wake of the belated concern about ecological balance voiced at the national level in different forums. The controversy over the Silent Valley made ecology a household word amongst the educated people in the country. The Indravati valley beyond the Chitrakut falls also has an aura of mystery as it is heavily wooded and extremely inaccessible due to steep slopes of the surrounding hills. Some naturalists began to raise questions about the ecological implications of the Indravati project. The insistence of the Central Government on environmental clearance of the project before it could be taken up added to their strength. Some work had already been started on this project involving clearance of some forest in anticipation of approval which was taken for granted as per the prevalent practice of pre-1980 period. As this came to the notice of the Central Government a serious view was taken of this infringement and the work on the project had to be stopped, though most reluctantly. This encouraged the naturalists to put up their case with greater force and pursue it vigorously. However, the entire debate continued from a distance without much intimate knowledge about the area and the real nature of the issues involved. A detailed estimate of the forest wealth likely to be submerged was made by the Forest Department. Some doubts were raised about this survey and a high power technical group has been commissioned to make an independent assessment. The details about their findings are not available so far. The ascendancy of ecological considerations and the serious objections by the Central Government created a sense of uncertainty and even dismay amongst the project authorities, the work on the site slumped and tapered off as the items in hand were completed. This project has aroused high expectations amongst the elite groups in the districts associated with the contracts, supplies, etc. In the context of the new uncertainty they are apprehensive of the big opportunity slipping through their fingers. It is reported that some of these people have started working from behind the scene and are creating a lobby in favour of early sanction of the project. It is also being given some political colouring. They argue that the forests which will come under submergence of this project will not be even a fraction of the total forest area in Bastar. They add that the felling for the project will not be equal to the normal felling by the Forest Department in a single area, not to speak of the continuing illicit felling the incidence of which is quite high. They point out that the total forest area in Bastar is about 65% while in south Bastar it is 80% or more. If the argument of the naturalists is accepted, no programme of development in Bastar can be taken up in the foreseeable future. They are reinforcing their argument referring to the numerous anomalous situations due to extreme postures taken by the Forest officials. For example, even a school building or a dispensary, alternative sites for habitations affected by flood

or small tanks for Nistar and irrigation have been objected to using the provisions of the Forest Conservation Act. There is a provision for compensatory afforestation in the project. However, the Forest officials are insisting on such plantations on denuded non-forest lands. In Bastar even lands outside the forests have good tree growth. Other areas are under agriculture. Therefore, unencumbered treeless lands outside the forests are not available. According to them, arguments of naturalists are merely a clever device to thwart the project. Their motive is to keep Bastar undeveloped so that one can continue to enjoy the privileges and patronage undisturbed by a new class which will emerge as Bastar moves ahead.

People's Perception

19. In the entire debate about Bodhghat the people living in the area of its submergence have not figured at all. Their remoteness has kept them outside the beat and beyond the reach of the articulate groups which are parties to the raging controvery. My three day visit to this area was a revelation. I had not visited any of these villages during my term as Collector more than 15 years ago even though I had travelled almost all the difficult areas in the district. In many of the villages through which I passed the people said that the only officials who ever visited them were the Patwari and the policemen. The frequency of the policemen's visits has become negligible after the advent of the new excise policy which has allowed them to brew their traditional drinks at home and has abolished commercial vending of liquor through contractors. The only major works under the Bodhghat project undertaken so far are those of roads and the bridge across the Indravati. The impression in the villages initially was that the project was concerned only with those schemes. A deep excavation for housing the generation units was taken by them to be an exploration for valuable minerals like gold and silver. In Bastar geological parties have been working for a long time establishing their camps at remote places. Therefore, their conjecture about the new group was not unnatural. It is only about three to four years back when some excavations at the dam site were started that for the first time they had an inkling of their possible displacement from their homes. The measurement of houses, enumeration of trees, list of agricultural fields, etc., undertaken in the last two to three years clinched the issue. They have also attended a few meetings convened at Barsoor and Geedam. According to them no official or political leader ever visited their area and confided in them about the nature of the project nor have they come to listen to anything which they may have to say. The displacement of people in the area of submergence has been taken for granted in accordance with the due processes of law in vogue. Even as the controversy about Bodhghat is raging in Bastar the only issue is ecology including destruction of rich frests. No one even alludes to the problems of the people.

20. It appears that sometime back their case was taken up by some of the legislators belonging to the Congress(I) as also some members of the opposition parties, notably Shri Mahendra Karma. The opinion in this group has veered round and now they are all for the project. Shri Mahendra Karma has come out of the Communist Party and joined the Congress. He is now a forceful advocate of the project. Shri Jaikishan Sharma of Geedam who also belongs to the Congress is the only person whom the people in the area know as a champion of their cause. He has been voicing their concern and also organising meetings for that purpose, though from a distance outside the area.

21. The proceedings of the land acquisition are in progress. In the case of four villages the compensation for land and houses has already been paid. These villages have been affected by the works on the dam site roads. The usual formula of average sale price of land in the area plus a solatium has been adopted. Rates of compensation for land are about Rs.1,900 per acre. Similar amount may be given to the displaced persons in other 38 villages in due course.

22. As the problems of displacement and the likely resistance by the people came to the fore, it was conceded that the project would also meet the cost of their rehabilitation. According to this scheme every family is to be provided 5 acres of land developed at the cost of the project, a house-site measuring about 1/2 acre and a small house. Each habitation will have about 25 units which will be provided common facilities like a drinking water well, a community centre and a school. According to the project administration one such site has already been selected by them. But the work on it has been stopped after the work on the project was stopped pending clearance.

23. The situation about rehabilitation of the displaced persons is not clear at all. I was told by the people that some of them were once taken by a project officer to different parts of the district in a jeep and generally shown the areas. However, they had had no opportunity of meeting the people or their leaders of the concerned areas. The lands which they have seen are mostly of low quality or bhata lands. They are away from the forests. The only place where they found a good area was in Abujhmar. But the villagers there had told them in clear terms that they would not allow any settlement within their village area. This is the last which the people have heard about the prospective resettlement plan.

24. The people are extremely sceptical about possible rehabilitation by the Government. When I posed this question in a village assembly, they pointed out to the fact that while lands in the four villages had already been taken over by the project authorities, they had not been resettled nor did they have any idea of possible resettlement. While some of the people in those villages continue to do cultivation on the fields even after these have been

acquired, others do not have any land as it has come under the earth dumped from the excavation. They have no alternative work to do since the work has come to a stop. They have been rendered destitutes depending on the mercy of their neighbours. Some of them even ventured to move in the neighbouring forest area and cleared a patch of land. Some outsiders had promised that they would persuade the Government to give pattas of those lands; instead they are facing a court case at a heavy cost.

A Valley of Plenty

25. The people's concern and their dilemma became clear after my visit to the area. There are rich forests on the slopes of the hills and beyond there is a perennial river (Indravati) flowing below. There are extensive fields on the narrow strip reclaimed and developed by the people through sustained hard labour for generations. The nalas and the small streams cutting through the sides have been trained; the steeper slopes have been brought under command by construction of high bunds while the gentler plains are arranged in graduated steps and water naturally flows from the higher to the lower. This valley has a distinctive micro climate of its own. It is filled with dense fog every day from May to November except on those days when it may have just rained, which is cut by the strong rays of the sun only as it rises high in the sky about 10 in the morning. Everything gets wet and the crops in the fields get the benefit of the slow drips of water for hours, from the time of sowing to maturity and harvesting. The uncertainties of weather, therefore, are unknown in this area and the nature is extremely benevolent to these simple people. The water from the nearby hills flowing through their fields enriches their soil regularly with nutrients brought along from the thickly forested slopes. They have no memory of any drought or scarcity nor have they heard of such contingencies from their forefathers.

26. According to the people they have three sahukars— the forests above, the river below and their lush green fields around. The forests abound in roots, shoots and leaves while the river nurtures a variety of fish and other amphibians. For four months they go to the forest which offers them all they require; for another four months they go to the river which gives them plentiful sustenance for that period. Their fields meet the balance of their requirements. They have no need to go to any other sahukar or moneylender for any support. Even the landless in the village is not a destitute since he can work in the village, go to the forest and fish in the river. Theirs is a life of unbounded happiness untouched by any external elements.

27. The inaccessibility of this area has been a great boon to them. It was impossible even for exploitative forces to pierce through the forests and reach out to them. The area has a long history of settlement. Most of the villages have exclusive tribal population; certain bigger villages like Binta have a mixed population. No one knows when the Oriya Brahmans who are settled in this village reached there. They have been completely tribalised in

every sense of the term. They have a tradition of being invited to Bastar by the early rulers in the 13th century.

28. The prosperity of the people and their freedom from the exploitative processes are clear from their general health and the type of habitations. Many tribals have large extensive houses built according to their convenience. There are big shady trees near their homes. There are large mango groves with majestic trees hundreds of years old. The setting of the villages is idyllic in the real sense of the term. They visit villages outside their valley only when they must. The nature has given them whatever they need. They are her grateful children singing to her glory and dancing to its rhythm as the moon shines above the forest clad crests of high hills and as its reflection swings in the wavy waters of the Indravati as the gentle breeze rustles through the vines and groves.

29. The tribal people all over the country are deeply attached to the territories in which they live. The same sentiments were expressed everywhere during my visit and the only question which bothered everyone was the spectre of displacement. The occasional emotional outburst of the people living in an idyllic setting described above, knowing no scarcity and no want, protected from vagaries of nature and depredations by man in the deep valley, is quite natural and needs sympathetic understanding. Where will they have such a land was the question on the lips of every man. How can the Government provide them such fertile fields developed by their forefathers over generations even if best efforts were made in this regard? That there are only bhata lands and marginal lands available for settlement was clear to everyone as that was the experience everywhere. The better lands are already occupied by the people. Even if they get some land it may be away from the forest on which they heavily depend in this valley. They know that the Government will not allow them to enter the forest where similar lands could still be got. The innumerable cases which the people face for violating the Forest rules including by those who have cleared the forest as their lands have been taken for the project, amounted to a clear warning about what is not possible. If the green fields, the rich forests and the benevolent Indravati all taken together are able to provide them their full sustenance, what will be their plight if they had to depend on an indifferent land measuring five acres? Moreover, nothing was clear as to whether the entire family with a dozen members or more would get that much of land or all adult earning members would qualify for the same.

30. The settlement on an alternative site was just a talk. How can they be sure whether they would be welcome to the people amongst whom the Government may direct them to get settled? They have not met their leaders nor do they know those people. Whether they will be welcome to the world of spirits around has to be ascertained. Each village has a set of five deities, viz., Dongar Dev (Hill God), Mati Devi (Earth Goddess), Gaon Devi (Village Goddess),

Pitar Dev (ancestral spirit) and Anga Dev (the presiding god having allegiance to Goddess Nandeswari). Will they all be left behind to be subsumed by the sprawling waters of the Indravati as they leave their homes?

31. There were numerous other questions bothering them. Will they move as a community or as individuals? Where could the Government have such vast lands where full villages or even sizeable parts thereof can be settled altogether? What will happen if they face a bad year in the new habitations, an eventuality which is unknown in the long history of their valley? What will happen if they are not welcomed by the people and they get into problems with them? Dandamis are a ferocious people. They do not listen to anyone. The Marias are known for their witchcraft as their women ravage the surrounding areas in the form of half-human and half-tiger in period of scarcity. Where will they go? What will they do? They have been living in this valley. They are like frogs in a well. How will they manage? No one has even talked to them about their problems, let alone understand them and convince them of the feasibility of a viable alternative of equal merit, if not with a better prospect. All prospects in the eyes of the modern system can be converted into money terms. The quantum of compensation which is obviously quite meagre can be easily raised, concludes the project authority. The tribal remains unmoved by these proposals. He is not convinced to move out to any other area which is not comparable with his own. No alternative is acceptable to him. Whether the new possibilities are better or worse he simply is not interested. On the question of cash compensation his position is clear. He is a poor man, taken to drinking, who can be easily tempted by joyous feast of tasty meat. He is certain that the money which he may get will run out with the liquor and feast he will not be able to manage. This has been the experience all through and there is no reason to believe that the next transaction will be an exception. So he cannot bargain his land for money, for a thousand or a lakh of rupees or a truckload of notes as one old man cryptically stated. These figures do not mean anything to him since he cannot even count that high.

32. The reference to their settlement in colonies constructed by the project authorities was immediately rebutted everywhere pointing derisively to the thotha (landless) colonies. How could they live in rooms measuring 8'x8' or even two of them? Their own houses are sprawling complexes under the shady trees with provision for everything which they need. Whatever the Government spends will be eaten up by the contractors and not more than a fraction will reach them, they were clear. The housing alternative does not interest them in the least was made clear everywhere. Thus the picture about the alternative lands was gloomy and something merely in the air. Money compensation is meagre. But even higher compensation would not interest them as they would not be able to hold the money. The proposed colonies according to their inference will be like hovels of substandard materials which may not last even the next rainy season. All these are mere inferences

since no one has spoken to them and they have not been taken into confidence. Their conclusion is clear. They will not move out from the area come what may. They, however, still pleaded with me to convince the Government about their case. They said that they knew about the Government's concern for the poor since a variety of programmes were taken up for their uplift. They referred to the loans granted and lands assigned. But they wondered how it was that such a benevolent Government, when it came to their own case, had no consideration whatsoever. Why should they be uprooted from their homes? That the project will generate electricity is of no interest to them. That electricity is necessary for economic development was a meaningless proposition as there was hardly any education in the area. They could not be lured with the argument that their children will have a better future. They were reconciled to their children leading the same life as their own in the valley. A two-year old child died just half an hour after my arrival in the village Raigondi as the local Sirha (the magic man) could not save him even after elaborate sacrifices and propitiations for the preceding two days. Any talk of development does not invoke any faith amongst the people.

33. The people plead that they are the subjects of the Government. Let the Government be kind to them. They cannot afford to disobey the Government. They are its humble subjects. If the Government so wishes, let each of them be hanged by the rope or shot by bullets. Their numbers are much and their bodies can be used to fill the foundation of the dam which will save the State the cost of materials for construction. If you wish, bomb the area (Gola ghasarao) so that everyone is dead and there is no one to resist the construction of the dam. None of them, they said, will move out of the area.

34. That the case of the people likely to be affected by the project should have gone completely unheard is most surprising, particularly in the context of the formal decision of the Government to accept the responsibility of their rehabilitation as a part of the project itself. A Committee has been constituted for rehabilitation of displaced persons under the chairmanship of the Commissioner, Bastar, and there is a State level Steering Committee as well. The Rahabilitation Committee, inter alia, has people's representatives as its members. However, the people's side appears to have remained unstated. This brings out the wide gulf dividing the people and their representatives even on such vital issues as the present one involving their uprooting from their homes. The essentially human issue has been dealt with in a routine fashion in terms of money, drawings, maps and schematic plans, missing the man personally affected altogether. The communication gap in this case is astonishing. Even the foundation laying ceremony by the Prime Minister did not bring the issues to the fore so far as the people are concerned. Moreover, their problems have always been discussed outside their valley, the nearest location being Barsoor; sometimes

they have gone even as far off as Geedam and Jagdalpur. At a place away from his home the simple tribal cannot be expected to even talk freely, let alone giving vent to his pent up feelings. The articulate are in command in such gatherings and the decision can be tailored according to their wish. Some people from those villages which I could not visit came to Jagdalpur to meet me after hearing about my programme. They also attended the traditional Manjhi Durbar on the 14th October, 1986, following the Dashahara festival. One of them even took courage in his hand and came to the mike for speaking. He could not speak because he was not allowed and he could not assert his right to speak in that open forum of the people. The Durbar was, however, told by one articulate speaker that destruction was an integral part of the building process. Only an unimpressive figure from the crowd questioned the relevance of big projects in Bastar as the poor man struggled for his rights on land and forest vital for his subsistence. His plea had an appeal for those who could not speak but was taken as stage-managed by those who commanded the show.

35. All cannot be said to be well in Bastar as the controversy around Bodhgath Project has acquired emotional overtones. The ignorance about the people's case and their non-involvement in any dialogue about the project are leading to a situation surcharged with emotion which, to say the least, is dangerous. The acrimonious debate at the higher level is between the conservationist and the supporters of the project. Neither of them is able to provide convincing grounds in their favour. The forest affected by the project is compared to loss of one leg by a centipede. How will Bastar gain if electricity is produced in the absence of a master plan for its development remains unanswered. In this tumult of principles the man in the valley has none to guide. The MPEB or "Empee" is a dirty word with those people. They will have nothing to do with any work connected with the MPEB. No one came to me even while I was sitting in Koyam village until they were convinced by the Patwari that no one from the MPEB had come. A communication was sent around by one of the Patels in the villages not to sign any paper whatsoever even if the Government officials so desired. So far the people are accepting that they are subjects of the Government and tilling the land at their pleasure. The Government is their benefactor and they would do as it commands. They are still pleading for a consideration. It is only a question of giving a slight turn to their pleadings. The moment someone aims to communicate to them that they can claim their right to remain in the valley and defy the Government, the tide may turn and a confrontation may set in. The tribal people in this region have the memories of earlier confrontations like the land grab movement in the neighbouring Barsoor and also the police firing during the confrontation with Shri Prabir Chandra Bhanjadev at Lohandigonda. It is fortunate that such extreme postures have not surfaced as yet. But unless immediate action is taken the situation is ripe for any extraneous element to inter-

vene and take advantage of the simmering discontent.

36. The first major task is to win the confidence of the people and reassure them that their side will not remain unheard. In other words, unless they agree to move out on being satisfied about the alternatives which may be offered to them the work of the project will not restart. Since the final clearance for the project has not been given and it is still pending with the Department of Environment, the terms of reference for the clearance should be extended to include the issues raised by the people including an acceptable scheme for their rehabilitation. The paper scheme at this stage will not satisfy the people. Let the local administration work out clear and specific alternatives in association with the people affected by the project. The biggest stumbling block in this will be initiation of a dialogue. Any pressure on the people will be counter-productive in the long run. The acid test of the ability of the administration to work with the people will be the quality of their dealing in the first crucial step itself. Their hurt feelings have to be assuaged and their side of the issues has to be properly appreciated. They have to be convinced that what they will lose will be more than compensated and that they will not be forgotten the moment they move out of this valley.

37. The preparation of a satisfactory rehabilitation plan will really be a difficult task. Good agricultural lands are not available outside the forest. There is total ban on any further extension of agriculture within the reserved forest. This project has been planned to generate electricity alone with no irrigation potential whatsoever. All these issues could be reopened, if necessary, for working out a satisfactory solution to the problem in hand. The project can be redesigned even at this stage so as to provide some irrigation. On the left flank of the Indravati just below the dam site are extensive plain lands. If the plan for development of the possible command is prepared right away involving the people who are likely to be displaced, an acceptable alternative may become available. The most important favourable point will be the familiarity of the displaced people with the area and also its inhabitants. They will be rid of the fear of unknown which is haunting them at the moment. It may also be necessary to make an exception and allow use of some forest land for agriculture with a clear stipulation that it may not be quoted as a precedent. This will help in resolving the tangled issue and at the same time will become a warning to the administration to exercise due caution at the time of planning of projects in future.

Some Issues about the Project

38. It may be mentioned here that some points about this project still need to be made explicit. It is learnt that a 5-Km. zone around the waterspread area of the project will be specially reserved to enrich its vegetational cover and also the wild life. A number of villages besides those whose lands are likely to be submerged will come in this

strip. In fact, some of the villages directly affected themselves fall in this strip. Some of the affected people may wish to migrate to this nearby area. The implications of the 5-Km. strip could not be explained by any officer in Bastar. Even if people are allowed to continue the cultivation of lands owned by them, special measures for protection of wild life are bound to affect them adversely as is happening near the Kutru bison sanctuary. The project should, therefore, not only plan for the rehabilitation of the adversely affected people but also for the people in this strip so that their economy is not adversely affected and gets reasonably stabilised.

39. If the people finally agree to move out, all issues relating to the rate of compensation for the land, standing trees, their houses as also the type of new colonies which will be set up will have to be reopened. The compensation is meagre. Due note has to be taken of the difficult situation in which these lands have been developed. The valuation of big bunds has to be fair. The valuation of trees will have to be reviewed. It is learnt that in Bihar compensation in one of the latest projects taken up in the tribal areas has been fixed at 15 times the value of the produce in the concerned field. This principle has been enunciated in one of the court decisions. It is specially relevant to the tribal areas since the sale prices are extremely depressed because of the Regulation against the transfer of lands. The new housing colonies should also be in keeping with the need of the people and their liking.

Other Projects on the Indravati

40. While a decision on the Bodhghat project may be taken, this opportunity should also be used to have a clear view about all the projects on the Indravati. If other projects also are likely to affect people, suitable plans for their development should be prepared forthwith. No investment in man can be infructuous. Their resettlement, etc., could be taken up only when the concerned projects themselves get cleared.

Basic Policy Issue about Major Projects in Tribal Areas

41. This brings us to the basic policy issue about establishment of major projects in the tribal areas. The preliminaries about the Bodhghat project were started more than 20 years ago. It is unfortunate that no dialogue has been established with the people during this long period and the first message itself carried the unbearable shock of displacement through the surveyors who moved into this area to prepare the estimates of the compensation which they would receive in the process. This long period could have been used to prepare the people for an acceptable alternative. Today their helpless plea is that they do not know anything but agriculture. Some of them could have been helped to acquire new skills which would have given them the confidence to face some uncertainties. A massive programme of education could have been taken up for the villages coming under submergence. A new generation of educated youth would have been in command in this

area who would have been in a better position to appreciate the alternatives of displacement and a satisfactory rehabilitation. They would have also been in a position even to bargain which would have meant only a higher compensation or some more facilities which the project can easily afford. The educated youth would have acquired some mobility and could be expected to have a stake even in development in the larger context of their region and the district. Today the young and the old alike have nothing to look for but a bleak future. This opportunity has been lost in the case of Bodhghat. But it should not be lost for the people who are likely to be placed in similar situation as the new projects and programmes are taken up in the tribal areas.

42. As soon as the preliminaries for a possible project in an area are started, a concurrent exercise for preparing the people who are likely to be affected directly by the project or who may be indirectly affected as in the case of industrial projects should be taken up. The comprehensive developmental plans of the people will comprise many parts, the resettlement of the displaced persons being only one and the last part of the total plan. Education is bound to be the common factor of all developmental plans. Similarly upgrading the skills of the people and training them for new skills will also be a common feature. The investment on education and training can be started forthwith in a selected area without even waiting for the final feasibility report of the project. Any investment on these items cannot be a waste. It is accepted as the highest priority item in all developmental plans in the tribal areas. The only thing in this case will be that a certain area would get priority and immediate attention. Education not only prepares the people for a new life, it also gives them a better appreciation of the overall socio-economic situation in a region and in the country. They can, therefore, understand the concern of the State for the relevant project. Even though their personal interests may weigh heavily with them they would be in a position to take a more balanced and rational view. The emotional moorings of the educated are also not very strong since education by itself creates expectations in the people and prepares them psychologically to seek new opportunities in a wider frame. In their case disappointments emanate from their inability to move out in contrast to those who are tied to the lands with no other skills and are afraid of venturing out in the world unknown.

43. A comprehensive frame for resettlement of persons displaced by irrigation and hydel projects has already been given by me in a separate note entitled "Rehabilitation of tribals displaced by irrigation projects—An ecologically viable and socially compatible alternative approach." A suitable policy frame in the light of the suggestions made may be evolved urgently which should be forwarded to the States for their guidance in the preparation of rehabilitation programmes in future. An appropriate frame may also be worked out for the persons affected by indus-

trial and mining projects and also the new and growing urban centres. Such areas have already been accepted as special areas for the purpose of planning under the Tribal Sub-Plans. Special agencies for the rehabilitation of displaced persons and the development of the zone of influence of the new complexes were also envisaged. These decisions of the Government should be implemented fully and effectively without any further delay.

A Long Term Perspective Plan

44. The resource-rich tribal areas have obviously a great potential for development. Moreover, in many of these regions there are multiple choices available to the planners depending on the local situation and national priorities. The rich forest areas have also rich soils. Therefore, the choice can be between natural forests, plantation crops, horticultural crops or agriculture. Similarly an area may also be endowed with mineral resources. In that case a decision will have to be taken whether a mining industry is to be developed or the non-mining activities have to be continued. In the instant case the choice is between the generation of electricity, natural forests and the traditional economy.

45. Any specific project cannot be expected to have a comprehensive frame even if a direction is given to that effect and it is considered desirable even by the concerned authorities. The time frame in each case is limited and some decisions have to be taken within it. It, therefore, becomes necessary to concentrate on a few parameters and ignore others. The social implications in a traditional tribal setting are the most difficult to assess. Meaningful studies are possible only in a broader frame and a longer time perspective. It is also common experience that once a project is taken up even for consideration, some interest groups appear on the scene. An objective assessment, therefore, becomes difficult particularly when it concerns issues like the interests of the people, ecology and such like. Many studies tend to get biased.

46. The ad hoc project by project approach, therefore, has serious limitations. The situations like those around Bailadilla or Bodhghat are, therefore, bound to recur unless a long term perspective for the development of each of the tribal regions is prepared. It may be noted here that in the wake of the national effort for economic development the resource potential of the tribal areas has undergone a mutational change. The resources which have been sustaining the tribal people at elementary level of living have now become treasures of incalculable riches. It is, therefore, essential that a perspective for the utilization of the new resources is prepared which should not only yield optimum result economically but also harmonise the interests of the people.

47. The perspective plan will present the alternative in clear terms. In some cases national interest may be paramount calling for immediate action. It may not be possible to wait for the people to get ready for the new change. The project can make the best efforts to accommodate their interests but not beyond a point. However, in most of the cases the time frame may not be that rigid and it may be possible to prepare an advance action plan so that the people also get ready for the change and are in a position to partake in the programmes of development and become partners in the benefits accruing to the local economy.

48. It is, therefore, necessary that a comprehensive perspective plan for all the tribal areas should be taken up. It is particularly relevant for extremely rich resource areas like Bastar. In view of the gravity of the situation in many of the areas leading even to a state of confrontation, this matter cannot be left to the State Governments to be taken up as and when they like. The Planning Commission should assume the responsibility for getting 10 to 15 year perspective plans for all tribal areas in the country on a priority basis.

5 November 1986

ANNEXURE IV

DUNG DROPPINGS FROM CATTLE GRAZING IN THE FOREST AREA LICENSED FOR GRAZING NOT FOREST PRODUCE

(Judgment of the Madhya Pradesh High Court)

(P.D. Mulye and R.K. Varma, JJ.)

BARKAT JALAM ADIVASI and others — Petitioners

vs.

STATE OF MADHYA PRADESH through Collector — Respondent

Forest Act (16 of 1927), SS.2(4)(b)(iii),(iv) and 26(2) — Dung droppings(Gobar) from cattle grazing in forest area under licence is not forest produce nor does it vest as such in the Forest Department.

During droppings(Gobar) from the cattle grazing in the forest area licensed for the purpose are not covered within the definition of 'forest produce' as defined in section 2(4)(iii) or (iv) of the Indian Forest Act. The grazing cattle are domestic animals which are not naturally found in the forest and as such the dung excreted by the cattle grazing in the forest area under licence do not form part of produce of animal found in or brought from a forest. Each of the expressions "all other parts of produce of animal" and the "surface soil", in clauses (iii) and (iv) of section 2(4) of the Forest Act found in or brought from the forest refers to natural occurrence in the forest. Collections of the dung of the grazing cattle cannot vest in the forest department as 'forest produce'. (Para 7-11)

For petitioners: Anil Trivedi — For State : Kulshreshtha

ORDER

R.K. VARMA,J.:- This is a petition under Article 226 of the Constitution of India filed by 16 petitioners who are adivasis and residents of forest village Chainpura in the reserved forest area and who are engaged in rearing and grazing cattle. The petitioners have challenged the action of the respondents whereby the petitioners have been restrained from making collection of 'GOBAR' (dung) excreted by the cattle, grazed by them and moving the collected quantity of such excrement of domestic cattle from the reserved forest for disposing of the same.

2. It is the case of the petitioners that they have been carrying on the job of collection of excrement dropped by the cattle while grazing in the reserved forest area where the petitioners were permitted to graze the cattle since generations and that never before they were prevented from making the collection of the dung and disposing of the same as manure. The activity of collection and sale of the dung constituted a means of their livelihood.

3. As per the return filed on behalf of the respodent No.2 (The District Forest Officer, Khargone), the petitioners and others had collected 48 heaps of GOBAR (dung) in forest compartments outside the village Chainpura and the petitioners were prevented from taking it away because the excrement dropped by cattle in the reserved forest area

M.P.No.575 of 1986 decided on 27-9-1986 (Indore).

constituted forest produce, within the meaning of the inclusive definition provided in clauses (iii) and (iv) of section 2(4)(b) of the Indian Forest Act. Section 26(2) of the Act prohibited removal of any forest produce unles permitted in writing by the Forest Officer or under any Rule made by the State Government. It is also asserted in the return that the excrement of domestic cattle being a forest produce, cannot be transported outside the forest village Chainpura by the petitioners without obtaining a transit pass. Whereas the excrement collected inside the area of forest village Chainpura in which the petitioners reside is conceded to be the property of the petitioners, the excrement collected in the forest outside the village area is claimed to be the property of the Forest Department on the ground that the excrement droppings from the cattle in the forest by the petitioners partook the character of forest produce.

4. The real controversy in this petition is, therefore, whether the excreta droppings from the cattle grazed by the petitioners in the area of reserved forest where they are admittedly licensed to graze their cattle, becomes forest produce which the department is entitled to claim as their property. The petitioners have averred that the dung droppings have been collected by them from the 'Gwadies' (cattle camps) where the cattle are kept during night in the licensed forest area meant for grazing the cattle. In the return it has been stated that the Collector and the Commissioner having been contacted by the petitioners, an offer of payment at the rate of Rs.80/- per truck was made to the petitioners towards the collection charges of the dung collected in heaps. It is further averred that this offer was made keeping in view the fact that the ignorant adivasis should be duly compensated for their labour of collecting the dung in heaps.

5. The definition of forest produce given in clauses (iii) and (iv) of Section 2(4)(b) of the Indian Forest Act referred to above, is as follows:-

> "2(4) "forest produce" includes -
>
> (a) *** *** ***
>
> (b) the following when found in, or brought from a forest, that is to say -
>
> (i) *** ***
>
> (ii) *** ***
>
> (iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax and all other parts of produce of animal, and
>
> (iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils and oil pruducts mines or quarries);
>
> **** **** **** ****
>
> (emphasis supplied).

6. The learned Government Advocate appearing for the respondents, has contended that the dung excreted by the cattle which are kept in the reserved forest area for the purpose of grazing under licence, would

constitute forest produce, being parts of produce of animal in clause(iii) or surface soil under clause(iv) aforesaid.

7. Having heard the learned counsel, we are of the opinion that the dung droppings from the cattle grazed in the forest area licensed for the purpose, as in the present case, is not covered within the definition of forest produce, as has been submitted by the learned counsel for the respondents. The grazing cattle are domestic animals which are not naturally found in the forest and as such the dung excreted by the cattle grazed in the forest area under licence, cannot form part of produce of animal, found in or brought from forest. Also it cannot be said that the dung droppings from the cattle grazed in the forest are under a licence assumed the character of surface soil found or brought from a forest. In our opinion, each of the two expressions 'all other parts of produce of animal' and the 'surface soil', found in or brought from the forest refers to natural occurrence in the forest. As such dung excreted by the domestic cattle, which are taken in the forest area for grazing under licence by petitioners, is not included within the meaning of 'forest produce'. The collection of the dung of the grazing cattle by the petitioners into heaps, therefore, cannot vest in the forest department as 'forest produce'.

8. It is averred in the return filed by the respondent No.2 that so far as the collection of dung within the area of forest village Chainpura is concerned the petitioners are at liberty to collect the same within that area and to dispose it of according to their will after obtaining the transit pass but the petitioners cannot claim extension of this right by entering into the reserve forest area outside the area of forest village Chainpura. It is, however, not disputed in the instant case that the domestic cattle enter the reserved forest area under licence and the petitioners are entitled to graze their cattle in the area in question. As such, there is no violation under Section 26 of the Indian Forest Act and the act of grazing the cattle by the petitioners has been permitted under section 26(2) of the said Act.

9. Learned Government Advocate has referred to a Gazette Notification No.F.7-1-84-X-3 dated 30th June, 1986 which publishes the rules for the regulation of grazing in the government forest,made by the State Government in exercise of the powers conferred by Clause(a) of sub-section (2) of Section 26, Clause(1) of Section 32 and Section 76 of the Indian Forest Act. These rules provide for grant of grazing facilities in consideration for nominal annual grazing fee. No annual grazing fee for the domestic cattle, viz., cows, bulls, bullocks and buffaloes belonging to an agriculturist, agricultural labour and rural artisan is prescribed up to the extent of first ten units and a nominal fee of 25 paise and 50 paise per unit has been prescribed for a number exceeding 10 and 14 units respectively. Learned counsel for the petitioners referred to an earlier notification NO.F-7-29-78-3-1-X dated 28th June, 1979 which provided for grant of grazing facility free of cost, for the said domestic cattle.

10. However, nothing has been pointed out in the provisions for grazing facilities or any other provisions which would indicate that the graziers are supposed to give up their claim to the dung excreted by their cattle while kept in the forest area for grazing under licence.

11. In view of the discussion aforesaid, this petition is allowed. It must be held that the cow-dung droppings from the cattle of the petitioners in the forest area where the petitioners were permitted to graze their cattle, do not constitute forest produce and as such the petitioners ae entitled to collect and carry the same out of the forest area without any necessity of obtaining the transit pass.

12. In the instant case the respondents have deposited the price of the seized manure (dung) which had been collected by the petitioners in the reserved forest area at the rate of Rs.120/- per truck under orders of this Court dated 29-4-86 and 12-6-86. In view of the fact that this petition is allowed the petitioners shall be entitled to be paid the price so deposited in this Court. The security deposit, if any, shall be refunded to the petitioners after verification.

Petition allowed.

Source:1986 M.P.L.J.,pp.704-707

ANNEXURE V

A note on payment of minimum wages in forestry operations in Maharashtra

Background

The Government of Maharashtra had appointed a Committee in July 1982 to hold inquiries into the conditions prevailing in employment in Forest and Forestry and to advise the Government in the matter of fixation of minimum rates of wages in that regard. The Government accepted the recommendations of this Committee in 1985. Accordingly the rates of minimum wages for forestry operations were notified under the appropriate provisions of the Minimum Wages Act and were made effective from 15 May 1986. It, however, appears that the Forest Department did not comply with the provisions of this notification under the Minimum Wages Act and the rates of wages in forestry continued to be paid as per the schedule approved by the Forest Department for the year 1985-86 and circulated to the field offices for guidance. The Forest Department did not prepare a new schedule for the year 1986-87. Therefore, the old schedule of the year 1985-86 remained in vogue during 1986-87 as well. The new year for the purpose of rates in forestry begins with 1st July. According to the local officials no new rates have been fixed even for the year 1987-88. Therefore, the position as on 3-7-87 was that the rates of 1985-86 were still in vogue.

2. It appears that the Forest Development Corporation of Maharashtra Ltd. (FDCM) had taken note of the schedule of rates prescribed for forestry under the Minimum Wages Act and made these applicable during 1986-87. However, the Board of Directors of the Corporation in their meeting held on 20-4-87 resolved that "the daily wage rates of the F.D.C.M. should have been at par with those prevalent in the Forest Department". Therefore, they resolved and directed that the rates given in the schedule circulated by the Forest Department should be strictly followed w.e.f. 1-5-1987. This schedule, as stated earlier, relates to the year 1985-86. The rates of wages in all forestry operations at the time of my visit in early July 1987 were governed by the circular of the Forest Department containing the rates of wages prescribed by them for the year 1985-86.

The Facts

3. Thus the position in relation to the rates of wages in forestry can be summarised as follows:

(1) The Government of Maharashtra considered it necessary to enquire into the conditions of working and wages of people engaged in forestry as early as 1982. Consequently, a Committee was appointed for this purpose.

(2) After the Committee submitted its report the State Government accepted its recommendations in 1985.

(3) The new rates of wages for forestry work were formally notified on 15 May 1986 and were also made effective from the same date.

(4) The Forest Department did not take note of this Government notification and a schedule prepared by them earlier for the year 1985-86 continued to govern the wages of their employees in the field. This schedule has not been revised during 1986-87 and even for the year 1987-88 and the same continues to be enforced.

(5) The FDCM had revised its rates of wages following the Government notification issued under the Minimum Wages Act but later realised that they should have continued to follow the rates prescribed by the Forest Department and retraced their earlier steps.

(6) All wages in the forestry as on date thus are governed by the circular of the Forest Department issued for the year 1985-86 and the Government notification issued under the provisions of the Minimum Wages Act and made effective as far back as 15-5-86 has been ignored.

A Critical Appraisal

4. There are two issues which need to be considered in the context of the facts stated above — (i) the need for revising the rates of wages in forestry and (ii) the propriety of old rates being continued by the Forest Department in the face of the formal Government notification raising the rates.

Justification for a Higher Wage in Forestry

5. So far as the need for revising the rates of wages is concerned it is clear that the Government themselves were convinced of that need when they appointed a Committee to examine the wage situation in forestry in 1982. The quantum of change suggested by the Committee and accepted by the Government is also significant which testifies the urgent need for a change as it obtained there. The rate of minimum wages in the schedule prescribed by the Forest Department is Rs.7.60 per day only whereas the rate for the unskilled labour prescribed in the Government notification based on the recommendations of the Committee is Rs.14 per day. It is obvious that the earlier rates are so out of tune with the changing conditions in the field that their doubling had to be considered in one go after due enquiry.

6. The rates of wages notified by the Government of Maharashtra in recent years for labourers in other Departments also clearly show that the general wage rate has been higher compared to what obtained in forestry. For example, the minimum rate of wages for Bidi workers ranges from Rs.8.80 to Rs.12.20 per day (w.e.f. 8-7-86) and for bricks and roof tiles workers from Rs.9.50 to Rs.11.90 per day according to zones.

7. The only exception when the wages in forestry are higher appear to be the rates of minimum wages for agricultural labourers and the corresponding wages under the E.G.S. The dynamics of wages of agricultural labourers is different. The agricultural labourers are outside the organised sector and the State cannot force its pace of wages beyond a point. The rates of wages under the E.G.S. have been consciously linked to those of agricultural labourers. The wages under the E.G.S. also fall in a different category and cannot be taken as a guide for fixing wages in the organised sector, particularly for works under the Government Departments. While it would not be fair to comment on the minimum wages for agricultural labourers without examining the entire question, it is clear that these wages in Maharashtra are out of tune with the wages elsewhere in the country particularly in the neighbouring States. In any case they cannot be accepted as a basis for determining the wages in forestry which is an important State activity. The only conclusion which can be drawn in these circumstances is that if Rs.14 per day was considered as reasonable as early as May 1986, with the continued price escalation there is justification for a still higher wage rate for forestry workers.

Propriety of Lower Wages in Forestry

8. The next question is about the propriety of continuing a low wage rate of Rs.7.60 in the face of the notified wage rate of Rs.14 per day. The rate of Rs.7.60 was prescribed by the Forest Department following the normal procedure for fixing annual wage rates for their departmental operations. This rate was meant for the year 1985-86 as per the Forest Department order dated 27-3-86. It appears that these rates were fixed in accordance with the practice of the Forest Department. They do not derive their authority under any law of the State. On the other hand, the other set of rates which prescribe Rs.14 per day as the minimum wage has been notified in exercise of certain powers vested with the Government under a statute of the State. This notification is in the nature of delegated legislation and has the same sanctity as the substantive law itself. Consequently, no other order of the Government unless it also derives its authority from a specific law in suppression of provisions of other laws can hold while this notification remains in effect. It is thus clear that the legal minimum wage in forestry at present is Rs.14 per day. The rates prescribed in the schedule circulated by the Forest Department cannot stand in the face of this notification and must be deemed to have been superseded w.e.f.15-5-86.

9. It is understood that there are some doubts about the legality of the notification issued by the Labour Department on account of some procedural lapses. The procedure is an internal matter of the State Government and any defect in that cannot be used as a plea for non-implementation of a formal order which creates a right in favour of a section of population. If the State Government are in doubt about the validity of this notification on any grounds whatsoever, they should not take the shelter of those lapses for non-implementation but must remove these defects forthwith so that the labourers do not suffer. So far as the forest labourers are concerned, what matters to them is the rate as formally notified and not the fact that a certain procedure has been followed or not. The State has only two options, viz., to pay the wages as notified so long as the notification remains in force or else to cancel the notification so that the people may have no legal base to support their entitlements. The middle path where the notification continues to be in force but the wages are paid under a Government circular is neither legally valid nor morally justified.

Implications of Forestry Labourers being Members of Scheduled Tribes

10. It is clear that the labourers in forestry are entitled to a minimum wage of Rs.14 per day and that they are being denied this entitlement by the Forest Department on some technical considerations. This is not a tenable proposition under any circumstances. But this issue acquires a crucial additional dimension when it is noted that bulk of the labourers in forestry are members of the Scheduled Tribes. The State has a special responsibility for protecting the tribal interests. It is an irony that the State itself should become instrumental in denying the tribal people the entitlement which is due to them under the law.

Failure of the System to Protect Tribal Interests

11. It is possible to visualise a situation when a State Department may take a narrow partisan view and its decision may go against the interests of the tribals. But this cannot be expected from the State as such which has a special responsibility to safeguard the interests of tribals under the Constitution. Therefore, the question that arises at this stage is as to how the built-in system of checks and balances in the State apparatus which should have resolved such conflicting situations, did not get activised. Moreover, how is it that the special apparatus created for safeguarding the tribal interests did not react in this situation in which one Department of the State was acting against the interests of the tribals in the face of the State's clear and categorical obligation to protect the same?

12. The Constitution makes special provisions for the protection of tribal interests at numerous levels. At the first stage each Government Department is expected to feel its responsibility for protection of the tribal

people. It is its duty as a part of the larger State apparatus. Therefore, the nodal Department could have reviewed the situation as a special case keeping in view that the tribal interests are not only the responsibility of the State but also of all the Departments. It is understood that this case has been agitated in the High Court. It means that the Department became aware of the issues involved in this case. Even if the issues concerning tribal interest may not have been focussed in the court, if the Department were sensitive to their cause, the case would have given them an opportunity to rethink. This did not happen. Instead it appears that the Department has taken it as an ordinary legal case to be defended in the usual style. They would not care less and would simply wait for the decision of the court. Such a reaction is typical of stronger groups when it concerns the rights of the weak and vulnerable sections of the society. But such a stance on the part of a Government Department, particularly when it concerns the tribal people is, to say the least, irresponsive.

13. The second corrective could have come from the Labour Department since the formal notification had been issued by them under the authority of a State Act, the implementation of which is the responsibility of that Department even in the ordinary course. The Labour Department appears to have taken a non-committal attitude in this case perhaps because of the alleged lapses of procedure on its part and the strong reaction from the establishment departments of Government which would insist on being right with regard to the form and procedure rather than being concerned about the tribal interests. Even here the Labour Department and the Core Establishment do not seem to have considered the fact that it involves the interests of tribal people whose protection was the responsibility of the State. In this case the Labour Department is itself responsible, if at all, for not keeping to the rule and also for not ensuring that the provisions of the Consitution are not violated by disregarding the claims of the tribal people simply because they cannot speak.

14. The next corrective could have been expected from the Tribal Welfare Department. Even though the Constitution provides for a separate Tribal Welfare Minister in the case of only three States, viz., Madhya Pradesh, Bihar and Orissa, Maharashtra has considerable tribal population and in view of the importance which the State Government formally assign to their welfare a separate Department has been established. It is unfortunate that such a vital issue which concerns the denial of the entitlement of the tribal people, which has been accepted after detailed enquiry, should not have aroused any response on its part in defence of the tribal interests. It appears that such an omission is due to lack of clarity about role perception by the Tribal Welfare Department. Conceptually the Tribal Welfare Department should not have substantive executive role in respect of any developmental activity per se unless there are exceptional conditions warranting its intervention since the concerned Department, as a part of Government, must be charged with that responsibility.

This concept has been explicitly accepted since early 'seventees after the Sub-Plan strategy was formally adopted at the national level. It appears that the logic of the Sub-Plan strategy and departmental responsibility for their respective areas of activity had not been followed though. These Departments are, therefore, burdened with the routine to the neglect of this key role. For example, the Tribal Welfare Departments are generally engaged in activities like education, marketing, etc. Education is the responsibility of the Education Department which has experts and marketing that of marketing cooperatives which have a special knowledge in that field. The main responsibility of the Tribal Welfare Department is to stand by the side of the tribal people to ensure that their rights are not attacked and their interests are not compromised. I cannot visualise a more serious situation than the present one involving loss of half the wage in which the Tribal Welfare Department should have acted with determination and ensured that injustice was not meted out to the people simply because some procedure had not been followed. it is unfortunate that a number of excessess against the poor are being committed under the guise of law and in the name of rule. It is a pity that a Government could take recourse to a similar approach and could remain at peace even while every single tribal was being denied half the wage due to him for more than a year.

15. Not only the individual State Departments have failed to protect the interests of the tribal people in the instant case, the Government as a whole do not appear to have realised their grave responsibility. This matter should have been appropriately taken up at the Cabinet level and the Cabinet should have ensured that the tribals' interests were protected and any Department of the Government was not allowed to ignore this Constitutional responsibility and disregard the tribals' reasonable and due claims for wages.

16. The failure of the State administration to protect the tribal interests ostensibly on the ground of procedural irregularities in the issue of the Government notification is indicative of the lack of appreciation of the very spirit of Constitutional scheme for the protection of tribal interests. The Constitution empowers the Government to declare even a law passed by the Parliament as inapplicable to the Scheduled Area by a simple notification without any reference to the Central Government. Such a draconian authority has been vested in the Executive as to ensure that there are no formal alibis when it comes to the question of protecting the tribal interests. In the face of such a formal Constitutional provision any reference to procedural irregularity cannot but be termed as flimsy and not behoving the great authority of State administration.

17. This case also brings out the inadequacy of the arrangements made for protecting the tribal interests both at the Centre and in the States. The Fifth Schedule to the Constitution provides for a review of administrative situation in the Scheduled Areas on which the Governor has to make a report annually to the President of India. The fact that such a serious lapse on the part of the Forest Department which amounts to exploitation of the tribal people remained unnoticed for more than a year is indicative of the routine handling of this important Constitutional provision about review of administration of Scheduled Areas.

18. The Union Government have been authorised by the Constitution to issue directions, as may be necessary, for protecting the interests of the tribal people and advancing their welfare. But the irony is that the Union Government are not even aware of the gross violation concerning rights of the tribal people spread throughout the State of Maharashtra and that too as a consequence of refusal of a Department to take a reasonable view about the wages. It may be noted here that there is a system of annual review of tribal development by the Ministry of Welfare and the Planning Commission. That this serious omission affecting vitally the economy of the tribal people should have remained unknown is again indicative of something basically wrong in the procedure for review of the tribal situation and planning for tribal development.

Conclusion

19. It is quite clear that the non-implementation of the Government notification relating to the rates of minimum wages for forestry is an infringement of the Constitutional rights of the tribal people. The procedural deficiencies, if any, in the issue of the notification do not absolve the State Government of their responsibility to see that the tribal people get due returns for their labour. The current rates of wages prevalent in forestry works are exploitative by any standard as discussed earlier. Even if the rates of wages suggested by the Committee are higher than the normal wage rates in other Departments, the Government should have accepted the same on two important considerations. Forestry is a special task and requires high level of skills which unfortunately are not recognised by the modern system. Even going into the forests involves many risks and conditions of work are quite hard. Moreover, forestry operations, in which the tribal labour plays a key role, also yield substantial revenue to the State which should be an important consideration in fixing the wages of forest labour. It may be noted here that it has been accepted more than once at the national level that the tribal people should be treated as partners in forestry. This principle had been accepted by Maharashtra long time back that forest labourers would get a share to the extent of 20% out of the profit earned by the State in working of forests. It is understood that this arrangement has been discontinued recently and a new formula based on working expenses plus 6% premium has been adopted.

This is a regressive step in the context of general consensus that tribals should be partners in forestry. Thus, in the context of the overall policy frame it is reasonable to expect that the minimum rates of wages in forestry would be substantially higher than the prevailing wage rates elsewhere. The wage of Rs.14 per day, therefore, cannot be considered to be high but only a moderate wage and on all counts the forest labourers deserve a substantially higher wage even compared to Rs.14.

20. Once it is established that a reasonable wage to which forest labourers are entitled should be more than Rs.14 per day, the fact that they are required to work at a wage which is just its half clearly establishes that the tribal people are being denied their due entitlement and to that extent it constitutes an act of exploitation. The denial of due wage to members of the Scheduled Tribes and the resultant exploitation, therefore, attract the Constitutional provisions which enjoin on the State the responsibility of protecting members of the Scheduled Tribes from all forms of exploitation. That a Department of Government itself should be instrumental in this denial makes the situation still more indefensible. The plea of procedural lapses for non-implementation of duly notified minimum wages is not tenable particularly when the State itself is responsible for all actions relating thereto and also for providing protection to the tribal people. The State Government, therefore, are duty bound to make immediate amends and put an end to the incongruous situation where ironically the State has not only not discharged the Constitutional responsibility but has been responsible through the acts of omission and commission of its Departments for the violations. The rate of minimum wages as notified should be enforced in all forestry operations forthwith and its application should be made retrospective with effect from the date of the notification, i.e., 15th May, 1986. All labourers who have worked during this period should be given the revised wage of Rs.14 per day or more according to the classification of work they may have been engaged in.

Sd/-
(B.D. Sharma)
Commissioner for SC & ST

21 July 1987

ANNEXURE VI

A NOTE ON THE CONDITIONS OF WORK AND ORGANISATION OF LABOURERS ENGAGED BY COOPERATIVE SUGARCANE FACTORIES IN SOUTH GUJARAT FOR HARVESTING OF SUGARCANE

I visited south Gujarat between April 11 and 13, 1987, for an on-the-spot study of the conditions of work and organisation of labourers engaged by the cooperative sugarcane factories for harvesting of sugarcane. I visited two camps, Bajipura and Vankaner, and two sugarcane factories at Bardoli and Chalthan. I met the Chairmen and Managing Directors of nine cooperative sugar mills in this area. I concluded my discussion with a meeting with officers of the State Government and the Chief Minister of Gujarat on 15-4-87 at Gandhinagar.

Background of Sugarcane Production

2. The economic transformation of the area under command of the Ukai irrigation project began about 20 years back after this project was commissioned. The south Gujarat region has a distinctive socio-economic structure dominated by big landowners and agricultural labourers. Halpatis, one of the weakest tribal communities, living in this region do not have any land of their own nor even a place of their own to live. They were traditionally attached to families of landowners and worked with them through generations. This relationship has undergone some change after adoption of progressive measures by the State for abolition of bonded labour and general programmes for landless labourers. In many areas Halpatis have now their own residential plots and also have houses constructed personally or with the assistance of the State under different schemes. Most of the Halpatis are in debt which is incurred particularly when they require money for marriage and other social purposes. Marriage means the warrant of servitude after which the couple may work for years at end with the landowner at depressed wages with no choice to leave. The current wage in the rural area, particularly for Halpatis is Rs.6 per day. The male in the family who is given one meal is paid only Rs.5. The Halpatis whom I met in a village near Valod had to reconcile to this situation since one of them who had tried to raise his voice for a higher wage of Rs.5.50 only was penalised by non-engagement as a labourer for three long years. The monthly wage of a woman who does everything in the household except cooking is merely Rs.12 per month plus one meal per day. She goes early in the morning and returns by 2 P.M. The annual wage for those engaged for looking after the cattle may be anywhere from Rs.300 to Rs.800. The stranglehold of cultivators on Halpatis is complete and the latter occupy the substratum of the rural economy, desolate and forlorn. The changes brought about by developmental programmes have no meaning for them. In fact, they face severe backlash of development.

3. The irrigation canals which flow through this area ironically have made the conditions of Halpatis worse even as the landowners are prospering. A substantial area in the command has been brought under sugarcane. The total labour input in a sugar-field with a three-year rotation appears to be lower than that under traditional cultivation even before irrigation came. This has favoured the farmers and made the lot of agricultural labourers worse as the total period of wage employment available to them has got reduced. It is possible that this may be because Halpatis have been denied wage employment for harvesting of sugarcane which accounts for a substantial proportion of labour input in sugarcane cultivation. It is an irony that Halpatis themselves say that this work is beyond teir capacity. One does not know whether it is a fact or a fiction. One thing is clear that the 'hordes' which come from the 'wild east' are physically sturdy while Halpatis comprise a debilitated lot. We will discuss this more at a later stage.

4. Sugarcane cultivation was extended at a very fast pace after the benefit of irrigation from the Ukai became available in this region. The agricultural operations other than harvesting, even in sugarcane cultivation were taken over by Halpatis. Thus they were engaged in preparation of fields, sowing of sugarcane and weeding operations. But harvesting came to be organised through migrant labourers. I was told that some attempts were made to involve Halpatis also in harvesting of sugarcane which, however, proved to be unsuccessful.

Establishment of Cooperative Sugar Factories

5. Progressive farmers in south Gujarat took advantage of the experience of organisation of sugarcane production on cooperative lines in Maharashtra. In fact, the cooperative sugar mills were established in the very beginning and became instrumental in extending sugarcane coverage in the area. While all other agricultural operations associated with sugarcane production could be left to individual initiative, harvesting had to be systematised for achieving high productivity and efficiency in the entire sugarcane economic system. Harvesting of sugarcane has to be so regular that there is a steady supply of sugarcane to the factory every day, nay, every part of the day since the difference of even a few hours may reduce the recovery from sugarcane. Consequently, a very strict schedule of harvesting is planned well in advance according to the working schedule of the factory which is assiduously adhered to. Transportation of the harvested sugarcane to the factory has also to be fully synchronised with harvesting on the one hand and with the demand schedule of the factory on the other. It is obvious that such a time bound operation covering thousands of individual cultivators could not be left to the chance of statistical regularity forming the system by itself. Experience of sugar mills in other

parts of the country is also a pointer in the same direction. The cultivators there have to wait for days at the factories which not only means wastage of time and energy on the part of the farmer but also loss in production as the recovery is reduced with increasing time-lag between harvesting of cane and its crushing.

Induction of Hired Labour for Harvesting

6. With the establishment of cooperative sugar mills the farmers had acquired an organisational base. These cooperatives guided the farmers in cultivation of sugarcane and also gave them a schedule of sugarcane operations so that sowing was also suitably staggered which would mean optimum growth in each individual field of its harvesting could also be accordingly synchronised. The pre-harvesting operations, however, did not demand that rigid schedule since there was considerable resilience in a crop like sugarcane which had a three-year rotation. The sugarcane factories, therefore, proceeded to organise harvesting systematically attuned to the objective of attaining high efficiency in the sugar factories. It is obvious that a strict harvesting schedule can be best adhered to if labourers could be organised exclusively for that work. The local labour always has two handicaps in this regard. They live in their homes and, therefore, are not amenable to the discipline of a camp based labour force. Moreover, labourers in their social setting are also likely to be irregular because they may have obligations of family and society which may have precedence over work in the field. The cooperative sugar mills, therefore, decided to organise harvesting through migrant labourers inhabiting the Khandesh region which has sturdy tribals with depleted resource base and keen to move out for new economic opportunities. The entire tribal area including the Panchmahals and Dangs as also the neigbouring Madhya Pradesh also join this labour force.

7. It appears that there was a deeper significance of this decision of the sugar cooperatives to prefer migrant labour to the indigenous labour, particularly Halpatis. The work of harvesting sugarcane for the cooperative by its very nature had to be systematically organised. If the indigenous labour were engaged in this operation, this would have provided them also an opportunity for an organisation like their masters — the landowners who had organised themselves in sugar cooperatives. These people would not leave like their migrant counterparts after harvesting was done. It was possible that someone amongst them might have raised some basic issues about their wages and even partnership in the entire sugarcane operations, since they would have learnt through long association about the economics, operations and philosophy of sugar cooperatives. The landowners could hardly afford this risk of engaging the local labour in an organised harvesting activity which would have provided them an opportunity of

organising themselves and creating a new force in the region other than that of the organised farmers, whom it would have been difficult to challenge. The best alternative was to exclude them from this activity and rely on migrant labour. It is worthwhile noting here that the factory management sees to it that every migrant labourer leaves the place after harvesting is done and the camps are disbanded. The general perception about the social system of Halpatis and even the self-perception of Halpatis came handy. Halpatis believe that cane harvesting is an arduous operation. As we will discuss later on, cane harvesting has been purposely made arduous so that it excludes the indigenous groups. Halpatis are prone to drinking and dread the possibility of being called upon during the night. Transportation of harvested sugarcane is done usually during the night which is tolerated by the camping migrant labourers but could have been impossible to organise if the labourers lived in their homes in the villages. The working system has proved to be the biggest disincentive for Halpatis even to think of joining the work force of sugarcane harvesters. The migrant labourers engaged in sugarcane harvesting, therefore, have remained exclusive groups for more than two decades. Similarly the labourers engaged in other agricultural operations have not crossed that life and have remained exclusive in their functional area. This shows how subtle can be the operators since such a mutually exclusive system is difficult to visualise even under a fully regimented system.

System of Recruitment of Sugarcane Harvesters

8. There is a well established system for recruitment of labourers by the sugarcane factories. Formally harvesting is organised by the factories on behalf of the cultivator members. The agents of the factory move to the areas of recruitment like Khandesh by about May or June every year. They contact Mukadams or headmen and ask them to indicate the number of persons they will be able to bring to Gujarat. These contractors are not necessarily now ones since this relationship is now quite old and many of the Mukadams are known to the agents. There is keen competition amongst the recruiting agents since every factory wants to have an assured supply of labourers on the day its crushing operation starts. The agent enters into an agreement with the Mukadam and gives him an advance depending on the number of labourers he promises to bring. Each agent enters into a contract for the stipulated number of labourers required by the factory plus about 25% more to keep a safety margin in respect of those Mukadams who may not be able to keep their promise.

9. After the initial agreement the agents begin to collect people from their villages for transport to the factory site in October. The cost of transportation is entirely borne by the cooperative factory. The labourers are collected at the stipulated point where they are picked up by

the agents and may be transported in buses or trains, as the case may be. Each labour is paid an advance of Rs.40. As soon as the labourers arrive at a camp site in a factory area, they are also given an advance of foodgrains for a fortnight and Rs.15 per head for meeting other expenses. Since they are collected from a wide area it is not possible to synchronise their arrival in the factory area on one particular day relatable to the date when the factory starts functioning. It is possible that some groups may reach the place even 10 to 20 days ahead of the schedule while others may reach just in the nick of time. Thus there is a period of fluidity of labour during which they cannot be given the work of harvesting sugarcane and which they can use as they like subject to the general approval of the agents. It is learnt that they may be assigned work of harvesting paddy by the sugarcane growers themselves during this period for which they may be paid nominal wages.

Style of Working

10. The organisation of sugarcane harvesting has yet another special feature. Experience has shown that optimum results can be obtained if one person cuts the cane and another cleans it and makes bundles. The local name for the instrument for cutting sugarcane is Koyta. While one person yields the Koyta and harvests the sugarcane, the other person picks and cleans it and makes bundles out of it. Harvesting work is usually done by the male while his wife assists him as the second person in the team. Sugarcane harvesters were known as Koytawalas. Now Koyta has acquired another technical meaning, viz., that unit of labour force which works around one Koyta. This unit usually comprises two persons, husband and wife. It may, however, include more persons like a couple and a child who accompanies his parents during the migration. Some Koyta units may comprise two male members only like father and son or even two female members like mother and daughter. A family having a larger number of members may comprise more than one Koyta unit. The Koyta unit is basic to sugarcane harvesting whose significance will become clear when we discuss the organisation of work in detail later in this note. So far as the management is concerned the Koyta comprises two adults and if there are any other members in it like a boy or/and a girl his or her presence is not taken note of by the management for any purpose whatsoever.

11. Besides the Koytas there is another type of labour which migrates to the sugarcane factories. They are small landholders who have bullock carts. They are known as Gadiwalas. Each Gadiwala unit comprises at least one Koyta unit plus one bullock cart. The duty of a Koyta is to harvest sugarcane, make bundles out of it and load it in a truck. Gadiwalas have the responsibility of harvesting sugarcane, making bundles out of it and transporting it to the factory on their bullock carts. Gadiwalas are paid transportation charges on the basis of the distance travelled, at fixed rates.

Wage Structure

12. The sugarcane factories follow the piece wage system for determining the wages of labourers. The current rate is Rs.22 per metric ton of sugarcane. As noted earlier, this includes harvesting of sugarcane plus its loading in trucks. The rates of Gadiwalas for transportation include mileage per ton. Since harvesting, making bundles and loading bundles in a truck are a mixed operation involving at least two individuals, the piece wage in sugarcane harvesting really relates to the Koyta unit rather than per person. According to the management Rs.22 has been fixed keeping in view the fact that the minimum wage in Gujarat is Rs.11 per day. It is expected that one Koyta comprising two individuals can harvest one metric ton of sugarcane in a day. Thus the average income per unit of two persons comes to Rs.22 which gives them a wage of Rs.11 per day, the same as the minimum wage.

Organisation of Harvesting Operation

13. It will be necessary at this stage to spell out the way harvesting is organised. All the Koytas who come for work belong to a larger group who work under the leadership of the Mukadam. A Mukadam's group does not have a uniform size which varies considerably since the strength of the group depends on the number of labourers which a Mukadam has been able to mobilise and bring forward. The group may be as small as 8 Koytas or 16 labourers or as large as 80 Koytas or 160 labourers. The work in the field is assigned to a Mukadam group who then together accomplish it. The work amongst the Koyta members belonging to a Mukadam group is informally divided. All Koytas start from the same base line in the morning. Each Koyta is assigned a uniform width of the field and is expected to reach the same point on the other side at the end of the day. If the field is small, the group may move to another field after completing the work in the first field. The cane harvested by the group is loaded in a truck which is taken to the factory. Weighment of the cane is done at the factory and is recorded against the account of the Mukadam group. The work done during a fortnight is totalled and indicated on a card maintained by the Mukadam. Thus so far as the factory is concerned the working unit is the Mukadam group. Their total work is measured day after day and the group as a whole is entitled to the payment according to work done. No account of work is maintained for each Koyta unit. The earnings of the group, therefore, are equally divided amongst all the Koytas belonging to the concerned Mukadam group.

14. While the account of the work done and the eligibility for payment according to per ton rate are maintained on a fortnightly basis, actual payment is not made every fortnight. The sugarcane factories have evolved a special procedure of payment of wages. The Mukadam group-wise accounts are maintained by the factory. The account of each group shows the cumulative sum of the total work done

since the beginning of the season and also its eligibility for payment according to the piece wage. The payment according to work done, however, is not made every fortnight. The factories make an advance to the Mukadams every fortnight @ 30 Kgs. of Jawar and Rs.30 per Koyta unit. Thus an advance of one Kg. of Jawar plus one rupee per head per day is given by the factory. These advances are made fortnight after fortnight throughout the season, i.e., from October to April/May. At the end of the season the accounts are finally settled for each Mukadam by the factory and for each Koyta by the Mukadam. The total advance given by the factory during the season to a Mukadam group is deducted from the total amount which may be payable to the group on the basis of the work done. Since the account of work done is not maintained Koytawise, the net amount which the Mukadam receives for work done is distributed equally amongst all Koyta units belonging to that Mukadam group. During the personal enquiries with the labourers at the camps I found that last year the net payment at the end of the season after deducting the fortnightly advance in cash and kind was between Rs.800 and Rs.1,200 per Koyta unit.

15. It will be useful at this stage to have some idea about the organisation of work from the beginning of the season till the end. As stated earlier, on arrival the labourers required for a particular factory are brought to a central point within the catchment area of that factory. The catchment area of each factory is quite large and it is not possible to organise harvesting of sugarcane throughout the catchment area from the central location. The labour force, therefore, is relocated according to the working schedule finalised by the factory. The labour camps move from one place to another as harvesting is completed in one and taken up in another. On an average they were found to be staying for about 3 to 4 weeks at one camp and thus each labourer is required to change camps four to five times during the working season of seven to eight months.

Other Facilities to Labourers

16. Each Koyta unit is provided by the factory material for making a small hut which provides it the shelter for six to seven months. The material includes three pieces each of bamboo and mat. Bamboos make the supporting structure while mats are used for making the cover. One mat covers the back side while the other two make two slopes on either side of the central bamboo. The front part of the hut is half open and in some cases completely open. The average size of these huts is about 4' by 6' and the height at the centre is 3' to 4'. When the camp moves from one place to another the hut is dismantled and re-erected at the new site. The Koyta unit which may comprise a couple and a child or two has to make do with this tiny hut.

17. The male members of the Koyta unit go out for work early in the morning while the women follow them after

they have prepared food for the family. Since their employment is not on daily wages there are no fixed hours for work. They take about half an hour for lunch which under pressure could even be for 15 minutes only and continuously work in the field till they have completed the task taken up for the day. They return in the evening and sleep early. Transportation of sugarcane is organised during the night. The work place for this may be as much as three to four Kms. away from the camp site. The harvesting and loading work thus continues day after day and night after night. When the season ends final accounts are settled. The camps are wound up and the migrant labourers start their journey back to their homes in Khandesh and elsewhere. The season ends sometime in April but may be extended to May depending on the crop in a particular year.

Camp Life

18. The condition of labourers engaged in harvesting of sugarcane cannot be fully appreciated without a visit to their camps and witnessing their working conditions in the field. I visited two camps on the roadside. The huts appear to be pitched at random but there is a system insofar as four or five Koytas from a smaller sub-group as the huts are arranged to simulate a common courtyard. There flows air through the mats as also the rays of sun and moon. The ground underneath is uneven which, however, is of no concern to people after the day's hard work in biting cold and hot sun. The camps begin to come with life while the stars are still bright. They must complete their morning chores while it is still deep dark and prepare for the day's work before the agents come early in the morning. Fire is lit near every hut for cooking the meal for the day which comprises just a few large and thick rotis of jawar supplied by the management and chatni of salt and chilly, the only items they can afford. Pulse and vegetable are luxuries which they can occasionally have, usually not more than twice a week. The old, adult and young all share the roti and chatni part of which is kept for the children who may feel hungry by the noon. That is what even the babes have throughout the day. The men are out to the field early in the morning while the women follow them after they have cooked their meals and take the same to the field where it is shared in te noon. There is hardly anything in their huts since they live from fortnight to fortnight on the advance given by the factory. Fuel wood is given by the farmer in whose field they work for the day. There are hardly any clothes or any artifacts of daily use. The nights are most dreary since they are engaged in a continuous fight against mosquitoes and pests as they lay on the bare hard soil. No one can dream of a raised bed as one is required to crawl even otherwise into the hut which is ostensibly their abode for a major part of the year, six to seven months, as they work for the factories manufacturing sugar. The people remain in suspense throughout the night as no one knows

when the truck would arrive and with the blare of horn they will be required to get up and go in the field for loading what they have harvested during the day. As one put it, they remain awake with one eye and sleep with the other.

19. The labour camps are a standing shame on the provision stipulated for migrant labourers in the Central Act duly ratified and adopted by all the States. The structure of the huts presumes that the people can live in sub-human conditions for months on end, year after year. There are no civil facilities whatsoever, not to speak of the facilities for babes in arms of working women and children who accompany them during this long migration. The children run about as urchins while their parents go to the field for work. There are no Balwadis or schools for thousands of young children whose care is the State's responsibility. There is hardly any arrangement for even drinking water since the campers have to depend on the nearby sources. When they go out for work they have to take water from canals, fields and pits with no concern for its quality. The state of health is nobody's concern, though formally the employer has to provide full protection. They can go to the factory doctor but that happens only when someone is seriously ill and the management arranges for a transport. Otherwise they fend for themselves and some of them return home when they are sick for long so that they can consult their own medicineman and bring herbs from the forest which they know well. They join the workers again when they are better. The hard life thus continues as evenings for some are punctuated by escape through bottles and brawls with spouses and neighbours. Everything settles as the truck arrives or the agent calls out for the next round of work.

20. The conditions of these labourers are quite well known in the area and many a sensitive people have been feeling that all is not well. The physical conditions of their living are poor and can be said to be of sub-human living comparable to slums in the city. What is surprising is that even the level of earnings of these people who come long distances from their homes and fight against elements of nature during winter and summer through day and night is very low. The average daily wage does not appear to be more than Rs.6 to Rs.7. This is what essentially works out to if the wage is calculated on the basis of their total earning and the total time during which they were engaged under a contract from the day they started from their homes to the time when they return. The Labour Department of the Government of Gujarat has looked into their problems a number of times and its latest enquiry shows that the daily wage of these labourers will be in the order of Rs.4 to Rs.6 only. But the system is so well entrenched and so pervasive that the State Government deemed it fit to raise the issue in the open and allowed the factories to organise their work as best suited to them with no concern for the plight of the people. An unstated

premise has also been running through that after all sugar factories are providing wage employment to those who do not have any other alternative at their homes and must get some job even to keep their souls and bodies together. The note of the Labour Department somehow leaked out and was published in a local paper. The threads were picked up by the Lok Adhikar Sangh of Ahmedabad who moved the High Court for issuing a writ to the sugar factories to the effect that all labourers engaged by them for harvesting of sugarcane should be paid minimum wages for the entire period of their contract with the factory.

Formal Relationship between Labourers and Factories

21. The formal position of these labourers vis-a-vis the cooperative sugar factories is quite clear. The sugar factories are the principal employers who engage the labourers on behalf of the farmers but have full responsibility for the contractual and legal obligations. They enter into a contract with Mukadams who in turn bring the labourers. Under the law the Mukadams are supposed to supply the list of labourers engaged by them for working in the factories. The Mukadams are also expected to get themselves a licence both from the Government of Maharashtra and the Government of Gujarat under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act. They have to file with the Government of Maharashtra a list of labourers whom they bring out of Maharashtra to work in Gujarat. The Government iof Gujarat have given an exemption under this Act to the Mukadams and the responsibility is now with the Association of Mukadams which has been formed for completing the legal formalities under this Act. The factories formally deal with the Association of Mukadams and claim no responsibility for the condition of individual labourers.

Intervention by Court

22. While the legal provisions described above remained in force they were contravened with impunity by the sugar factories as is clear from the description of their working conditions in the earlier section. At this stage the High Court of Gujarat was moved by a group of activists to intervene. The High Court after examining all the aspects of the issues involved, through a specially appointed inquiry committee, gave its verdict in favour of the labourers and directed the factories to pay them minimum wages @ Rs.11 per person per day for the entire period of their contract. The committee had also examined the conditions of these workers in detail and made their report to the court. It was after a meeting among the representatives of the factories, the Government and the High Court appointed committee was held and a guideline as well as the time schedule for paying the labourers laid down, that the Managing Directors and the office-bearers of the Federation of Sugar Factories changed their decision and moved the

High Court again. The court case continued for more than a month leading to the second interim order dated 14-4-87 giving elaborate directions to the sugar factories as well as the State Government towards payment of the minimum wages and a satisfactory settlement of all the records. Consequently, a compromise had to be reached involving the court in which the sugar factories agreed to raise the piece wage for the year from Rs.22 to Rs.29 per metric ton.

23. During this period the factory-owners seemed to have become apprehensive of their weak legal position. Particularly in view of the trends in the High Court case they began to indulge in manipulative tactics and also divide the Mukadams and workers even by using means not fair. Some of the factories like that at Bardoli were quite active and taking a lead in this counter-movement. This, however, gave rise to another reaction as a group of activists had entered the scene who were keenly watching the developments and soon realised that unless the workers themselves were made conscious of their rights and aware of the proceedings at the higher level, mere formal interventions from the above might come to a nought. Consequently, they plunged into action, conscientising the labourers so as to instil a sense of confidence in themselves and the court intervention. Thanks to the constant touch and rapport between the labourers and the activists, the insidious plans of the factories to nullify the judicial process by playing with time so that the labourers at the end of the season could be sent back settling the accounts at the old rates and made to disappear from the scene before the judgment was passed or given effect to, could not succeed. In this regard the High Court had to warn some of the factories more than once. At the time of the actual implementation of the judgment the non-availability of records emerged as the major problem. The otherwise elaborate judgment was amenable to more than one interpretation on the vital issue about the period for which the labourers were eligible to get the minimum wages, which is clear and categorical in the Act. The factories wanted to take advantage of the ongoing practice in which daily account of workers was not maintained and planned to create convenient records which would lead to a figure comparable to their entitlements at the previous rates and nullify the effect of the High Court's verdict in their favour.

24. The case goes on. The tripartite committee formed through the interim order referred to above has started functioning although at a slow pace. There does not seem to have been much progress on the Record Cell that the High Court has directed the State Government to set up. Meanwhile it is authentically known that the factory management is trying to reach some compromise and the meetings between the parties continue. If the final judgment is not out in time, what arrangements will be necessary for the next year, i.e., the season for which recruitment of labourers has already begun in the light of the High Court's

directions remains to be worked out between the management and the supporters of the labourers' cause with the court's support.

Traditional Organisations and the New Context

25. The organisation of labour for harvesting of sugarcane provides an interesting example of the response of traditional institutions to new situations and the obsession of modern organisation to perceive every phenomenon with reference to its own frame and insist on adherence to its form unmindful of its consequences for even the basic values for which it itself may formally stand. Bulk of the labourers are members of the Scheduled Tribes hailing from some of the most backward tribal regions where the community organisation continues to be strong and the work culture moves around the spirit of cooperation, mutual help and human consideration. The organisation of these tribal communities is not hierarchical and their leaders are just the first amongst equals. These people move out for work in groups and one of them has to assume the role of a leader. It is this person who is designated as Mukadam who speaks on behalf of the entire group and functions as their representative. The employers, on the other hand, have a different perception of this situation. To the employer the role of the Mukadam is that of a petty contractor who undertakes to mobilise the requisite labour and undertakes the given task according to the terms and conditions which may be agreed upon for the time being. Consequently, the employer deals with the Mukadam as a sub-contractor and has nothing to do with how the work is organised by him in his group and how he manages the labour force and pays for the work done.

26. I was informed by the sugar factories that the details about the labour employed, the work done by them, the amounts paid, etc., would be available with the Mukadam. My enquiries with the labourers revealed that the Koytas in each Mukadam group received exactly the same amount at the end of the working season when their accounts were finally settled. There are deductions in respect of whatever advances they may have received individually which is understandable. The fact of every Koyta getting the same amount at the end of the working season was surprising since after all some variation in the total earnings of Koytas over a period of six to seven months could be expected for the simple reason that in any piece rate system the total work done and not the number of days on which the person is engaged determines the earnings of a person. Some people in any group are more diligent and better equipped compared to others. Similarly some variation could be expected because no one can be expected to work regularly throughout the working season since he may be absent on account of personal work, social obligations and sickness of the self or in the family. When I enquired from the labourers what happened if a person did not go for work because of illness, the simple reply was : "Nothing— they

do not go for work". This was an unusual reply that earnings of a person were not affected by the fact that he might absent himself from work on account of sickness. Therefore, I further pursued the matter and asked what happened if a person did not go to work even when he was not sick. Again the reply was very simple: "Why should a person not go to work if he is not ill?" On special occasions when the people may celebrate a festival no one goes for work and there the matter ends. The labourer to whom I was talking had not brought his wife but his Koyta unit comprised himself and his grown up son. When I enquired about his remaining away from the family for a long time, he said that he visited his distant home twice during the season which meant absence of four days on each occasion. This raised another issue about deductions from their wage during long absences like this one when they visited their homes. On enquiring about the status of this absence, the reply was just the same: "I inform the Mukadam and go away". While working at such a long distance from home there are occasions when a person is required to leave the work for attending to personal and social duties. Such absence, therefore, is allowed as a matter of course. When I asked if a person stayed on for a longer period, the reply was the same: "Why should a person stay longer than what is necessary?" If there is some death in the family, a person may have to stay longer and that is also understandable. The women keep away from work after a child birth. Having failed to score on the point of absence from work, I started asking about the quantum of work performed by each Koyta unit everyday. Every Koyta unit knows the task to be accomplished since all of them start from the base line and have to reach the other end at the end of the day. Some people work faster while others finish it late. It is possible that there may be sickness in a Koyta unit with the result that the single member Koyta on that day lags far behind. In all these cases where a Koyta may not be able to keep up with other units it is helped by its friends informally. Consequently, the task completed by every Koyta unit on each day on which it works is considered to be the same throughout the season.

27. With such a system in vogue the task of the Mukadam is quite simple. He has to liaise with the management for certain specific and simple tasks. The management makes necessary advances of money to the Mukadam for payment to Koytas at the beginning before they start for work and every fortnight after they reach the work site. The advance to each Koyta is the same and, therefore, there is no problem of maintaining the account. There is generally no provision for other types of advances but wherever such advances are given these are paid through the Mukadam against whose account the money is debited with a note about the person in whose favour it may have been sanctioned. The Mukadam maintains a work slip on which the quantity of cane harvested and received at the factory point after being transported by a truck is recorded.

The simple figures are compiled by the factory accountant for each Mukadam group and the accounts are finalised at the end of the season. The value of the total work done during the season divided by the number of Koyta units is the entitlement of each Koyta which thus is simply determined. This figure becomes known to every Koyta since it is announced on the spot. As mentioned earlier, the advance to each Koyta unit is also the same. Therefore, these amounts are deducted from their final payment and each Koyta receives the same amount. The special advances which a Koyta may have received during the season are not deducted from the payment but the concerned Koyta pays the requisite amount back to the Mukadam after it has received the final payment. In this system everyone is absolutely clear about the total wage to which every Koyta is entitled, the advances which every Koyta has received as a part of the regular advancing system and the special advances which a particular person may have received for himself. The internal procedure which has been worked out is simple and within the comprehension of the group. Even a slight change like clubbing regular and special advances together could have made the position unclear and everyone would have been uncertain about what he would be entitled to.

28. Here is an ideal organisational set-up evolved by the members of the tribal and other 'traditional' communities for working away from their homes in sugarcane fields involving hard and arduous labour with a variety of uncertainties whose effect is accentuated by the uncongenial setting of their camps. They face elements of nature through day and night with not even safe water to drink. As one of the labourers put it, "for them whatever can be taken is water". They are fighting against mosquitoes and moths, infections and insects, disease and squalor, as they sleep with 'one eye open and another closed' to be driven to work in the field or to load what they have harvested at the dead of the night, forced to trek back in the early hours with yet another day of drudgery ahead.

29. The system is built around trust and goodwill and elements of self-management of a small group who generally belong to the same ethnic groups or neighbourhoods in their home territory. The fear of unknown brings them further together and they stand by each other in times of need and crises, small and big. Each member in the group behaves responsibly with invisible peer norms accepted by all. Every person works because they have come for work and that is a part of their life. No one can expect to earn a living unless he works. Therefore, a living without work is inconceivable and everyone works provided he can work. When he cannot, he does not; and everybody understands that one cannot work when he is sick and one cannot work when he has to go home, attend to some personal and social tasks. The difference in the quantum of work completed by each person is bound to arise because all are not equal. But that is not an individual's fault,

it is natural. Everyone, therefore, understands the need of the system. Thus, mutual assistance and support are spontaneous without anyone realising that someone is being helped. Here is a perfect social security system which can be a matter of envy for most of the egalitarian groups. Everyone works to the best according to his ability and receives an equal amount at the end of the season.

30. This system is guided by the Mukadam who is also in reality one of them and works with them. He is entitled to the wage as a Koyta since he also moves with his family. Most of them do not even know how to read and write. But the system is so simple that it is within the comprehension of all members of the group and the Mukadam can handle it without much trouble. Illiteracy does not come in his way. The management rewards him for his role as visualised by them of a petty contractor, which he is not. This approach of the management is not in consonance with the image which they have, but it has not affected the system so far though seeds of discord appear to have been sown.

Legal Frame

(i) Minimum Wages Act

31. It will be necessary at this stage to examine the conditions under which the labourers are working vis-a-vis the specific provisions of the relevant laws. The Minimum Wages Act of Gujarat is applicable to these workers according to which each labourer is entitled to a minimum wage of Rs.11 per day. There is an element of ambivalence in respect of the Minimum Wages Act as is being enforced in the State. The basic issue is how to ensure that a person who is engaged for a work on daily wage applies himself diligently to the work assigned to him and attains a minimal performance level. If no work norm is prescribed, the output may be just nominal and performance far below the desired mark. The way out, therefore, is to adopt a piece rate system but to fix the piece rate in such a way that an ordinary person can be expected to do so much work as to yield him the minimum wage. In this system while none should get less than the minimum wage, others may earn more than the minimum according to their individual performance.

32. The issue of work norms has been one of the most vexed ones in relation to manual workers. The norms are generally prescribed on ad hoc basis and without a grounding into the realistic expectations from an average worker but on the basis of what can be expected from the most sturdy and steady worker. Since the State departments which themselves are employers are expected to fix the work norms, the bias against the workers invariably creeps in. The general feeling prevailing throughout the country, with very few exceptional cases, is that the work norms are too high and the average wage which a labourer earns under piece wage system under numerous government departments throughout the country is below the minimum wage. The

sugar mills are no exception. There is no evidence to show that any scientific method has been adopted to assess the quantity of sugarcane which a Koyta can harvest in an eight-hour working day. My discussion with the labourers who were engaged in harvesting about the quantity of sugarcane which they could harvest in a day showed that one metric ton for a Koyta was not ordinarily achievable. The labourers sometimes resort to the device of burning the sugarcane fields before harvesting which clears the field and makes the harvesting easier. This practice is also ecouraged by the farmers since it is used by them as a plea to break the queue in the harvesting operation and claim priority on the ground that these have been burnt. This, however, affects the recovery rate of juice per ton. In certain factories this practice has become rampant and more than 60% to 70% sugarcane received by the factories is burnt before harvesting. Some factories have imposed even a penalty of 15% which has not deterred the labourers from resorting to this practice.

33. While the quantity of cane which can be harvested by a Koyta will vary from one area to another and also depend on the quality of cane, it appears that an ordinary Koyta not suffering from any disability can harvest sugarcane to the extent of 7 to 8 hundred Kgs. per day and not more. The more sturdy workers may even exceed the one metric ton norm.

34. The rate of Rs.22 per metric ton is based on the work norm of one metric ton of sugarcane being harvested by one Koyta per day. This work norm is high. Therefore, it is clear that an average labourer cannot earn the minimum wage of Rs.11 per day. This issue, however, has become rather involved because of certain other practices in the field. The most important point made out by the factory owners is that relating to the right of Koyta to the 'tops' of the sugarcane which has a good market as fodder. According to their estimate quantity of tops per metric ton of sugarcane harvested is as much as 3 to 4 hundred Kgs. which can easily fetch about Rs.10. Thus, according to them the real wage is not Rs.11 per day but about Rs.16 per day. There are some doubts about this thesis. For example, my enquiry revealed that Gadiwalas had exclusive right to the tops, which they asserted, since they had to feed their bullocks used for transporting sugarcane. In other cases the matter is not that simple and clear. I was told by the labourers that they had to dodge the supervisor before they could carry the tops and sell the same. I was also shown a notice in which the supervisors were asked not to allow the labourers to carry the tops. In one village I was told by the owner of the field that the tops were taken away by the Halpatis of the village who had no other means of subsistence. The rate at which the labourers can sell the tops is also not as high as claimed by the factory managers. It will be reasonable to conclude that the additional earning of a Koyta by

selling the tops in the field will be about Rs.2 to Rs.3 a day for two to three days a week.

35. Another item which is claimed as an additional perquisite is fuel wood. The practice is that the farmer in whose field the Koytas work during the day is expected to provide them the fuel wood for that day. Even here the situation is not the same. I was told by the labourers that while some farmers gave adequate quantity of fuel wood others only made a token provision with the result that they had to improvise fuel wood from the surrounding area. The value of fuel in this context, therefore, cannot be considered to be significant to be taken note of as a component of the wage of the labourers engaged in harvesting of sugarcane.

36. Taking into account all the facts I discovered during my visit, the reports of the Commission appointed by the High Court and also the figures provided by the Rural Labour Commissioner, Gujarat, it is reasonable to conclude that the work norm of one metric ton per day is rather high and cannot enable an ordinary labourer to earn the minimum wage of Rs.11 as envisaged under the Minimum Wages Act of Gujarat.

(ii) Inter-State Migrant Workers Act, 1979

37. The whole issue of wages to the sugarcane labourers will also have to be examined from another angle with reference to the way their work is organised and the provisions of the Inter-State Migrant Workers (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979. It is significant to note that the Act envisages payment of minimum wages and overtime. Since the provision of minimum wage and overtime is specific it must be presumed that the law intentionally rules out the adoption of piece wage system for migrant labourers. This provision has to be perceived within the total frame of the conditions under which the migrant labourers work. They are recruited from their original homes and taken to distant places where they work under camp conditions. They live for work with no other distraction whatsoever except what is incidental to their biological needs and the minimal support to their dependents who may accompany them. It is reasonable to presume that under these conditions the labourers can work as an organised force and are amenable to the discipline of the employers. Consequently, even though these workers are engaged in agricultural operations, they operate as an organised force subject to the requisite discipline of their employers.

38. This is precisely the reason why the employers throughout the country prefer migrant labourers. The labourers are cut off from their roots and are entirely dependent on the employers during the period of their contract. In such a situation hours of work of the labourers

and also reasonable application to work assigned are possible and can be presumed to be enforced by the employers. If the labourer is required to work longer than what is expected under the law, there should be some specificity about that. It is this reality of the working condition of migrant labourers which is at the base of the provisions in the Central legislation for the entitlement of the migrant labourers to minimum wages and overtime. The question of their work being organised on a piece wage system, therefore, does not arise.

39. There is another facet of the working conditions of the migrant labourers and their entitlement to minimum wages. If a person is brought away from his home for work under an agreement, the availability of work in a distant place cannot be allowed to remain uncertain. Consequently, the above mentioned Act envisages that the labourers becomes entitled to a minimum wage from the date on which he enters into an agreement with the employer and reports for duty which includes even the journey time from the place of recruitment to the place of work. If the labourer remains without work during the period of contract, the liability is entirely that of his employer while the labourer is entitled to the wage even on a workless day. In a regular employment extending over six to seven months during which a migrant labourer is engaged he is also entitled to other benefits like a weekly rest day and facility for leave for unforeseen circumstances and illness.

40. All these elements can be conveniently eased out if a piece wage system is adopted and care is taken to ensure that these elements get incorporated in a suitable form into the piece wage system. For example, there could be a provision that for every six units of daily task performed by a labourer he will be entitled to one extra unit being credited to his account in lieu of the rest day. It would be left to the labourers as to how they take advantage of that one rest day per fortnight which will be over and above the cleaning day of the factory. Today it is seen that the workers just rest without work on cleaning day and also without any remuneration for that day. The rest is not earned by them. They just rest for a day without work when the factory is closed and cane is not required.

Loading Operations

41. The task of harvesting of sugarcane which entitles the labourers to Rs.22 per metric ton also includes the loading of the harvested sugarcane into the trucks. This has a special significance for the harvesting work which the labourers are required to put in. Transportation of harvested sugarcane is organised by the factory itself. Its timings and frequency depend on the number of vehicles engaged and the quantity of sugarcane harvested in a day. The work of harvesting usually starts in the morning and ends by the evening. Therefore, loading of sugarcane starts only in the evening and continues throughout the night.

It is not possible to bifurcate the work of harvesting sugarcane and loading into the trucks which will give rise to other complications. The crushing of sugarcane harvested by a group can be done only after the sugarcane has been put in the truck and taken to the weighing machine. Therefore, the harvesters must also load it so that their work is duly accounted for. This, however, does not mean that this part of the work can be taken from them at any time. It is the duty of the management to see that sugarcane is loaded in the trucks within reasonable time of its being harvested by the labourers if the labourers are required to stay on or required to come back to the fields for loading. The time spent in this should count towards their work during the day for which they should be paid overtime, if necessary. In other words, the management should pay for the higher yield, which they want to ensure by working during the night, and also economise on transportation and should not make the labourers carry out the burden through working at odd hours, just for nothing. It is thus clear that the way harvesting of sugarcane is organised and piece wage system is adopted by the factories for assessing the work is not consistent with the specific provisions of the Inter-State Migrant Workers Act.

Are the Labourers Bonded?

42. The last but important question in respect of the conditions of work and employment is the element of compulsion although disguised in the contractual obligations arranged for harvesting of sugarcane. Here are a group of people brought from distant places to work in sugarcane fields at a given piece wage labour. They are given small amounts as advance by the sugar factory before they leave the place and thereafter a regular advance for subsistence. The payment is made at the end of the season when accounts are finally settled.

43. An important feature of this entire arrangement is that the advance is just sufficient for subsistence of a Koyta unit. My enquiry showed that even such Koyta units can enjoy the luxury of pulses and vegetables only twice a week. They have to sell a part of their Jawar for procuring things like vegetables, oils and other essential commodities because Re.1 per day is quite inadequate to cover these expenses. Those Koyta units which have a number of children do not find the quantity of jawar given to them even sufficient for providing 'sookhi rōti' to the family with salt and chillies, not to speak of dal and vegetables even twice a week. They have to borrow from others who can spare. The ostensible reason for keeping back the payment of wages which become due every fortnight is the request from the labourers themselves who want to be saved from the possibility of wasting their money on drinking and other non-essentials and carrying something substantial back home when they return.

44. Saving is a laudable objective but not at the cost of even bare subsistence. The system is taken for granted and nobody questions particularly because it is convenient to the management. They have a hold on the labour force throughout the season when they can hardly afford the possibility of their desertion midway and upsetting their working schedule. My enquiries with the labourers about what happened to those people who left midway for unavoidable reasons proved to be infructuous. There is no system of keeping the accounts for a Koyta joining the work force only for a part of the season. 'The law' appears to be that if a Koyta must leave midway, it can have no claim on the final earnings of the group. It must be satisfied with the subsistence which it can claim during the period of its active association. It is not surprising, therefore, that hardly any Koyta leaves. The isolated cases of people going back during the season by the labourers conform to the above pattern.

45. As has already been noted above, the present working arrangements are violative of both the Minimum Wages Act as also the Inter-State Migrant Workers Act. In other words, these labourers do not get their minimum wages which are due to them as per the Minimum Wages Act and are also denied other benefits like the wages for the period when they are not employed and the benefit of leisure time which they earn by working according to the provisions of law in force in the State. What is due to the labourers working in sugar fields is clearly defined under the law and can be easily assessed on the basis of the date of their contract and the period for which they are with the sugar factories. The arrangement under which they work which is partly defined by the agreement signed by the Mukadam and partly sanctified by the system thus holds the people to their jobs for the period of contract without any choice to leave except at the risk of losing their entire earnings for the period and are also denied the full benefits of the fruits of their labour in the form of wages which is due to them under the law. Consequently, the arrangement smacks of bondage and clearly attracts the provisions of the Bonded Labour System (Abolition) Act.

Who is the Employer?

46. 'Who is the employer' has been completely confused in the arrangement of convenience worked out by the factory managers to keep themselves on the right side of the law and disowned any responsibility whatsoever for its violation. It is clear that the sugar factories organise the entire operation on behalf of the farmers. There is nothing special about it. The sugar factories are cooperatives and all farmers are their members. Even if this special feature is ignored, the moment it is accepted that the factories act on behalf of the farmer they have to assume all the responsibility of the employer as if they were the principal employers and not the farmers. This position has been indicated in the judgment of the High

Court. On the other side, it is asserted that the factories have nothing to do with the labourers since their contract is with the Mukadams who undertake to bring a stipulated number of workers for harvesting. The factories, therefore, do not recognise the individual labourers but the Mukadams who are the contractors. This premise is patently unfair and cannot be accepted. Consequently, the sugar factories are the employers and all those who are engaged in harvesting of sugarcane are their workers, whatever may be the formal subterfuges adopted by them to blur this clear and unequivocal relationship. Therefore, the factories are responsible for ensuring that all the provisions of law in force are fully enforced and infringement thereof makes them liable for action under the specific provisions thereof.

Conclusions

47. Some conclusions about the working conditions of the labourers engaged for harvesting of sugarcane by the cooperative sugar factories in Gujarat are clear and unequivocal. They can be summarised as follows:

(1) The daily wage which a migrant labourer is able to earn while working on the sugarcane fields is far below the minimum wage. This is a clear violation of the provisions of the Minimum Wages Act regrettably by cooperative institutions.

(2) The provisions of the Inter-State Migrant Workers Act have not been followed by the concerned parties and not enforced by the concerned States. The following are some of the major points in this regard:

(a) The labour contractors have not registered themselves with the State of Maharashtra from where the labourers are recruited nor have they notified to that State the names of persons taken by them to Gujarat for employment.

(b) The Mukadams who have been deemed to be the contractors with whom the sugar factories enter into the agreement have been exempted from the provisions of the Inter-State Migrant Workers Act by the Government of Gujarat. But the Government have allowed them to form an association (Association of Mukadams) which acts on their behalf and completes the formalities in relation to the provisions of that Act. However, even the list of labourers engaged by each Mukadam and by each sugar mill has not been maintained.

(c) The labourers under contract have not been paid the wages from the date on which this contract is signed and they start their journey for

the new employment to the end of the season when their contract terminates. Instead they are engaged under the piece wage system.

(d) The labourers do not get the days of rest and other benefits like casual leave, medical leave, etc., as per the norms for contract labourers. The only rest period which they get is one day in a fortnight when the factory is closed for cleaning. But they do not get paid even for that day as their wage will depend on how much they work.

(e) The living conditions are sub-human with no facilities whatsoever as envisaged under the Inter-State Migrant Workers Act and other labour laws.

(3) The labourers are given a meagre advance of 2 Kgs. of jawar and Rs.2 per day per Koyta which may comprise two or more persons while the balance of their earnings are retained by the factories till the end of the working season when final accounts are settled. This is not in consonance with the laws of the land in relation to the payment of wages.

(4) The living conditions of the people in camp are not only violative of the liberal provisions of the Inter-State Migrant Workers Act but do not conform to even minimum standards of decent living of human beings. They are sub-human by any standard.

(5) The children accompanying the parents of all age groups remain uncared since no facilities like creches, Balwadis and schools are created at the camp site for them during the prolonged stay of their parents whom they accompany.

(6) While the labourers are clear about the piece wage rates and the advances which they receive, there is no clarity about the other benefits which they are entitled to notwithstanding the fact that some of them have been working with the same factory for years. Consequently, there are differences between what is claimed by the factories as benefits due to the labourers and what they receive as benefits other than wages.

(7) The formal and informal arrangements under which the labourers work have an element of compulsion and also result in their being deprived of what is due to them as fruits of labour. Consequently, they smack of bondage and are violative of the provisions of the Bonded Labour System (Abolition) Act.

Perception of the Management

48. In my discussion with the Chairman and Managing

Directors of the sugar factories the following important points were made:

(i) The fact that the working conditions were poor was conceded straightaway.

(ii) The management had their own side to explain so far as the violation of the Minimum Wages Act was concerned. Their special plea was the exceptional condition of this year when they had to engage whosoever came for work. The people driven from scarcity areas were ready to work even for food and would not leave until they agreed to give them work.

(iii) The management was prepared to raise the piece wage rate provided some acceptable long term solution was arrived at. They, however, gave vent to their inner feelings of uneasiness about the labourers getting organised when they expressed that the factories might have to consider recruitment within the State to free themselves of the obligations of the Inter-State Migrant Workers Act and introduce an element of mechanisation to reduce their dependence on manual labour for this operation.

(iv) The management conceded that the transportation of sugarcane during night which kept the labourers waiting and awake during night could be streamlined to do away with the avoidable hardship to them.

(v) The management was also prepared to pay interest on the undisbursed wages due to the labourers every fortnight.

(vi) Some factories have applied to the State Government for allotment of camp sites for construction of quasi-permanent structures. The facilities cannot be provided in every case since the labourers would be required to move to more than one place during the season where they will stay for a limited period.

(vii) The management claimed that no deductions were made for medicine, material for tent and transportation from one camp to another as was voiced by labourers in the camp. They assured that there would be better communication on these points so that there was no possibility of continuing misunderstanding in the coming years.

49. It is a welcome development that the High Court has appointed a Commission to look into the organisational set-up of the sugarcane workers and suggest measures which may be necessary to ensure that the spirit of the laws concerning the minimum wages, condition of work for migrant labourers, etc., is fully honoured. No one can defend the present arrangements. The provisions of various laws are also quite clear with detailed procedure prescribed for each stage of the work right from the recruitment of labourers to their transportation and work in the field. In fact, the provisions are so liberal like those relating to standard of accommodation, civic facilities and social services that even the activists concede that these may be difficult to attain. It would be a heaven for workers by any standard. It is possible that gradually the management could move in the direction step by step and the condition of labourers engaged for harvesting may improve in the years to come. The crux of the problem, however, is the payment of minimum wages. There is a significant difference in this regard between the provisions of the Minimum Wages Act and the Inter-State Migrant Workers Act in their operational form as adopted by the executing authorities and even formally upheld by the courts of law. So far as the Minimum Wages Act is concerned there has to be some objective criteria to ensure that the minimal work norms are attained by the labourers. The Supreme Court has also upheld this view in the Rajasthan case though in view of the famine in that State relaxed work norms have been adopted. As stated earlier, the provisions of the Inter-State Migrant Workers Act are unequivocal on this issue. According to that Act minimum wages have to be on the basis of per diem work and if a person puts in extra hours he must be paid overtime. These provisions have not been tested separately in the court of law though the decision of the Gujarat High Court implicitly supports this view.

50. In the light of this distinction between these two sets of legal provisions it is reasonable to expect that the sugar factories may try to rely on labourers recruited from within the State. It is also possible that if payment has to be made on per diem basis they may resort to working through the local labourers who can be engaged for the day without any obligation of continuity of employment over a period as in the case of migrant labourers. The management may consider the trade between a captive labour force with obligation to pay for all the days of their contract and the local reserve of labour force from which they may draw according to their needs with some risk of irregularity in their working schedule. In the latter case some arrangements may come up with the experience which may ensure better regularity though not of the same standard as in the case of migrant labourers. In this arrangement the sugar factories will not be obliged to pay minimum wages per day but can resort to piece wage system which is accepted to be in consonance with the provisions of the Minimum Wages Act.

From Contract to Cooperation through Mukadam

51. All the sugarcane workers in south Gujarat in their organisational form and informal arrangements of work have been discussed in detail earlier. In the absence of any other formal legal frame to cover that special situation the Inter-State Migrant Workers Act has to be relied upon for regulating their working conditions. This frame envisages a labour contractor who recruits the labour from their villages and brings them to the work site. The Mukadam is visualised as performing this role and, therefore, formally accepted as the labour contractor. The Mukadam is not a labour contractor but a leader of a small group of labourers who decide to come out for work. In most cases he is himself an ordinary labourer. Since he knows no reading and writing he maintains no record— a responsibility which is assumed by the factory management in a different form. Similarly the working arrangement of the Koyta labourers is that of a true cooperative with a built-in system of social security covering absence from duty on account of illness and personal work. The basic question at this stage is about the relevance of the people's informal system of work in the context of a formal frame which does not fully provide for the elements of the informal system as they are. The informal system of work is organised under a group leader who is not a contractor and has built-in provisions of social security by way of mutual help and provision for absence from work on account of illness and personal and social obligations. Each working unit receives the same remuneration at the end of the season notwithstanding the vicissitudes which it may have faced during that period. If the provisions of the Inter-State Migrant Workers Act are insisted upon, the Mukadam will have to function as a petty contractor. He will have to maintain the necessary records as required under the law including intimation to the Government of Maharashtra and also to the Government of Gujarat about the attendance labourers on working days and such like. It is obvious that the group leader Mukadam who is mostly an uneducated person will not be able to perform these duties. Some of them who are educated may assume the new role and become labour contractors. It is possible that the other articulate groups may enter the system on account of their skills of reading and writing and become labour contractors. If the payment has to be made on a per day basis, the labour contractor will be obliged to maintain an attendance register. It is obvious that absence from work will not entitle a person to any wage in the day. In this way the present informal cooperative organisation of the labourers will collapse and a formal contract labour system will supplant it.

A Feasible Alternative

52. Here is a very major issue before the social acti-

vists and even the State. The main advantages of the present system are:

(i) The labourers work in groups in the spirit of mutual cooperation and confidence and the real spirit of cooperation permeates their organisation.

(ii) There is no contractor in between labourers and employers. It is one of their own leaders, who is very often a labourer himself, who functions as a point of contact between the management and the labourers. In a way it can be said to simulate conditions of self-management.

(iii) Each member of a labour group is fully aware of the terms and conditions of his work and all the transactions are clear to everyone with the result that each one knows what he, as a member of the group, contributes and what he can expect to get in return. There are no secrets which may bestow the leader with extra powers.

(iv) There is a built-in system of social security which is governed by conventions developed over a period and accepted willingly by all members of the working force.

53. A major drawback of the present system is that in the absence of a direct contractual relationship between the individual labourer and the management of sugar factories the provisions regarding the minimum wages and overtime as specially envisaged for migrant labourers living in camps, cannot beenforced. Instead the management has adopted the practice of piece work. Other formal provisions of the law like registration, notification, etc., the intention of which in the final analysis is to protect and advance the welfare of the labourers, remain unenforced. But once the formal system is adopted it may be easier to insist on payment of minimum wages but it will also mean the collapse of the present informal arrangement. The following appear to be the necessary concomitants of this change over:

(1) A labour contractor will appear on the scene and the labourers will have to work under his command.

(2) As the informal working system of the labour groups is replaced by formal linkages, the working of the group under the contractor will acquire some mysterious overtones of the written word and record and, to that extent, the labourers will be literally under the 'thumb' of the contractor and not partners in a group led by one amongst them.

(3) The labourers will be entitled only to those benefits of social security as may be admissible under the law, which are quite meagre. He will thus lose the benefit of group security based on mutual understanding and trust.

(4) The issues of productivity may also come up particularly when the labourers work under a contractor. This may cause conflicts which may lead to grant of some concessions and reaching some compromises as is the case in the matter of minimum wages itself.

54. Thus, the only distinct advantage the labourers can expect with the formal enforcement of the new law will be a substantial rise in their wages from the low piece-rate at the moment to the minimum wages per diem as under the law. How real even this benefit will be cannot be easily predicted. Even in the hotly contested case with a reasonably good judgment in favour of the labourers, one pronouncement in the judgment about the wages proved to be decisive. The court ordered that all labourers should be paid at minimum wages for all working days. The Mukadam did not keep this account and, therefore, nobody could say how many days a person had worked. It is possible that the employers might have created their record which should have shown the actual days of work by the labourers as very low. It is possible that the people would not have got any benefit from this judgment since the record was in the hands of the factories. Therefore, a compromise had to be worked out in which the representatives of the labourers agreed to accept a rise in the piece wage of labourers from Rs.22 to Rs.29 per metric ton. It was also agreed that the management would pay an interest of 14% on the amount not disbursed to the employers which was kept with the factory management in their credit. Similarly problems of attendance, etc., may also appear in the coming years which may also affect the efficiency of the sugar factories which in its turn will affect their paying capacity. It is, therefore, possible that the net benefit by insisting on the provisions of the law being literally enforced without caring about its spirit may not be very significant and some very crucial healthy elements of the present system of working may be lost. Nevertheless, the law has to be enforced and, therefore, the question is whether this law can be adapted in such a way that it may give the intended benefit to the labourers, yet may allow for the continuance of the present system of the cooperative working of the labourers.

55. The only provision of the Inter-State Migrant Workers Act which gives advantage to the labourers compared to the present system is that of minimum wages and overtime. The other formal provisions are really of no significance and the present system, if properly recognised and operationalised, will prove to be superior to them on every account whatsoever. The provisions about minimum wages

and overtime have not been implemented so far nor any modality for their implementation has been worked out. In principle it can be said that it will be the responsibility of the employer to see that every labourer who is recruited gets the day's work and the productivity is of the expected order. In case of default on either side the labourer has no responsibility. He is entitled to full wage for every day of the period during which he is under the contract. It is quite possible that the employers may resort to some devices so that they are free from this obligation. In particular the recruitment from within the State will give them a handle to create a wedge amongst the labourers. The two sets of labourers for obvious reasons cannot be treated differently simply because some of them happen to come from Maharashtra while some hail from Gujarat. The State boundaries which divide the tribal region extending from Udaipur in the north to Thane in the south and from Valsad in the west to Khandesh in the east are artificial and cannot be really appreciated even by the labourers themselves. The interest of the labourers will be served if the norms of work are determined scientifically which entitle them to minimum wages. This is a view which has been taken by the courts of law as well in many a dispute relating to the Minimum Wages Act. The same approach can be accepted even for migrant labourers though the spirit of per day wage and overtime should be honoured by making suitable allowances for special conditions of work in the sugarcane fields.

Special Features of Work in Sugarcane Harvesting

56. It is necessary to consider the case of contract labourers brought for working in sugarcane fields with a view that all relevant elements are incorporated in the piece wage structure and their system of working in the spirit of mutual interest and cooperation. The following are some of the features of their work which are to be taken note of in this regard:

(i) The sugarcane labourers work away from their homes in camps.

(ii) Working in camps essentially means putting up with unsettled life and difficulties incidental to such living.

(iii) The minimum facilities as provided in the law cannot be expected to neutralise the adverse effects of camp life and, therefore, even when such facilities are fully provided, living in camp should entitle a person to extra compensatory allowance.

(iv) In view of the large area of operation of each sugar factory the workers cannot be expected to operate from one central camp site where all facilities may be provided. They will have to move to smaller camps for a temporary period.

Consequently, even the conditions of work of these labourers will be difficult when they are operating from a central camp compared to when they are operating from a temporary work site. Therefore, working in such temporary camp sites will also have to be adequately compensated.

(v) The operations of sugar factories are continuous subject to their closure only for cleaning up and in the event of breakdown. Therefore, the labourers cannot avail of a weekly break which is normally expected in all establishments. There are two aspects of this issue. Firstly, the labourers should be entitled to an extra wage for six days' work and also compensatory work allowance because of the fact that they work continuously for a fortnight or so, which means the nature of their work is more arduous.

(vi) At present there is no provision for leave on any account whatsoever—minor illness, accidents, etc. All these are being taken care of through the informal social security system. A suitable allowance covering all such elements could be worked out to which they should be entitled on the basis of the quantum of work done or the total period of their engagement.

(vii) The work of harvesting of sugarcane by itself is an arduous task compared to ordinary work in agricultural fields or elsewhere. Occasionally it also involves working during the night like loading iof sugarcane. Both these elements should be incorporated in the basic wage structure of the sugarcane labourers.

Koyta as the Unit for Wage Determination

57. Before we proceed to suggest the wage structure it will be necessary to note that for minimum wages the unit of work in sugarcane fields is Koyta which usually comprises husband and wife. Not only is the nature of work of the two members of a Koyta different but even the rhythm of work is different as described earlier. Therefore, it will be preferable to attune the wage structure for a Koyta unit rather than for an individual worker as per the law. The two are engaged in complementary work which together comprises a quantifiable work unit.

Procedure for Determining Wages for Sugar Harvesting

58. If the above principles are accepted, the following procedure will suggest itself for determining the wage structure in sugarcane fields:

(1) An experiment should be made to assess the quantum of work which an average Koyta unit will be able to perform

in a working day of 8 hours with a break of half an hour. This assessment should not relate to the best workers but to ordinary workers so that no one should fall behind and earn less than the minimum wage.

(2) On the basis of the experiment under item (1) the number of working hours required for harvesting of one metric ton of sugarcane should be worked out.

(3) Since loading of sugarcane will be an integral part of work done by a Koyta, the time taken in loading of one metric ton of sugarcane should be separately worked out. Since loading is a separate operation and the people have to go specially for that purpose during night, it should be given a special weightage. Since it also requires a special trip to the field from the camp site it will be necessary to give an allowance for this purpose. Thus the total time spent by the labourer in harvesting of one metric ton will comprise hours as calculated under item (2) and (3).

(4) While ordinarily the labourers will be entitled to the minimum wage for 8 hours of work in view of the arduous nature of sugarcane harvesting a special allowance of 25% should be added. The rate which may thus be worked out for a Koyta should be treated as the basic rate for sugarcane harvesting.

(5) The Koyta should be entitled to special allowance over and above the basic rate indicated above on the following grounds:

(a) compensatory allowance for camp life,

(b) extra compensatory allowance for working through subsidiary camps,

(c) leave compensatory allowance @ 6% of the total wage bill, and

(d) extra leave allowance for other contingencies @ 6% of the total wage bill.

59. Once all the allowances are added to the basic rate for sugarcane harvesting the figure arrived at can be taken as operational wage rate for sugarcane harvested. Since the labourers work in informal groups the operational rate can be deemed to adequately take care of all the elements expected in a formal working system in any establishment. There are only two questions which, however, will remain to be resolved. The first important question relates to the payment during the period beginning with the time when the labourer is contacted and ending with the time when he finishes the work at the end of the season. At present he is entitled only to a subsistence allowance for this period. So far as this period is concerned the best way will be to pay minimum wage as per the provisions of the

Inter-State Migrant Workers Act. Thus the entire contract period should be deemed to comprise two parts, one from the date of recruitment to the date when work begins and the period of work in the field thereafter. In the former case the labourers will be entitled to minimum wages while during the later period they will be subject to a piece wage system as per the conditions we had discussed above. During the first period the employer will be free to engage the labourers on any task either in the sugarcane fields or elsewhere. However, it will be preferable if these tasks are listed out by the State Government so that there is no occasion for any dispute on this count later.

60. The second question is about the remuneration of the Mukadam. In most cases he is an ordinary labourer but he is also entitled to a commission of 10% of the total wage bill of the labourers in his group. It will be preferable that the Mukadam continues to be a labourer and a part of the group rather than being allowed to graduate as a full-fledged labour contractor. The 10% commission earmarked for the contractor should devolve to the group and it should be left to the group to decide the extra remuneration which their leader should get. It could also be envisaged that this extra allowance shall not exceed the wage of one labourer for the entire period. This will ensure that even if the leader does not work himself he will be as well off as any other labourer in the group. But if he works, his remuneration can be even as much as double that of the other labourers in the group.

Harvesters as Members of Cooperatives

61. While the above measures will alleviate the conditions of harvesters of sugarcane significantly,it will be necessary to look at the problem in a broader perspective. The membership of cooperative sugar factories is confined largely to the farmers who produce sugarcane. But the people, who come and harvest sugarcane and work in very difficult conditions for six to seven months in a year, should also be accepted as partners in the total venture of sugar production. They give their labour. It will be a good gesture and an important step forward if the sugarcane harvesters are also enlisted as members of the cooperatives which run the sugar factories. The basic problem today in the labour field is to maintain regularity and attune their availability to the requirements of the factory. This is presently being attempted in a crude fashion as discussed in detail earlier. Even the sugarcane factories are adopting the methods of contractors by depending on migrant labourers in preference to local labourers. It is true that the requirement of labour fluctuates and reaches a peak which can be met only through migration. But it is not necessary that the regularity should be achievable only through methods like non-payment of wages regularly and such other contractual obligations which restrict the freedom of the labour. The better alternative will be to create a long term interest which can be done

through enlisting the labourers as members of the cooperative. The rules for this partnership could be so framed that it creates a lasting bond and sense of responsibility. For example, a labourer may be entitled to become a member of the cooperative only if he has worked for two successive seasons as a harvester of sugarcane for a factory. It could also be stipulated that the minimum number of days which a person has to work during a season for keeping his membership going could be, say, not less than 90 days. If such members of the cooperative receive substantial bonus, they will be attracted to work for the factory year after year and the problem of regularity will be solved. It is understood that in some factories membership was also open to the harvesters of sugarcane which, however, was not pursued because of the resistance of other vested interests. I would strongly urge that the cooperative factories should consider accepting harvesters as their members and the Government may also take such action as may be necessary to facilitate this change over in the structure of sugar cooperatives.

Inter-State Migrant Labourers

62. The above discussion has largely centred around the problems of inter-State migrant labourers who have the benefit of a strong Central legislation. A substantial part of the labourers in sugar factories are also drawn from distant places within the State. In fact, the State boundaries are rather unreal so far as the tribal people are concerned. The Khandeshis and the Bhils from Panchmahals share the same problems and are subject to the same handicaps.

Workers in Saurashtra and in Khandsari Units

63. This note concerns only the workers in south Gujarat. I understand that migrant labourers also are engaged by sugar factories in the Saurashtra region and also by Khandsari units all over the State. The working conditions and wages of employees of these units should also be looked into and the benefits suggested above extended to them.

State Intervention, Activists and Labourers

64. The issue about the conditions of labourers in sugarcane fields has come to the fore only after some activists took up their case even though they picked up the threads from the Government sources themselves. It was the Labour Commissioner who first realised the sorry state of affairs and came to the conclusion that the labourers were not getting minimum wages. It has to be ensured that this does not recur and if there are any deficiencies the corrective mechanism within the administration must get activised. In this case it is surprising that some steps taken by the Government went against the interests of the labourers. It is well known that sugarcane production is based on irrigation. Yet a blanket notification was

issued which suspended the operation of the Minimum Wages Act because of the drought conditions in the State. This step may be necessary in the case of drought affected districts like Panchmahals. But if some people are getting the benefit of irrigation, why should not they pay to the labourers also their due and how can they be considered to be adversely affected by drought? I trust that in future the Government will look into this question in detail and no such blanket order will be issued exempting all establishments and organisations from the operation of the Minimum Wages Act.

PART II

UNTOUCHABILITY

**

ATROCITIES ON SCHEDULED CASTE AND SCHEDULED TRIBE PERSONS

**

LAND, AGRICULTURE AND HOUSING

**

EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

**

ECONOMIC DEVELOPMENT OF SCHEDULED CASTES

**

TRIBAL DEVELOPMENT

**

POVERTY ALLEVIATION PROGRAMMES FOR SCHEDULED CASTES AND SCHEDULED TRIBES

**

REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES

**

REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PARLIAMENT AND STATE LEGISLATURES

**

NON-OFFICIAL ORGANISATIONS

**

LISTS OF SCHEDULED CASTES AND SCHEDULED TRIBES

**

ANGLO-INDIANS

CHAPTER I

UNTOUCHABILITY

'Untouchability' is abolished and its practice in any form forbidden under Article 17 of the Constitution. However, it still persists though not with the same rigidity in urban areas of the country as in rural areas. Within five years of the adoption of the Constitution of the Republic of India, Parliament set to work on a statute to spell out the practical details and application of the principles embodied in the Fundamental Rights. The result was the Untouchability (Offences) Act of 1955. For enlarging the scope and making its penal provisions more stringent the Act was comprehensively amended in November 1976. With this amendment the name of the Act was also changed to the Protection of Civil Rights Act, 1955. It provides penalties for preventing a person, on the ground of untouchability, from entering a place of public worship and offering prayers or taking water from a sacred tank, well or spring. Enforcing any kind of social disability such as denying access to any shop, restaurant, hotel, public hospital or educational institution or any place of public entertainment, or denying the use of any road, river, well, tank, water tap, bathing ghat, cremation ground, etc., attracts the provisions of this Act.

2. Offences under the Protection of Civil Rights Act, 1955, are cognizable as well as non-compoundable. There is a provision for awarding minimum punishment of both imprisonment for one month and a fine of Rs.100 to imprisonment for six months and a fine of Rs.500. For the second offence the punishment may range from imprisonment for six months and a fine of Rs.200 to imprisonment for one year and a fine of Rs.500. For the third and subsequent offences the quantum of punishment may vary from imprisonment for one year and a fine of Rs.500 to imprisonment for two years and a fine of Rs.1,000. Offences with a minimum term of three months' imprisonment are triable summarily by the courts.

Measures taken by various State Governments/U.T.Administrations for implementation of the provisions of the PCR Act, 1955

3. Under Section 15A (2) of the Act the State Governments are required to take measures for providing adequate facilities including appointment of officers for initiating or exercising supervision over prosecutions, setting up of Special/Mobile Courts, appointment of Committees at the appropriate levels, provisions for periodic surveys on the working of the provisions of this Act and identification of the areas where persons are under any disability arising out of 'untouchability' and any other measures which the State Government may think proper to take for removal of untouchability. The measures taken by the State Governments/ U.T.Administrations in pursuance of the PCR Act, 1955, are briefly discussed below:

(a) Appointment of officers

For speedy investigation and supervision of the PCR Act cases special officers have been appointed in Cells set up for this purpose or special responsibilities assigned to officers at various levels by the States of Andhra Pradesh, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal and the Union Territories of Chandigarh, Delhi and Pondicherry.

(b) Committees

For reviewing the working of the PCR Act machinery and other general programmes of welfare of the Scheduled Castes, Committees have been constituted in the States of Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal and the Union Territory of Delhi.

(c) Periodic surveys

With a view to identifying the areas where problems due to untouchability occur a provision has been made in the PCR Act for undertaking surveys by the State Governments/U.T.Administrations. Accordingly the State Governments of Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu and Uttar Pradesh have initiated action in this direction.

(d) Identification of untouchability prone areas

Identification of areas prone to untouchability is linked with carrying out of surveys. Some of the States such as Gujarat, Madhya Pradesh, Maharashtra and Tamil Nadu have identified 73, 129, 363 and 523 villages respectively as untouchability prone ones. Karnataka, Kerala and Uttar Pradesh have not yet identified villages but selected 6, 2 and 15 districts respectively. These three States should expedite action to identify untouchability prone villages in the districts selected by them.

(e) Publicity and other measures

Publicity campaigns for eradicating the evil of untouchability and making the people conscious about it have been taken up by almost all the State Governments/U.T.Administrations through various media. The Government of Maharashtra have adopted a new approach towards propaganda for removal of untouchability by organising programmes of 'Kirtankars' and 'Kalapathaks' in the villages.

Establishment of Special Courts

4. Under Section 11(1) of the Criminal Procedure Code, 1973, a State Government in consultation with the High Court can set up Special Courts of I Class or II Class Judicial Magistrates to try any particular class of cases. Similarly under Section 15(A)(2)(iii) of the PCR Act, 1955, Special Courts can be set up for trial of offences under that Act. In pursuance of these provisions the following State Governments have established Special/Mobile Courts at the places indicated against each State:

Table 1

S.No.	Name of the State	No. of Special Courts	Place
1.	Andhra Pradesh	17	Cuddapah, Mahbubnagar, East Godavari, West Godavari, Chittoor, Srikakulam, Medak, Anantapur, Vizianagaram, Nellore, Nizamabad, Prakasam, Visakhapatnam, Khammam, Nalgonda, Kurnool, Krishna
2.	Bihar	4	Patna, Muzaffarpur, Purnea, Hazaribagh
3.	Karnataka	2	Belgaum, Mysore
4.	Madhya Pradesh	4	Gwalior, Bhopal, Sagar, Bilaspur
5.	Rajasthan	8	Alwar District: Alwar, Rajgarh, Behrod Kota District: Atru, Itawah, Baran, Kota Nagaur District: Nagaur
6.	Tamil Nadu	4	Thanjavur (Kumbakonam), Madurai, Tiruchirapalli, Tirunelveli
7.	Uttar Pradesh		No special courts but Magistrates nominated in all the districts to deal with the cases where SC/ST persons are victims.

5. In order to study the working of the Special Courts this office undertook studies of three Special Courts, viz., those at Mahbubnagar (Andhra Pradesh) in August 1983, Alwar (Rajasthan) in January 1984 and Kumbakonam (Tamil Nadu) in June 1984. On the basis of these studies the following suggestions are made which might be applicable to the Special Courts in the different States:

(i) Wide publicity through television, radio and newspapers may be given about the setting up of Special/Mobile Courts so that Scheduled Caste persons can avail of the facility for getting quick justice. This would also generate a feeling among the non-Scheduled Caste communities that the Government are very eager to resolve the problems faced by the Scheduled Castes and that they must desist from harassing Scheduled Caste persons. This step would help in bringing down the number of cases of practice of untouchability against and atrocities upon the Scheduled Castes.

(ii) The figures relating to cases dealt with by the Special/Mobile Courts include cases both under the IPC and the PCR Act. It is suggested that the figures should be maintained separately and statistics about such cases sent separately by Judicial Magistrates to the High Court, the State Government and the Special Police Cell. The Police should also maintain records separately for IPC and PCR Act cases.

(iii) Delay in disposal of these cases leads to a number of difficulties. For example, witnesses turn hostile under various influences with the passage of time. This makes it difficult to prove the charges and the cases end in acquittal under the benefit of doubt. Delay as a matter of fact defeats the very purpose of setting up the Special Courts in providing speedy justice to the victims of atrocities and the practice of untouchability.

(iv) The Special/Mobile Courts should be asked to submit quarterly statements indicating the time taken in the disposal of cases which should be critically examined by the District Judge so that necessary assistance and guidance can be provided to these Courts to enable them to dispose of the cases expeditiously.

(v) An examination of the judgments delivered by the Special Courts in respect of atrocity cases revealed a high rate of acquittals. It is suggested that the State Governments should make an analysis of acquittal cases and adopt suitable measures to bring the offenders to book.

Inter-caste marriages

6. Inter-caste marriages between the Scheduled Castes and caste Hindus are encouraged to curb the feelings of casteism and untouchability. Schemes for encouraging inter-caste marriages were first introduced by the State Governments of Gujarat, Kerala, Maharashtra and Tamil Nadu. Subsequently after seeing the good impact of such steps some other States also introduced schemes to favour inter-caste marriages. The State Governments are giving cash awards ranging from Rs.1,000 to Rs.5,000 if a marriage takes place between a Scheduled Caste person and a caste Hindu. In addition some States are also giving other

benefits. A statement showing the steps taken by various States/UTs for encouraging inter-caste marriages is given in Annexure I.

Work done by the various media of the Government of India for removal of untouchability

7. The Ministry of Information and Broadcasting have been endeavouring to create public opinion against the practice of untouchability. During the calendar year 1986 All India Radio Stations broadcast 4,818 programmes on this subject. The Press Information Bureau issued 30 news-items/releases. Articles and editorials were also published in Hindi, English and regional languages in the different journals by the Publications Division. Besides 418 exhibitions were organised in different parts of the country on the theme of the 20-Point Programme and removal of untouchability by the Directorate of Advertising & Visual Publicity. Various programmes were arranged in the interior, rural and backward areas of the country by the field units of the Directorate of Field Publicity to focus attention on the social evil of untouchability. Similarly the Song & Drama Division organised nearly 7,400 programmes in various parts of the country highlighting the theme of untouchability. Doordarshan Kendras telecast different programmes in different formats on the theme of eradication of untouchability. Trivandrum DDK telecast a Malayalam film on SreenarayanaGuru and a discussion on Dr.Ambedkar's life and mission. A documentary film entitled 'Badhate Kadam' and 'Pragati ke path par Bihar' were telecast from Ranchi DDK. T.V. reports on the birth and death anniversaries of Dr.Ambedkar were telecast in Gujarati. Several other programmes were also telecast by other Doordarshan Kendras.

PCR Act cases

8. The total number of cases registered under the Protection of Civil Rights Act, 1955, during the years 1981 to 1985 was 19,378. Their yearwise number was 4085 (1981), 4087 (1982), 3949 (1983), 3925(1984) and 3332(1985). Statewise and yearwise number of the PCR Act cases registered in 18 States and 4 Union Territories is given in Annexure II. It may be seen therefrom that there is a declining trend in the registration of these cases. This is a good sign, though it cannot be said with certainty that it indicates any significant change in the social attitudes of caste Hindus. The Government of Gujarat have taken a bold step by fixing responsibility of Panchayats for removal of untouchability from their areas. Accordingly if a Panchayat fails to remove discrimination against the Scheduled Castes in regard to fetching water from public wells, waterworks, etc., the Government grant to it is stopped till the discrimination is removed. Even supersession of such Panchayats is considered for failure to comply with the Government instructions in such matters. The District Development Officers are also authorised to remove such members of the Panchayats who fail to carry out Government orders in this regard. Other State Governments may also

take similar action so that the evil practice of untouchability may vanish early.

Some cases relating to the practice of untouchability

9. In a complaint dated 29-6-82 the General Secretary, All India Federation of Scheduled Caste/Tribe, Backward & Minorities Employees Welfare Association, Bhatinda,alleged that a Farm Officer of National Fertilizers Ltd. used to abuse the Scheduled Caste subordinate employees on the ground of untouchability by passing derogatory remarks such as 'Bhangi' and 'Chamar'. The matter was referred to the Deputy Commissioner, Bhatinda, who confirmed that the charges against the officer were proved and NFL in the light of the findings of the case awarded penalty of withholding of two annual increments of pay of the officer with cumulative effect.

10. There was a newsitem in the Indian Express dated 15-12-85 that some students of Municipal Primary School at Vile Parle, Bombay, were made to clean the toilets and bathrooms after school hours, not as part of a cleanliness drive but merely because their parents were 'Safai Kamgars'. This matter was taken up with the Municipal Corporation, Greater Bombay, which denied the allegation and stated that no school children were ever engaged to clean the toilets, urinals, etc., in schools. This office enquired from the Commissioner of the Municipal Corporation whether a contradiction to the widely circulated press report was issued by them. The Corporation did not send a reply despite a reminder.

11. It was reported in 'Nai Duniya' of 30-10-86 that a Scheduled Caste person was not allowed to take water from a public tap by caste Hindus in Mahal Kacheri area of Indore (Madhya Pradesh). The matter was taken up with the Collector, Indore,who informed that a case under the PCR Act had been filed in the Court against the two accused persons. The case was pending for disposal in the Special Court, Bhopal.

12. There was a newsitem in the Statesman dated 6-11-86 regarding alleged practice of untouchability with a Scheduled Caste student by two Brahman students of Motinath Sanskrit Mahavidyalaya, Ramesh Nagar, New Delhi, resulting in the murder of a Scheduled Caste boy. The cause of the crime was that these two Brahman students could not tolerate a lower caste student studying a Sanskrit course (Acharya) alongwith them. This case was taken up with the Commissioner of Police, Delhi, whose reply revealed that the deceased actually belonged to a Backward Class (Kumhar). According to the Police report the Brahman students were of the opinion that the right to learn Sanskrit vested only with Brahmans.

13. The Central Government as well as the State Governments have various programmes for eradication of untouchability, particularly from rural areas where it is deeply rooted. But only Government efforts cannot solve this problem. Therefore, voluntary organisations, social workers and religious leaders should also actively engage themselves to see that the stigma of untouchability is removed from our society.

ANNEXURE-I

Statement showing the schemes undertaken by various States/UTs for encouraging inter-caste marriages

S. No.	Name of the State	Cash award (in Rs.)	Other benefits
1.	Andhra Pradesh	1,000	
2.	Assam	5,000	Rs.2,000 in rural areas and Rs.4,500 in urban areas to parents of both the parties
3.	Bihar	5,000	
4.	Goa	2,000	
5.	Gujarat	5,000	
6.	Haryana	5,000	Out of this amount Rs.2,000 in cash and Rs.3,000 as fixed deposit for six years
7.	Himachal Pradesh	1,000	
8.	Jammu & Kashmir	-	
9.	Karnataka	2,000	Powers given to Zilla Parishads to give grants
10.	Kerala	2,000	
11.	Madhya Pradesh	2,000	In addition gold medal also given
12.	Maharashtra	2,000	Rs.500 for utensils also given
13.	Orissa	3,000	Free education for children
14.	Punjab	4,000	Out of this amount Rs.1,000 for utensils
15.	Rajasthan	5,000	Incentive money to be credited into fixed deposit in the joint names of both the parties
16.	Sikkim	-	
17.	Tamil Nadu	4,000	Rs.300 cash grant for marriage expenses and gold medal; children given preference in admission to engineering and medical colleges
18.	Tripura	2,000	Appreciation certificate also given
19.	Uttar Pradesh	1,000	Interest free loan of Rs.15,000 for starting small scale industry
20.	West Bengal	2,000	
21.	Delhi	-	
22.	Pondicherry	5,000	

ANNEXURE II

Statement showing the number of cases registered under the Protection of Civil Rights Act, 1955, during the years 1981, 1982, 1983, 1984 and 1985

Sl. No.	Name of the State/UT	1981	1982	1983	1984	1985
1.	Andhra Pradesh	238	263	385	274	237
2.	Assam	1	-	-	-	N.A.
3.	Bihar	17	28	16	15	N.A.
4.	Gujarat	281	347	306	271	169
5.	Haryana	6	5	5	2	1
6.	Himachal Pradesh	16	6	6	4	8
7.	Jammu & Kashmir	5	4	5	3	3
8.	Karnataka	581	674	567	532	659
9.	Kerala	38	29	37	39	27
10.	Madhya Pradesh	237	337	390	370	N.A.
11.	Maharashtra	998	769	558	510	442
12.	Orissa	106	125	90	105	88
13.	Punjab	-	4	-	-	2
14.	Rajasthan	173	186	183	168	207
15.	Sikkim	-	-	-	-	-
16.	Tamil Nadu	1136	1105	1205	1402	1280
17.	Tripura	-	-	-	-	-
18.	Uttar Pradesh	224	186	173	208	188
19.	Chandigarh	2	1	-	-	1
20.	Delhi	10	3	9	7	3
21.	Goa, Daman & Diu	2	3	-	-	1
22.	Pondicherry	14	12	4	15	16
	Total	4085	4087	3949	3925	3332

Note: Not a single case was registered during these years in Manipur, West Bengal and Dadra & Nagar Haveli.

CHAPTER II

ATROCITIES ON SCHEDULED CASTE AND SCHEDULED TRIBE PERSONS

The term 'atrocity' has not been defined in any law and, therefore, the Government have been using the expression 'crimes against the Scheduled Castes and Scheduled Tribes'. However, since 1974 the Ministry of Home Affairs started collecting statistics of such crimes and indicated that 'atrocities' on SCs and STs might be classified into four categories, viz., murder, grievous hurt, arson and rape. Later the collection of these statistics encompassed all IPC offences in which SC/ST persons were victims. Despite various measures having been adopted to check atrocities on the Scheduled Castes and Scheduled Tribes by the Central and State Governments atrocities on members of these communities persist. There are three main reasons for commission of atrocities on them, viz., (i) unresolved land disputes related to allotment of Government land or distribution of surplus land to the landless SC/ST persons, (ii) tension and bitterness created on account of non-payment or underpayment of minimum wages prescribed by the State Governments and (iii) resentment against manifestation of awareness amongst the Scheduled Castes and Scheduled Tribes about their rights and privileges as enshrined in the Constitution and various legislative and executive measures.

2. A crime-wise and year-wise break-up of the number of cases of atrocities on the Scheduled Castes and Scheduled Tribes registered during the period 1981-86 is given in Annexure I. The figures for the year 1986 are as follows:

Table 1

Nature of crime	Against Scheduled Castes	Against Scheduled Tribes
Murder	564	160
Grievous hurt	1,408	311
Rape	727	285
Arson	1,002	232
Other offences	11,715	2,957
Total	15,416	3,945

It may be observed that there was a steady rise in the number of cases of murder of Scheduled Caste persons from 1981 to 1986 except during 1985 when there was a slight fall. Similarly there was a progressive rise in the number of cases of rape throughout this period. In the case of the Scheduled Tribes there was a rise in the number of murder cases from 1981 to 1984. During 1985 there was a slight fall but the number again rose during 1986.

3. State-wise and year-wise data about the number of crimes against the Scheduled Castes have been furnished

in Annexure II. It will be seen therefrom that Madhya Pradesh registered the maximum number of IPC cases in which the Scheduled Castes were victims (32% of the total number of cases in the country). The other States which registered more than 1,000 cases during this six-year period were Uttar Pradesh, Bihar, Rajasthan, Gujarat, Maharashtra, Tamil Nadu, Karnataka, Kerala and Andhra Pradesh.

4. Similar State-wise and year-wise data in respect of the IPC cases in which the Scheduled Tribes were victims during the above mentioned period have been given in Annexure III which indicates that Madhya Pradesh again registered the maximum number of such cases (of the total number of cases in the country). The other States which registered more than 500 cases during this six-year period were Rajasthan, Maharashtra, Bihar and Gujarat.

Ranking of States/UTs in the matter of incidence of crimes against SC/ST members correlated with SC/ST population

5. State-wise, year-wise and crime-wise data relating to atrocities on the Scheduled Castes and Scheduled Tribes may be seen at Annexures IV and V respectively. For a correct comparison of the incidence of crimes against the Scheduled Castes and Scheduled Tribes in the different States it is necessary to correlate the number of crimes with the population of SCs and STs in a State. Based on the crime figures in Annexure IV the 20 States/UTs in respect of which information was available for the period 1981-86 are arranged below in the descending order in terms of the number of atrocities per 1 lakh Scheduled Caste population. For each State two figures are given in this table: (a) those in respect of the four major categories of atrocities, viz., murder, grievous hurt, rape and arson and (b) those in respect of all IPC crimes including the cases at (a) for the same six-year period:

Table 2

Ranking of States in terms of incidence of crimes against members of the Scheduled Castes during 1981-86

(a) No. of cases of four major categories of atrocities			(b) No. of all IPC crimes including those at (a)		
Ranking	State/UT	No. of cases per 1 lakh SC population	Ranking	State/UT	No.of cases per 1 lakh SC population
1	2	3	4	5	6
1	Madhya Pradesh	64.74	1	Madhya Pradesh	396.32
2	Rajasthan	36.75	2	Rajasthan	162.07
3	Uttar Pradesh	34.11	3	Gujarat	146.27
4	Bihar	33.04	4	Bihar	107.21
5	Gujarat	32.40	5	Uttar Pradesh	105.25
6	Maharashtra	19.38	6	Maharashtra	79.00
7	Jammu & Kashmir	13.88	7	Jammu & Kashmir	67.61
8	Haryana	10.67	8	Kerala	57.98
9	Himachal Pradesh	7.50	9	Tamil Nadu	33.22
10	Kerala	7.49	10	Himachal Pradesh	33.02

1	2	3	4	5	6
11	Pondicherry	7.22	11	Karnataka	28.58
12	Karnataka	6.43	12	Haryana	26.54
13	Orissa	6.39	13	Pondicherry	23.71
14	Goa, Daman & Diu	4.35	14	Orissa	22.48
15	Andhra Pradesh	4.11	15	Goa,Daman & Diu	17.39
16	Tripura	3.55	16	Andhra Pradesh	14.43
17	Punjab	3.19	17	Tripura	6.77
18	Tamil Nadu	2.65	18	Punjab	5.72
19	West Bengal	0.49	19	Delhi	0.89
20	Delhi	0.45	20	West Bengal	0.81

6. Similar comparative analysis of the incidence of crimes against the Scheduled Tribes in 19 States/UTs, in respect of which information was available and has been given in Annexure V, during the same period (1981-86) is given in the following table:

Table 3

Ranking of States in terms of incidence of crimes against members of the Scheduled Tribes during 1981-86

(a) No. of cases of four major categories of atrocities			(b) No. of all IPC crimes including those at (a)		
Ranking	State/UT	No.of cases per 1 lakh ST population	Ranking	State/UT	No.of cases per 1 lakh ST populatio
1	2	3	4	5	6
1	Madhya Pradesh	28.99	1	Madhya Pradesh	146.60
2	Kerala	19.92	2	Kerala	117.24
3	Rajasthan	15.25	3	Rajasthan	59.67
4	Maharashtra	6.76	4	Maharashtra	21.55
5	Bihar	5.95	5	Bihar	15.02
6	Gujarat	5.49	6	Gujarat	14.44
7	Andhra Pradesh	2.99	7	A & N Islands	13.64
8	West Bengal	1.76	8	Arunachal Pradesh	13.38
9	Orissa	1.61	9	Andhra Pradesh	6.61
10	Manipur	1.55	10	Manipur	4.90
11	Mizoram	0.87	11	Dadra & Nagar Haveli	4.88
12	Arunachal Pradesh	0.68	12	Orissa	4.41
13	Nagaland	0.61	13	West Bengal	3.61

1	2	3	4	5	6
14	Karnataka	0.60	14	Assam	2.52
15	Tamil Nadu	0.38	15	Tamil Nadu	1.92
16	Assam	0.37	16	Uttar Pradesh	1.72
17	Uttar Pradesh	Nil	17	Mizoram	1.30
18	A & N Islands	Nil	18	Karnataka	1.04
19	Dadra & Nagar Haveli	Nil	19	Nagaland	0.61

Identification of sensitive areas

7. The following seven State Governments have made an attempt to identify sensitive areas from the point of view of crimes against the Scheduled Castes:

Table 4

S.No.	State	Names of districts identified as sensitive
1.	Bihar	Patna, Nalanda, Rohtas, Bhojpur, Gaya, Viashali, Samastipur, Begusarai, Bhagalpur, Munger Ranchi (11 districts)
2.	Gujarat	Ahmedabad (Rural), Mehsana, Surendra Nagar, Junagadh, Kheda, Amreli, Rajkot(Rural), Banaskantha, Vadodara(Rural), Bharuch, Kutch (11 districts)
3.	Haryana	Ambala, Karnal, Sonepat, Gurgaon, Faridabad (5 districts)
4.	Karnataka	Bangalore, Bijapur, Kolar, Mysore, Tumkur, Gulbarga (6 districts)
5.	Madhya Pradesh	Morena, Bilaspur, Panna, Raipur, Jabalpur, Ujjain, Bhopal (7 districts)
6.	Maharashtra	Aurangabad, Bhir, Osmanabad, Nanded, Parbhani, Buldana (5 districts)
7.	Punjab	2 villages in Ferozepur District, 3 villages in Sangrur District, 3 villages in Patiala District (3 districts)
Total		48 districts

An analysis of contributory causes of atrocities

8. While the contributory factors for atrocities on SCs and STs are generally known, an analysis of the 523 cases of atrocities on SCs and STs in Orissa during 1982-85 was made by the DIG of Police (HA & DD), Cuttack, at our instance and its findings have been given at Annexure VI. The analysis indicates that in 39.2% cases the cause was sudden quarrel, in 33.46% cases previous grudge, in 14.15% cases land dispute and in 6.12% cases sexual aberration. Similarly the analysis of 176 cases of the Scheduled Tribes indicates that in 29% cases sudden quarrel was again the main cause followed by sexual aberration (23.86%). The other two causes worth mentioning were previous grudge (23.3%) and land dispute (15.34%).

Relief measures for SC/ST victims of atrocities

9. In September 1981 the Commission for Scheduled Castes and Scheduled Tribes recommended to all the State Governments/UT Administrations that monetary relief might be provided to SC/ST victims of atrocities at the following rates:

Nature of loss	Amount
Murder per person	Rs. 10,000
Permanent incapacitation per member	Rs. 10,000
Temporary incapacitation	Rs. 2,000
Grievous hurt short of incapacitation	Rs. 1,000
Rape	Rs. 5,000
Loss of house	Rs. 2,000
Loss of immovable property	Rs. 2,000
Loss of earning assets like a vehicle, a boat, cattle, etc.	Rs. 2,000 pending expenditious paymen of the actual cost of replacement
Loss of immovable property such as grains, clothes and other household assets	Rs. 2,000
Damage to irrigation well, drinking well, tubewell, electric motor, electric fittings and fruit bearing trees in the ownership of the victim to be assessed separately	The amount of compensations should be equal to the actual loss as assessed. Pending assessment an immediate grant of Rs.500 should be made.

The above cited scales of monetary relief have since been accepted by Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh. The States of Assam and West Bengal and the U.T. of Delhi have accepted the scheme but the position about its actual implementation is not yet known. Jammu & Kashmir has not yet accepted the scheme. Punjab has made a provision of ex gratia grants from various relief funds to victims of atrocities. It is observed that at times monetary relief is not granted immediately after the incident and the State Governments wait for the final outcome of the inquiry. It is, therefore, suggested that prompt action should be taken to provide monetary relief to victims of atrocities.

Cases of atrocities dealt with in this office

10. This office is getting a number of representations regarding atrocities committed on SCs and STs besides cases reported in the

press. In all such cases action is promptly initiated by this office. The number of such representations received in this office during the years 1981 to 1986 is given below:

Table 5

Year	Murder	Grievous hurt	Rape	Arson	Other offences	Total
1981	26	31	8	1	444	510
1982	26	24	7	1	501	559
1983	25	12	10	1	794	842
1984	27	2	14	-	558	601
1985	46	25	17	10	526	624
1986	66	1	23	7	593	690
Total	216	95	79	20	3416	3826

11. The bare statistics about the atrocities and final analysis of their causes and the scheme of relief in financial terms do not bring out in full the issue of atrocities on SCs and STs in the country. While most of these cases remain local events, some of them get known in the larger areas and also may be picked up by the regional and national press. Some victims also sometimes directly approach various authorities including this office. Cases involving mob attacks and heinous crimes on a large scale tend to get full blast publicity, though the concern wanes as the media turns its focus on other issues.

12. The disputes over wages and occupation of land have been at the root of recurrent killings in Bihar, particularly Jehanabad District. In Arwal the issue of possession of a small piece of land led to firing by the police in which according to the reports 11 persons died on the spot and out of the 20 injured 9 died in the hospital. The affected village has been visited by a large number of important persons and also by the Commissioner for Scheduled Castes and Scheduled Tribes. The incident has been the subject of numerous reports. The main reasons are social and economic which are not limited to a specific situation but are more pervasive and were brought out in the report of the Commissioner after his visit to the village (Annexure VII). The situation appears to be unabated and even deteriorating in the area since the basic causes remain unattended.

13. While Jehanabad presents the aftermath of organised initiative by the members of the Scheduled Castes to assert their rights, which are exceptions, more typical situations in the field pertain to purely local disputes between the stronger groups and the Scheduled Castes. For example, a land dispute was going on between the Harijans and the Thakurs for about two years in Chakrasool village of Ballia District in Uttar Pradesh. The land could not be taken possession of for fear of reprisal from the Thakurs of the village. The sensitivity on this issue was so acute that a dispute arose when one of the members of the Scheduled Castes went just for collection of bamboo leaves on the disputed land which was promptly objected to by the

Thakurs and an attack followed in which four Harijans were killed. The usual inquiries were made by the police. The Chief Minister visited the village and compensation was sanctioned to the next kin of the deceased and to the injured. The matter is pending before the Court.

14. A case from Dipakheda, District Mandsaur (Madhya Pradesh), illustrates the hold which the strong men in the village wish to maintain on the poorer sections. A Scheduled Caste woman was engaged by no less a person than the local MLA. She was working under the condition of bondage and her only crime was to ask her employer to pay a little more wages. She was mercilessly beaten up and thrown out with severe injuries. The most despicable part of this case was that she could not get treatment from any private doctor or even a Government dispensary in the neighbourhood and it was just a matter of chance that her case received attention of some voluntary workers who brought it to the notice of the Collector of the neighbouring district Indore and thus she could be admitted to a hospital in anonymity in the big city of Indore where she was treated for serious injuries. The matter seems to have been forgotten.

15. When tension prevails in an area for any socio-economic reasons even a small incident can serve as a spark causing a big explosion. A dispute in village Karamchedu, District Prakasam (Andhra Pradesh), started with a Scheduled Caste boy protesting against a farmer who was washing a dirty buffalo and throwing dirty water into the drinking water well of the Harijanwada. A massive mob attacked the Harijans out of whom 5 died and 19 were injured. Their houses were also raided and extensive damage was done to their properties. The Madigas (Scheduled Caste) had to take refuge at Chirala. While criminal cases have been launched, a Commission of Inquiry was also appointed by the Government who submitted their report on 31-8-87.

16. The biased and partisan handling of cases involving SCs and STs is quite common. In the course of an investigation of the death of a boy in village Bana, P.S.Khizrisarai, District Gaya (Bihar), the police arrested a large number of Harijans, ransacked their houses and tortured them during custody. The DIG of Police (Harijan Cell) confirmed that the local police had severely beaten up a Scheduled Caste person and his leg was fractured. Action was also initiated against the SHO. This case was also taken up by the Legal Aid Committee before the Supreme Court which was instrumental in giving relief to the affected people.

17. In village Arve, P.S.Kuakonda, District Bastar (Madhya Pradesh), the police arrested a tribal youth and his associates on the charge of dacoity. The inquiry revealed that the suspects were kept in the police custody for 6 to 7 days without the permission of the competent court. They were severely beaten up while in custody which resulted in the death of the tribal youth. An inquiry had been instituted in this case and one head constable and two constables dealing with the case had been suspended.

18. The case from Chamharshet Bhusarpada village, Taluk Jawhar, District Thane (Maharashtra), brings into focus the conflict on the issue of the forests in which force tends to be used as a matter of course. The dispute arose over the alleged felling of trees by tribals and use of timber in their huts. When the Forest officials tried to confiscate the timber there was resistance by the people who claimed to have taken out timber for the purposes of their proposed shifting from that hamlet to another since it was likely to come under submergence. The next day the police and the Forest officials went to the village with reinforcement without informing the Magistrate. There was resistance by the people which led to the firing in which one tribal woman was killed and another injured. The matter was taken up with the Government of Maharashtra whose report on the incident is awaited.

19. The cases involving maltreatment of women and their rape are many. They also lead to clashes. In village Jari, District Cuttack (Orissa), a Scheduled Caste rickshaw puller had allegedly kidnapped a caste Hindu girl and was imprisoned. After his release from the jail the issue heated up as the facts came to notice. The members of the Scheduled Castes also got organised and allegedly ransacked the houses of some caste Hindus and also set these on fire. The police rounded up four Scheduled Caste persons. After this incident the caste Hindus retaliated by setting the houses of Harijans on fire. In this incident two Scheduled Caste persons died and several other Scheduled Caste persons were injured. The case received wide publicity and relief was given to the victims. Attempts were made to bring a compromise between the two groups and for restoration of confidence among the Scheduled Castes.

Jogin system

20. In February 1986 a press report got wide circulation to the effect that there were about 10,000 'Jogins' belonging to the Scheduled Castes in Nizamabad District of Andhra Pradesh. These unfortunate young girls are 'married' off to a village god by their parents as a sacrifice to ward off catastrophes like drought or epidemic. They are then sexually exploited by upper caste landlords and rich men of the village who have initiated the process of the 'divine marriage', in the first place, for their own ends. Often first they get the girls hooked on to drugs and then start their sexual exploitation. This system of prostitution is prevalent in large areas of Telengana, which adjoins Karnataka, where a similar practice of Devadasis exists. But the system of Jogins is worse than that of Devadasis who are dedicated to a god and look after a temple. Unlike a Devadasi who lives in a temple, a Jogin lives in her jhuggi with her parents where the landlords visit her. They take no responsibility for the children begotten of the union and the female children have no option but to become Jogins, thus perpetuating the system. These girls cannot marry again, cannot step out of their village and are no better than bonded labourers. This 'sanctioned prostitution' has been in existence particularly among

Malas and Madigas (Scheduled Castes) for a long time, but it attracted the attention of Smt.Asha Murthy, Collector, Nizamabad, in 1985 while touring in some villages. Apparently the civil servants at Nizamabad and elsewhere in the State had earlier been aware of the existence of this atrocious system but credit goes to this lady officer who took initiative to curb the evil and rehabilitate the unfortunate women and girls by opening a centre for them.

21. The prevalence of the system of Jogins/Basavis/Parvathis (a part of the Devadasi system) has been observed in large parts of Andhra Pradesh. In Adilabad, Nizamabad, Medak, Rangareddy and Hyderabad districts these women are generally known as Jogins. In Karimnagar District they are known as Parvathis, in Rayalaseema as Basavis and in Nellore and Chittoor districts as Mathamma or Thayamma. The incidence of the system of Jogins/Basavis in the State was surveyed through the District Collectors and the A.P. Scheduled Castes Finance Corporation. By the end of January 1987 the survey had identified 15,850 Jogins in 12 districts (Karimnagar 9664, Mahboobnagar 1428, Nizamabad 1251, Warangal 1241, Anantapur 556, Kurnool 431, Hyderabad 387, Medak 365, Adilabad 324, Chittoor 83, Nellore 70, Rangareddy 50). Nil figure was reported from 8 districts. It was noticed that more than 80% of the Jogins belonged to the Scheduled Castes.

22. To focus attention upon this problem at the national level a Hyderabad based organisation, National Institute of Social Action, organised a National Convention on Jogin Welfare at New Delhi on February 16-17, 1987. It was chaired by the Governor of Andhra Pradesh, Kumari Kumudben Joshi. This convention adopted several resolutions. The State Government have presented the Andhra Pradesh Devadasis (Prohibition of Dedication) Bill, 1987, in the State Legislative Assembly. Further, a new scheme of liberation, rehabilitation and economic development of Jogin women has been introduced from the year 1987-88 in Andhra Pradesh and a provision of Rs.40 lakh made for this scheme in the Special Component Plan of the State. It has also been proposed to establish a home for Jogin women at Nizamabad at a cost of Rs.10 lakhs. Thus, the total outlay would be Rs.50 lakhs. It is suggested that cash compensation may be given to the women affected by this evil practice so that they may give it up and settle down in some other respectable and gainful occupations. Voluntary organisations may be encouraged to arrange marriages of Jogins. The State Government may also consider the desirability of instituting cash awards for those Panchayats which make sincere efforts for eradication of this practice from the villages under their jurisdiction. Other States where Devadasi system is prevalent should also include specific schemes for liberation, rehabilitation and economic development of Devadasis in their Special Component Plans for the Scheduled Castes as has been done in Andhra Pradesh.

Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes

23. The Parliamentary Committee on the Welfare of Scheduled

Castes and Scheduled Tribes examined the Ministry of Welfare on the subject of 'Atrocities on Scheduled Castes and Scheduled Tribes' on October 17-18, 1985, and presented its Report (Eleventh Report) to both the Houses of Parliament on 25-4-1986. Towards the end of September 1985 the subject of the welfare of the Scheduled Castes and Scheduled Tribes and other backward classes had been taken out of the Ministry of Home Affairs and placed under the charge of the newly reorganised Ministry of Welfare precisely to ensure that the subject of welfare of SCs/STs received more intensive and continuous attention at the highest level. The Committee, however, did not appreciate the decision of the Government to transfer the subject of atrocities on SCs and STs from the Ministry of Home Affairs to the Ministry of Welfare. It pointed out that the cases of atrocities were closely connected with law and order problem and if the Ministry of Welfare had to seek the assistance of the Ministry of Home Affairs either in the matter of getting information or issuing necessary directives to the State Governments/U.T.Administrations, it would only result in avoidable delays. The Committee, therefore, recommended that "implementation of all welfare programmes for the socio-economic development of Scheduled Castes and Scheduled Tribes should be dealt with in the Ministry of Welfare, but as far as the subject of atrocities against Scheduled Castes and Scheduled Tribes is concerned this should legitimately be reentrusted to the Ministry of Home Affairs who have all the machinery for maintenance of law and order and channel of communication of orders and instructions at their command." However, the Ministry of Welfare did not agree with this recommendation.

ANNEXURE I

Statement showing the number of IPC crimes against members of the Scheduled Castes in the States/UTs

Year	Murder	Grievous hurt	Rape	Arson	Other offences	Total
1	2	3	4	5	6	7
1981	493	1492	604	1295	10434	14318
1982	514	1429	635	1035	11441	15054
1983	525	1351	640	993	11440	14949
1984	541	1454	692	973	12327	15987
1985	502	1367	700	980	11824	15373
1986	564	1408	727	1002	11715	15416
Total	3139	8501	3998	6278	69181	91097

Statement showing the number of IPC crimes against members of the Scheduled Tribes in the States/UTs.

Year	Murder	Grievous hurt	Rape	Arson	Other offences	Total
1	2	3	4	5	6	7
1981	110	260	259	146	2657	3432
1982	133	320	256	132	3261	4102
1983	161	310	262	238	3163	4134
1984	171	348	312	132	3327	4290
1985	148	323	243	198	3143	4055
1986	160	311	285	232	2957	3945
Total	883	1872	1617	1078	18508	23958

ANNEXURE II

Statement showing the number of cases of crimes against the Scheduled Castes committed by members of non-Scheduled Castes in the various States/UTs during 1981,1982,1983,1984,1985 and 1986

S.No.	State/UT	No. of cases registered in						
		1981	1982	1983	1984	1985	1986	Total
1.	Andhra Pradesh	206	213	181	190	166	193	1149
2.	Bihar	2033	2073	1809	1845	1452	1661	10873
3.	Gujarat	654	455	476	582	750	649	3566
4.	Haryana	74	144	113	120	121	82	654
5.	Himachal Pradesh	69	73	47	60	49	50	348
6.	Jammu & Kashmir	124	45	23	12	53	89	346
7.	Karnataka	397	363	194	169	294	182	1599
8.	Kerala	280	145	149	148	300	476	1478
9.	Madhya Pradesh	4033	4749	5292	5537	5133	4421	29165
10.	Maharashtra	695	680	704	570	428	462	3539
11.	Orissa	80	150	147	190	159	183	869
12.	Punjab	51	73	36	47	32	19	258
13.	Rajasthan	1562	1731	1604	1648	1437	1481	9463
14.	Tamil Nadu	199	153	299	689	852	758	2950
15.	Tripura	18	3	-	-	-	-	21
16.	Uttar Pradesh	3825	3977	3851	4200	4135	4697	24685
17.	West Bengal	23	17	19	18	11	9	97
18.	Delhi	6	1	1	1	1	-	10
19.	Goa, Daman & Diu	1	2	1	-	-	-	4
20.	Pondicherry	8	7	3	1	-	4	23
	Total	14318	15054	14949	15987	15373	15416	91097

Note: In Assam only 1 case was reported in 1983 during this six-year period. In Dadra & Nagar Haveli not a single case was reported.

ANNEXURE III

Statement showing the number of cases of atrocities against the Scheduled Tribes by members of non-Scheduled Tribes during 1981, 1982, 1983, 1984, 1985 and 1986

S.No.	States/UTs	Number of cases registered in						
		1981	1982	1983	1984	1985	1986	Total
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	29	31	31	54	22	43	210
2.	Assam	-	-	-	13	23	19	55
3.	Bihar	104	85	116	193	221	154	873
4.	Gujarat	95	101	94	114	125	171	700
5.	Karnataka	5	8	4	1	1	-	19
6.	Kerala	9	10	18	104	80	85	306
7.	Madhya Pradesh	2524	3110	3119	3144	2955	2721	17573
8.	Maharashtra	233	222	240	159	169	221	1244
9.	Manipur	-	-	-	-	2	17	19
10.	Nagaland	-	-	-	-	-	4	4
11.	Orissa	12	43	53	55	46	52	261
12.	Punjab	-	1	-	-	-	-	1
13.	Rajasthan	386	472	439	400	379	420	2496
14.	Tamil Nadu	2	-	-	4	1	3	10
15.	Uttar Pradesh	-	-	-	-	4	-	4
16.	West Bengal	25	19	20	15	16	16	111
17.	Andaman & Nicobar Islands	-	-	-	3	-	-	3
18.	Arunachal Pradesh	8	-	-	30	11	10	59
19.	Dadra & Nagar Haveli	-	-	-	1	-	3	4
20.	Mizoram	-	-	-	-	-	6	6
	Total	3432	4102	4134	4290	4055	3945	23958

Note: No case was reported from Himachal Pradesh, Meghalaya, Sikkim, Tripura, Goa, Daman & Diu, Lakshadweep during this six-year period. Though there are no Scheduled Tribes in Punjab, one case was reported from that State in 1982.

ANNEXURE IV

Statement showing the number of IPC crimes against members of the Scheduled Castes in the States/UTs during 1981 to 1986

S.No.	State / Nature of crime	1981	1982	1983	1984	1985	1986	Total
1	2	3	4	5	6	7	8	9
1.	ANDHRA PRADESH							
	Murder	9	16	11	17	12	13	78
	Grievous hurt	9	8	26	8	4	27	82
	Rape	22	17	25	14	23	19	120
	Arson	7	13	5	11	5	6	47
	Other offences	159	159	114	140	122	128	822
	Total	206	213	181	190	166	193	1149
2.	BIHAR							
	Murder	69	72	71	95	54	57	418
	Grievous hurt	188	205	152	179	110	113	947
	Rape	80	97	87	83	63	80	490
	Arson	388	321	267	201	142	177	1496
	Other offences	1308	1378	1232	1287	1083	1234	7522
	Total	2033	2073	1809	1845	1452	1661	10873.
3.	GUJARAT							
	Murder	14	13	20	13	22	18	100
	Grievous hurt	75	66	48	63	64	60	376
	Rape	3	6	8	10	8	9	44
	arson	142	25	22	12	51	18	270
	Other offences	420	345	378	484	605	544	2776
	Total	654	455	476	582	750	649	3566
4.	HARYANA							
	Murder	–	1	1	3	11	4	20
	Grievous hurt	26	21	1	3	–	4	55
	Rape	17	59	23	26	26	12	163
	Arson	3	7	4	6	3	2	25
	Other offences	28	56	84	82	81	60	391
	Total	74	144	113	120	121	82	654
5.	HIMACHAL PRADESH							
	Murder	–	1	2	–	1	1	5
	Grievous hurt	7	2	4	7	9	6	35
	Rape	9	2	3	4	3	3	24
	Arson	2	3	2	2	3	3	15
	Other offences	51	65	36	47	33	37	269
	Total	69	73	47	60	49	50	348

(Contd.)

1	2	3	4	5	6	7	8	9
6.	JAMMU & KASHMIR							
	Murder	2	2	1	-	4	3	12
	Grievous hurt	18	2	1	-	4	7	32
	Rape	4	5	2	1	5	4	21
	Arson	1	-	-	1	-	2	4
	Other offences	99	36	19	10	40	73	267
	Total	124	45	23	12	53	89	336
7.	KARNATAKA							
	Murder	24	19	15	16	20	6	100
	Grievous hurt	9	5	5	2	7	1	29
	Rape	7	6	9	13	11	6	52
	Arson	50	46	10	14	49	10	179
	Other offences	307	287	155	124	207	159	1239
	Total	397	363	194	169	294	182	1599
8.	KERALA							
	Murder	4	4	7	8	6	9	38
	Grievous hurt	7	5	1	5	4	4	26
	Rape	7	7	18	11	19	18	80
	Arson	7	7	9	6	10	8	47
	Other offences	235	122	114	118	261	437	1287
	Total	260	145	149	148	300	476	1478
9.	MADHYA PRADESH							
	Murder	74	88	108	122	75	93	560
	Grievous hurt	353	366	323	351	347	220	1960
	Rape	134	148	183	213	194	183	1055
	Arson	249	173	211	192	196	168	1189
	Other offences	3223	3974	4467	4659	4321	3757	24401
	Total	4033	4749	5292	5537	5133	4421	29165
10.	MAHARASHTRA							
	Murder	24	19	17	10	13	15	98
	Grievous hurt	85	85	73	31	35	36	345
	Rape	51	48	35	39	28	29	230
	Arson	53	28	36	33	20	25	195
	Other offences	482	500	543	457	332	357	2671
	Total	695	680	704	570	428	462	3539

(Contd.)

1	2	3	4	5	6	7	8	9
11.	ORISSA							
	Murder	5	10	9	8	1	4	37
	Grievous hurt	11	16	16	13	19	8	83
	Rape	7	11	7	9	12	8	54
	Arson	11	13	10	12	10	17	73
	Other offences	46	100	105	108	117	146	622
	Total	80	150	147	150	159	183	869
12.	PUNJAB							
	Punjab	9	13	8	6	8	10	54
	Grievous hurt	10	8	9	3	3	1	34
	Rape	12	8	7	10	11	4	52
	Arson	–	3	–	–	1	–	4
	Other offences	20	41	12	28	9	4	114
	Total	51	73	36	47	32	19	258
13.	RAJASTHAN							
	Murder	35	37	35	24	29	43	203
	Grievous hurt	194	174	174	192	167	156	1057
	Rape	66	58	75	63	101	106	469
	Arson	64	63	69	94	66	61	417
	Other offences	1203	1399	1251	1275	1074	1115	7317
	Total	1562	1731	1604	1648	1437	1481	9463
14.	TAMIL NADU							
	Murder	2	5	14	6	20	18	65
	Grievous hurt	2	5	7	13	12	8	47
	Rape	7	2	8	16	18	14	65
	Arson	12	5	2	10	13	16	58
	Other offences	176	136	268	644	789	702	2715
	Total	199	153	299	689	852	758	2950
15.	TRIPURA							
	Murder	2	–	–	–	–	–	2
	Grievous hurt	6	2	–	–	–	–	8
	Rape	–	1	–	–	–	–	1
	Arson	–	–	–	–	–	–	–
	Other offences	10	–	–	–	–	–	10
	Total	18	3	–	–	–	–	21

(Contd.

1	2	3	4	5	6	7	8	9
16.	UTTAR PRADESH							
	Murder	214	208	202	213	223	270	1330
	Grievous hurt	490	457	507	580	582	754	3370
	Rape	169	152	148	176	177	229	1051
	Arson	303	327	344	377	408	489	2248
	Other offences	2649	2833	2650	2854	2745	2955	16686
	Total	3825	3977	3851	4200	4135	4697	24685
17.	WEST BENGAL							
	Murder	4	6	4	–	3	–	17
	Grievous hurt	2	2	4	4	–	1	13
	Rape	7	4	1	4	1	3	20
	Arson	1	1	2	2	3	–	9
	Other offences	9	4	8	8	4	5	38
	Total	23	17	19	18	11	9	97
18.	DELHI							
	Murder	2	–	–	–	–	–	2
	Grievous hurt	–	–	–	–	–	–	–
	Rape	2	1	–	–	–	–	3
	Arson	–	–	–	–	–	–	–
	Other offences	2	–	1	1	1	–	5
	Total	6	1	1	1	1	–	10
19.	GOA, DAMAN & DIU							
	Murder	–	–	–	–	–	–	–
	Grievous hurt	–	–	–	–	–	–	–
	Rape	–	1	–	–	–	–	1
	Arson	–	–	–	–	–	–	–
	Other offences	1	1	1	–	–	–	3
	Total	1	2	1	–	–	–	4
20.	PONDICHERRY							
	Murder	–	–	–	–	–	–	–
	Grievous hurt	–	–	–	–	–	2	2
	Rape	–	2	1	–	–	–	3
	Arson	2	–	–	–	–	–	2
	Other offences	6	5	2	1	–	2	16
	Total	8	7	3	1	–	4	23

ANNEXURE V

Statement showing the number of IPC crimes against members of the Scheduled Tribes in the States/UTs during 1981 to 1986

S.No.	State / Nature of crime	1981	1982	1983	1984	1985	1986	Total
1	2	3	4	5	6	7	8	9
1.	ANDHRA PRADESH							
	Murder	–	1	1	2	2	4	10
	Grievous hurt	–	1	9	5	–	2	17
	Rape	8	11	8	21	9	8	65
	Arson	–	1	1	–	–	1	3
	Other offences	21	17	12	26	11	28	115
	Total	29	31	31	54	22	43	210
2.	ASSAM							
	Murder	–	–	–	–	–	–	–
	Grievous hurt	–	–	–	2	4	–	6
	Rape	–	–	–	–	1	1	2
	Arson	–	–	–	–	–	–	–
	Other offences	–	–	–	11	18	18	47
	Total	–	–	–	13	23	19	55
3.	BIHAR							
	Murder	4	5	9	10	12	10	50
	Grievous hurt	17	6	10	16	15	8	72
	Rape	44	21	12	37	26	29	169
	Arson	13	1	15	8	12	6	55
	Other offences	26	52	70	122	156	101	527
	Total	104	85	116	193	221	154	873
4.	GUJARAT							
	Murder	4	7	8	8	10	12	49
	Grievous hurt	15	18	30	28	24	39	154
	Rape	8	2	7	9	8	12	46
	Arson	5	4	5	1	1	1	17
	Other offences	63	70	44	68	82	107	434
	Total	95	101	94	114	125	171	700
5.	KARNATAKA							
	Murder	1	1	4	1	–	–	7
	Grievous hurt	–	–	–	–	–	–	–
	Rape	–	1	–	–	–	–	1
	Arson	–	3	–	–	–	–	3
	Other offences	4	3	–	–	1	–	8
	Total	5	8	4	1	1	–	19

1	2	3	4	5	6	7	8	9
6.	KERALA							
	Murder	1	2	–	–	2	1	6
	Grievous hurt	–	–	–	1	1	2	4
	Rape	2	2	4	14	5	8	35
	Arson	–	–	–	3	1	3	7
	Other offences	6	6	14	86	71	71	254
	Total	9	10	18	104	80	85	306
7.	MADHYA PRADESH							
	Murder	67	94	116	124	95	84	580
	Grievous hurt	147	196	175	214	204	169	1105
	Rape	143	164	177	172	138	163	957
	Arson	98	85	188	97	168	197	833
	Other offences	2069	2571	2463	2537	2350	2108	14098
	Total	2524	3110	3119	3144	2955	2721	17573
8.	MAHARASHTRA							
	Murder	13	6	13	9	9	15	65
	Grievous hurt	32	28	29	17	11	16	133
	Rape	30	20	20	24	25	19	138
	Arson	20	9	7	4	5	9	54
	Other offences	138	159	171	105	119	162	854
	Total	233	222	240	159	169	221	1244
9.	MANIPUR							
	Murder	–	–	–	–	1	1	2
	Grievous hurt	–	–	–	–	–	3	3
	Rape	–	–	–	–	–	1	1
	Arson	–	–	–	–	–	–	–
	Other offences	–	–	–	–	1	12	13
	Total	–	–	–	–	2	17	19
10.	NAGALAND							
	Murder	–	–	–	–	–	1	1
	Grievous hurt	–	–	–	–	–	3	3
	Rape	–	–	–	–	–	–	–
	Arson	–	–	–	–	–	–	–
	Other offences	–	–	–	–	–	–	–
	Total	–	–	–	–	–	4	4

(Contd.)

1	2	3	4	5	6	7	8	9
11.	ORISSA							
	Murder	1	1	1	3	2	1	9
	Grievous hurt	–	1	4	5	5	–	15
	Rape	6	15	8	15	7	12	63
	Arson	1	1	2	2	–	2	8
	Other offences	4	25	38	30	32	37	166
	Total	12	43	53	55	46	52	261
12.	PUNJAB							
	Murder	–	–	–	–	–	–	–
	Grievous hurt	–	–	–	–	–	–	–
	Rape	–	–	–	–	–	–	1
	Arson	–	–	–	–	–	–	–
	Other offences	–	–	–	–	–	–	–
	Total	–	1	–	–	–	–	1
13.	RAJASTHAN							
	Murder	16	14	9	14	13	25	91
	Grievous hurt	47	69	53	60	58	67	354
	Rape	9	14	19	11	19	27	99
	Arson	9	27	19	16	11	12	94
	Other offences	305	348	339	299	278	289	1858
	Total	386	472	439	400	379	420	2496
14.	TAMIL NADU							
	Murder	–	–	–	–	–	–	–
	Grievous hurt	–	–	–	–	–	–	–
	Rape	–	–	–	1	–	–	1
	Arson	–	–	–	–	–	1	1
	Other offences	2	–	–	3	1	2	8
	Total	2	–	–	4	1	3	10
15.	UTTAR PRADESH							
	Murder	–	–	–	–	–	–	–
	Grievous hurt	–	–	–	–	–	–	–
	Rape	–	–	–	–	–	–	–
	Arson	–	–	–	–	–	–	–
	Other offences	–	–	–	–	4	–	4
	Total	–	–	–	–	4	–	4

(Contd.)

2	3	4	5	6	7	8	9
WEST BENGAL							
Murder	3	2	–	–	2	3	10
Grievous hurt	2	1	–	–	–	1	4
Rape	9	5	7	8	5	4	38
Arson	–	1	1	–	–	–	2
Other offences	11	10	12	7	9	8	57
Total	25	19	20	15	16	16	111
ANDAMAN & NICOBAR ISLANDS							
Murder	–	–	–	–	–	–	–
Grievous hurt	–	–	–	–	–	–	–
Rape	–	–	–	–	–	–	–
Arson	–	–	–	–	–	–	–
Other offences	–	–	–	3	–	–	3
Total	–	–	–	3	–	–	3
ARUNACHAL PRADESH							
Murder	–	–	–	–	–	–	–
Grievous hurt	–	–	–	–	1	1	2
Rape	–	–	–	–	–	–	–
Arson	–	–	–	1	–	–	1
Other offences	8	–	–	29	10	9	56
Total	8	–	–	30	11	10	59
DADRA & NAGAR HAVELI							
Murder	–	–	–	–	–	–	–
Grievous hurt	–	–	–	–	–	–	–
Rape	–	–	–	–	–	–	–
Arson	–	–	–	–	–	–	–
Other offences	–	–	–	1	–	3	4
Total	–	–	–	1	–	3	4
MIZORAM							
Murder	–	–	–	–	–	3	3
Grievous hurt	–	–	–	–	–	–	–
Rape	–	–	–	–	–	1	1
Arson	–	–	–	–	–	–	–
Other offences	–	–	–	–	–	2	2
Total	–	–	–	–	–	6	6

ANNEXURE VI

Atrocities on SC/ST in Orissa and contributory causes for the same

S.No.	Cause	1982	1983	1984	1985 (Upto June)	Total	Percentage
SCHEDULED CASTES							
1.	Sudden quarrel	67	51	56	31	205	39.20
2.	Previous grudge	47	53	51	24	175	33.46
3.	Land dispute	19	23	21	11	74	14.15
4.	Sexual aberration	11	7	9	5	32	6.12
5.	Outraging modesty for ulterior motive	3	6	5	5	19	3.63
6.	Witchcraft/superstition	2	5	3	-	10	1.91
7.	Unnatural offence	1	-	5	-	6	1.15
8.	Dispute over water	-	2	-	-	2	0.35
	Total	150	147	150	76	523	100.00
SCHEDULED TRIBES							
1.	Sudden quarrel	8	16	19	8	51	28.98
2.	Sexual aberration	15	8	15	4	42	23.86
3.	Previous grudge	9	15	11	6	41	23.30
4.	Land dispute	7	8	5	4	27	15.34
5.	Outraging modesty for ulterior motive	3	3	2	3	11	6.25
6.	Superstition	1	2	-	-	3	1.70
7.	Intrigue	-	1	-	-	1	0.57
	Total	43	53	55	25	176	100.00

ANNEXURE VII

A Brief Note on Situation in Gaya, Bihar

(Submitted by Dr. B.D. Sharma, Commissioner for Scheduled Castes and Scheduled Tribes, to the Prime Minister on 8-5-86 in connection with the case of atrocity on the Scheduled Castes at village Arwal, District Jahanabad)

I spent a few days last week in the villages of Jahanabad, Gaya, after the police firing at Arwal on 19-4-1986. I also met officials and political leaders including the Chief Minister at Patna. It is unfortunate that the police is being protrayed by a section as a symbol of State's determination to deal with the so-called Naxalites firmly and as an example to the police force which is said to have been demoralised due to ambivalent directions from above. On the other hand, there is a strong feeling, shared even by sensitive administrators, that any justification of this firing on above lines may be used by the hardliners for suppression of poor and liquidating their leaders. The landlords and their 'senas' will make a bid to regain their hold on the poor labourers under the protective umbrella of their kinsmen in the police. Such a psychological build-up is ominous which needs to be countered with a sense of urgency and understanding.

The basic issue in rural Bihar is the wide gulf between the State policies and their implementation in general and minimum wages and distribution of Government land in particular. The members of higher castes own bulk of the agricultural land in villages. But they depend for cultivation on labourers who largely belong to the lower castes and are landless. The wages are very low. The landowners are not willing to raise these significantly. The landowners have also occupied most of the Government fallow land by collusion or by force whereas, according to the law, the first claim to such lands is that of the members of the Scheduled Castes and then other Backward Classes. The administration and political leadership in Bihar is known to be partisan as most of their members belong to higher castes and have vested interests in the status quo.

There is long history of extremist movements in this part of Bihar which have been sustained by the gruelling poverty, ruthless exploitation and untold atrocities on the weaker sections. However, a new dimension was added to the struggle of the poor with the announcement of the 20-Point Programme in 1975 and its implementation with earnestness. For the first time the masses became aware about their rights and about the categorical stand of the State thereon. It may be noted that JP movement had bypassed the agrarian issue. There was a severe backlash in 1977 so far as crucial issues like bonded labour, minimum wages, etc., were concerned. Nevertheless, the seed had been sown and some activists nurtured it in this area.

The Kisan Mazdoor Sangram Samiti which is taking the lead in this regard is said to be a front organisation of some extremist groups. As this Samiti succeeded in wresting concessions in some areas, its influence began to grow. The landowners on their side began to organise largely on caste lines raising senas like Brahmarshi Sena by the Bhumihars, Kunwar Sena by the Thakurs, Bhumi Sena by the Kurmis and Lorik Sena by the Yadavas. Thus, a state of confronta-

tion followed almost everywhere. A number of armed clashes took place in which the police is alleged to have sided with the landlords in suppressing agricultural labourers who have been nicknamed as 'Naxalia'.

The coincidence of three sensitive administrators — the SDO, the District Magistrate and the Commissioner — being posted to Gaya made a sea-change in Jahanabad Sub-Division of Gaya District. In May 1985 the new District Magistrate started streamlining execution of rural development programmes and also the public distribution system. This hit the vested interests both in the administration and in politics rather hard. While they were still reeling under its impact, a young SDO joined in Jahanabad in September 1985. The starting point for a new line of action was his handling of a formal request for a public meeting by the Kisan Mazdoor Sangram Samiti, a lawful organisation. He did not adopt the earlier practice to turn down the request and use force to prevent people from gathering. Instead he allowed the meeting with prior approval of the State Government. About 50,000 people gathered at Jahanabad and the meeting passed off peacefully notwithstanding grave provocations from other groups. The administration also took up seriously the task of distribution of Government fallow land strictly according to the provisions of law. The SDO started settling disputes of minimum wages personally. As the people realised the change, peace prevailed in Jahanabad after October 1985.

The reaction of the vested interests was predictable. They started a tirade against local administration and dubbed the SDO as a Naxalite sympathiser. It is said that the local MLAs pressed for his transfer and threatened to join the dissidents unless their demand was conceded. The SDO was transferred in February 1986 notwithstanding the unqualified support and confidence of the DM and the Commissioner. This transfer has been taken as a victory for the status quo against the new style administration for elimination of 'cuts' and effective implementation of laws. As the landowners began to assert again in their usual style, clashes between the two groups have become once again the order of the day.

The stand of the Sangram Samiti is that since the administration is incapable of implementing the laws they have to take up the responsibility of enforcing them. Accordingly they give notice to the concerned parties, organise 'hearings' in Jan Adalats and seek appropriate verdict which is executed by the people. They have a 5-point programme for all villages, viz., (1) implementation of minimum wages; (2) distribution of Government land in accordance with the law; (3) cessation of atrocities against Harijans; (4) stamping out crime of all description such as theft, robbery and rape; (5) prohibition.

In pursuance of these objectives Jan Adalats are meeting regularly in areas under the influence of the Sangram Samiti. Two cases of April 1986 are noteworthy. It is said that the Sangram Samiti gave a notice to one Ramanand Yadav, alleged to be a dacoit to stop his anti-social activities. As the notice had no effect on him, a large gathering under the direction of Jan Adalat demolished his house. Ramanand Yadav has retaliated with the support of Lorik Sena and a number of people belonging to lower castes have been murdered

in a series of incidents. This warfare is continuing. The settlement of the disputed land in Arwal is another case in which a large group belonging to the Sangram Samiti came, demolished the wall and took possession of the land. Later on police firing took place near the police station.

The leaders of the Sangram Samiti claim that they have not gone beyond the ambit of established law which has to be implemented in full and not partially in relation to IPC offences. However, the posture of the Sangram Samiti is ambivalent. Their stand has an appeal to the common man since the non-implementation of laws is writ large and excesses of higher caste groups continue unabated.

While a 'parallel Government' under any name is out of place, the people can no longer remain satisfied by mere proclamations. In all the villages I visited the people were asking simple questions about non-implementation of laws and nothing more. The fact that the administration was able to win the confidence of the people and peace was restored in the area for a brief period simply because they started taking effective measures for implementation of the laws and execution of rural development programmes shows the direction in which the State should move. The support of the State Government to the field officers for right action should be unequivocal. The numerous senas which have sprung up should be declared illegal. The support of the police should be assured to the weaker sections of the community.

In sensitive areas specially selected officers may be posted who should be given sufficient discretion so that they give relief to the poor and curb the vested interests. As the climate changes, others in the administration may also emulate them. It will be necessary to devise a suitable procedure to cut the delays in decision making relating to the two basic issue, viz., minimum wages and distribution of land. The State Government may consider setting up of Lok Adalats for small areas comprising selected officers and people's representatives so that the cases can be decided and implemented on the spot and the poor get justice without delay.

CHAPTER III

LAND, AGRICULTURE AND HOUSING

OPERATIONAL HOLDINGS

According to the agricultural census of operational holdings held in 1981, the operational holdings below 2 hectares have gone up over the years with devolution by inheritance as well as redistribution of land, but skewed distribution of land among different size classes of operational holdings still persists. The number of holdings below 2 hectares went up from 49.63 million in 1970-71 to 66.6 million in 1980-81. These constituted 74.5% of the total holdings in 1980-81 against 69.9% in 1970-71, but operated only 42.76 million hectares or 26.3% of the total operated area in 1980-81 against 20.9% in 1970-71. Against this, holdings above 10 hectares came down from 2.77 million in 1970-71 to 2.15 million in 1980-81. These constituted 2.4% of the total holdings in 1980-81 against 3.9% in 1970-71, but operated as much as 37.13 million hectares or 22.8% of the total operated area in 1980-81 against 30.9% in 1970-71.

2. The total operated area among the Scheduled Castes, Scheduled Tribes and others during 1980-81 is given in the table below:

Table 1

Social groups	Percentage of population	Area in lakh hectares	Percentage
Scheduled Castes	15.46	115.22	7.0
Scheduled Tribes	7.85	167.04	10.2
Others	76.69	1355.71	82.8
Total	100.00	1637.97	100.00

3. The percentage distribution of operational holdings in major size groups among the Scheduled Castes, Scheduled Tribes and others is furnished in the following table:

Table 2

Size groups	Scheduled Castes	Scheduled Tribes	Others	Total
Marginal(below 1 hectare)	13.8	5.4	80.8	100
Small(between 1 and 2 hectares)	10.2	9.7	80.1	100
Semi-medium(between 2 and 4 hectares)	7.6	11.3	81.1	100
Medium(between 4 and 10 hectares)	5.4	11.6	83.0	100
Large(10 hectares and above)	4.4	10.8	84.8	100
All size groups	11.3	7.7	81.0	100

It would be seen from the above table that among marginal holdings the share of the Scheduled Castes was 13.8% and in the case of large holdings their share was merely 4.4% while that of other communities was as high as 84.8%. It may be further observed that whereas the proportion of the Scheduled Castes in the rural population in the country was 17.34% their share in the total number of operational holdings was only 11.3%. Similarly the Scheduled Tribes had 7.7% of the total number of holdings though their proportion in the rural population was 9.54%.

4. The distribution of holdings among the Scheduled Castes and Scheduled Tribes and others by major size groups has been given in the table below:

Table 3

Size groups	Scheduled Castes		Scheduled Tribes	
	No. in lakhs	%age	No. in lakhs	%age
1	2	3	4	5
Marginal	69.23	68.9	27.28	39.8
Small	16.44	16.3	15.51	22.6
Semi-medium	9.52	9.5	14.05	20.5
Medium	4.38	4.4	9.36	13.7
Large	0.95	0.9	2.34	3.4
All size groups	100.52	100.0	68.54	100.0

Size groups	Others		All social groups	
	No. in lakhs	%age	No. in lakhs	%age
1	6	7	8	9
Marginal	404.71	56.2	501.22	56.4
Small	128.77	17.9	160.72	18.1
Semi-medium	100.98	14.0	124.55	14.0
Medium	66.94	9.3	80.68	9.1
Large	18.37	2.6	21.66	2.4
All size groups	719.77	100.0	888.83	100.0

It would be seen from the above table that bulk of the landholdings (68.9%) of the Scheduled Castes are marginal, i.e., below one hectare, while in the case of the Scheduled Tribes this percentage is 39.8.

LAND REFORMS

5. The objectives of the national land reforms policy are: (i) abolition of intermediary tenures; (ii) tenancy

reforms aimed at security of tenure, regulation of rent and conferment of ownership rights on tenants; (iii) ceiling on landholdings and distribution of surplus lands; (iv) consolidation of holdings; (v) compilation and updating of land records. The Sixth Plan provided that legislative measures to confer ownership rights on tenants would be enacted in all the States by 1981-82. The programme of taking over and distribution of ceiling surplus lands was to be completed by 1982-83. Compilation and updating of land records was to be completed by 1985 and the consolidation of holdings was to be taken up in all the States with the aim of completing it in ten years with priority being assigned to command areas of irrigation projects. According to the available information none of the Sixth Plan targets on land reform measures has been fully achieved. Although most of the intermediary tenures have been abolished, there are quite a few States where legislative provisions do not exist for conferment of ownership rights on tenants and share-croppers. In some States the rent payable to landlords is higher than the limits of 1/5th or 1/4th of the gross produce as laid down in the national policy. Oral and informal tenancies with cultivating possession continue to exist under the guise of 'personal cultivation'. Despite the law for imposition of ceilings on agricultural holdings having been enacted by most State Governments the programme of taking over possession and distribution of ceiling surplus lands is still far from complete. Consolidation operations were also reported not to have made much headway in many States due to fear of displacement among tenants and share-croopers, advantage of having land in fragmented parcels in the event of floods and other natural calamities, and apprehension that big farmers would get a better deal.

6. The Seventh Five Year Plan had given a new direction by integrating implementation of land reforms with poverty alleviation programmes. Though the distribution of land to the landless has always been an important part of the 20-Point Programme, in the new strategy of development reflected in the revised 20 Points, a high priority has been assigned to this work. Enforcement of land reforms under point 5 of the 20-point list includes compilation of land records, implementation of agricultural land ceilings and distribution of surplus land to the landless. Besides, sub-points (2) and (3) of point No.11 relate to ensuring possession of allotted land to members of the Scheduled Castes and Scheduled Tribes and revitalisation of the land allotment programme

LAND RECORDS

7. Correct and up-to-date land records are an essential pre-condition for effective implementation of land reform measures, particularly for security of tenure and tenants and share-croppers and consolidation of holdings. Land and crop records are basic for various developmental activities, whether it be for identification of small and marginal farmers or location of wastelands for social

forestry or compilation of cropped area and production statistics or operational holdings data, etc., for agricultural census or for free flow of agricultural credit. Various planning exercises related to agriculture and rural development schemes and their implementation depend on availability of reliable and up-to-date land records, which reflect the correct status of all interests in land, avoid disputes and litigation as well as the tension which result therefrom. According to the Union Department of Rural Development a review of the status of survey and settlement, land records and revenue machinery at lower levels was done in 1984. According to information available with that Department in March 1986 records were fairly up-to-date in Andhra Pradesh, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and West Bengal though mutation and sub-division cases were reported to be in arrears in many States. In most of the States records were updated through the Annual Crop Registers. Revisional survey and settlement operations were being carried out in Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Kerala, Madhya Pradesh, Meghalaya, Orissa, Sikkim, Tripura and West Bengal. Under the new 20-Point Programme States were urged by the Union Department of Rural Development to take all measures for updating of land records with utmost urgency by adopting a time-bound programme. States were asked by that Department to observe 1985-86 as a Land Records Year to update the land records and also introduce a register of operational holdings for collation at Tahsil level. The Department proposed to introduce a Centrally Sponsored Scheme during the Seventh Plan for strengthening revenue administration and updating land records in the States concerned with emphasis on the States and Union Territories which had unsurveyed lands and did not have land and crop based records.

8. The Conference of Revenue Ministers held in November 1986 suggested that wherever no land records were maintained at present early steps would be taken to complete survey and settlement work. The facilities provided by the Survey of India for training of staff in survey techniques would be availed of to the maximum advantage. Similarly State Governments would consider deputing their officers to the National Remote Sensing Agency, etc., to familiarise themselves with the latest techniques for such future use as was considered necessary. Priority was to be given to 430 Blocks selected for the Eastern India Rice Programme, the North-Eastern States/UTs and other predominantly tribal areas in completing survey and settlement, building up system of maintaining land records, periodic updating thereof and strengthening of revenue machinery.

ALLOTMENT OF CEILING SURPLUS LANDS TO SCHEDULED CASTES AND SCHEDULED TRIBES

9. The national land reforms policy envisages imposition of ceilings on individual landholding so that sufficient surplus land is available for redistribution among

the rural landless. Laws on imposition of ceiling on agricultural holdings were enacted in several States during the 1950s and 1960s and implemented with varying degrees of effectiveness in different States. The ceilings set by these laws were very high in many cases and exemptions granted from the operation of ceiling law too many. There were also many loopholes in the laws that rendered their implementation difficult. In order to bring a certain degree of uniformity in the ceilings imposed in the various parts of the country and to plug loopholes, the national guidelines on land ceilings were evolved in 1972 by the Conference of Chief Ministers. Laws were enacted in various States in conformity with the national guidelines. There were, however, no ceiling laws in Meghalaya, Nagaland and Mizoram where communal ownership of land predominates. There are also no ceiling laws in Andaman & Nicobar Islands, Goa, Daman & Diu and Lakshadweep. In view of the revelation made by the agricultural census data for 1980-81 that skewed distribution of landholdings still continued, the Union Department of Rural Development advised the State Governments to consider redetermining ceiling limits so as to expand the availability of surplus ceiling land. The position of ceiling limits in each State during 1986-87 as against the national guidelines of 1972 and the lower ceilings suggested by the Central Government may be seen at Annexure I.

10. A statement showing the area of land declared surplus due to implementation of land ceiling laws and the area allotted to the Scheduled Castes, Scheduled Tribes and other beneficiaries in various States/UTs since the inception of the scheme upto 31-3-87 may be seen at Annexure II. It would be seen therefrom that out of the total area of 76.33 lakh acres declared surplus an area of 59.54 lakh acres was taken possession of, constituting 78% of the total area declared surplus. Against this, an area of 44.09 lakh acres was distributed constituting 74.06% of the area taken possession of and 57.76% of the area declared surplus, thus still leaving about 26% of the area taken possession of and 42.24% of the area declared surplus to be distributed. Out of the total area distributed an area of 15.07 lakh acres (34.18%) was distributed to the Scheduled Castes, 5.81 lakh acres (13.18%) to the Scheduled Tribes and 23.21 lakh acres (52.64%) to other beneficiaries. Out of the total number of 40.67 lakh beneficiaries the number of Scheduled Caste beneficiaries allotted land was 14.15 lakh (34.79%), that of the Scheduled Tribes 5.63 lakh (13.83%) and that of other beneficiaries 20.89 lakh (51.37%).

11. The matter of distribution of ceiling surplus land was considered by the Conferences of Revenue Ministers held in May 1985 and November 1986. Some of the important recommendations made by the earlier conference are given below:

(a) (i) The implementation of existing ceiling laws, both pre-revised and revised, should be monitored vigorously by the States/UTs. States may analyse and intimate the reasons as to why after so many years even the preliminary stage of scrutiny of returns has not been completed.

(ii) An analysis of the gaps between estimated surplus and declared surplus, between declared surplus and area taken possession of, and between area taken possession of and area distributed be done for taking remedial action. Disposal of returns, cases pending in various courts including the remanded and reopened ones, taking possession of area declared surplus and its distribution followed by prompt mutations, issue of certificates/pattas, physical demarcation on spot and handing over possession, etc., need special attention.

(iii) Details of number of SC/ST beneficiaries of land allotted separately under the pre-revised and revised ceiling laws upto March 1985 be intimated to the Union Department of Rural Development by 30-6-85. Likewise details of land involved in litigation at various stages, land unfit for agriculture, that set apart for afforestation and other public purposes under the two Acts separately be also intimated.

(b) (i) Sizable areas in Andhra Pradesh, Bihar, Haryana, Punjab, Uttar Pradesh and West Bengal have gone out of the total quantum of surplus land as a result of court decisions. Even land already distributed had to be denotified in many cases causing considerable hardship to the assignees who had invested their resources. State Governments should scrutinise such cases and take steps including legislative amendments to ensure that there is no repetition of such decisions.

(ii) Creation of Tribunals under Article 323(8) of the Constitution and/or creation of special courts/branches in High Courts in consultation with the concerned High Courts for quick disposal of ceiling cases may be considered.

(iii) States may ensure that the posts of officials, revenue as well as judicial, concerned with the disposal of ceiling cases, do not remain vacant. The general feeling that posting for ceiling work was punitive needs to be dispelled as early as possible and experienced and competent officers need to be posted to man these posts.

(iv) Land which has been declared surplus and which is not the subject matter of litigation should be taken over without any delay.

(v) Making of provision for taking over surplus land in anticipation of the completion of proceedings, where the parties are agreeable, may be considered by the States/UTs.

(vi) Legislative provisions, wherever non-existent, may be made for barring lawyers from representing parties in land ceiling cases.

(c) (i) A campaign to detect cases of evasion and review of the existing legislations may be undertaken by the State Governments/UT Administrations.

(ii) Evasion and avoidance of law need to be looked into seriously. Vigorous action to investigate and determine the types of benami transfers and circumventions of law has to be taken followed by concrete remedial measures, legislative and otherwise, as may be necessary.

(iii) Survey needs to be undertaken by the States to check whether the surplus land said to be unfit for cultivation was really so and also if it was a fact that there were no takers for such land.

(d) (i) Steps have also to be taken to ensure that the classification of land under the ceiling law and as in land records is similar.

(ii) Classification of land in land records, particularly in areas brought newly under irrigation needs to be suitably revised in land records first.

(iii) The review of application of ceiling laws in areas newly irrigated by projects and schemes financed by the public exchequer should be taken up to subject these areas to the appropriate ceilings.

(e) (i) Lowering of the ceiling limits may be attempted wherever this is possible.

(ii) Inclusion of major son in the definition of family at this juncture as suggested in the agenda of May 1985 Conference may be considered by the States.

(f) States may also consider bringing land with religious and charitable institutions within the purview of land ceiling laws.

(g) Firm legal provision to provide security to the surplus land assignees from eviction and for prompt restoration where already evicted be made.

(h) Legislative provisions as indicated above and others including those by way of amendments to the existing ceiling law, be made at the earliest.

(i) Legal provision be made by the States/UTs for giving joint patta in the name of the head of the household and the spouse whenever land is allotted by Government or the Gram Sabha.

12. The Conference of Revenue Ministers held in November 1986 reviewed the progress of distribution of ceiling surplus lands and observed that effective steps had not been taken by the States to implement most of the recommendations of the Revenue Ministers' Conference held in May 1985 and suggested that all the recommendations of the earlier Conference mentioned above should be fully implemented by 31-3-1988.

FINANCIAL ASSISTANCE TO ASSIGNEES OF SURPLUS LAND

13. Since the beneficiaries of the allotment of ceiling surplus land are mostly poor and much of the surplus land is of poor quality, it needs development so as to render it cultivable. A Centrally Sponsored Scheme, viz., financial assistance to assignees of ceiling surplus land, is being implemented by the Land Reforms Division of the Union Department of Rural Development since 1975-76. Under this scheme financial assistance is provided to the States for distribution among allottees of ceiling surplus land. Assistance by way of grant is given @ Rs.2,500 per hectare for various purposes like land development, provision of inputs as well as immediate consumption needs. This amount is shared equally by the Centre and the States. An amount of Rs.22.43 crores was released as grant since the inception of the scheme upto 1984-85. During the Sixth Plan an amount of Rs.10.34 crores was released by the Central Government while an amount of Rs.10.88 crores was utilised by the States. During 1985-86 an amount of Rs.3.10 crores was released. An outlay of Rs.15.60 crores was made for the Seventh Plan. The scheme has been recommended by the Union Department of Rural Development to be integrated with other schemes of rural development like the IRDP, NREP, RLEGP, etc., by entrusting its implementation to DRDAs. It is contemplated that assignees of surplus land would be given priority in the enlistment of beneficiaries under the IRDP and they are to be eligible for a total subsidy upto Rs.8,000 per family from all sources. Assistance from the different programmes of rural development would be so channelised as to help the assignees of surplus land to develop their land for purposes of agriculture or allied activities and enable them to build around that land a variety of economic activities which could provide them a viable source of income round the year. In this connection the Seventh Plan Working Group on the Development of Scheduled Castes observed that ceiling surplus lands were generally of marginal and sub-marginal quality and that while allotting any land to the Scheduled Castes and Scheduled Tribes the amount needed for comprehensive land development should be granted simultaneously to the allo-

ttees. All necessary inputs like seeds, fertilizers and irrigation water should be made available to them. The Working Group further suggested that allotment should be made preferably in clusters to the Scheduled Castes so that they could take advantage of the community facilities which were not otherwise available. Such group allotment would help in having an organisation of the Scheduled Castes which would reduce the scope of leakages and malpractices.

TENANCY REFORMS

14. The objective of national policy of tenancy reforms is to make the tiller of the soil its owner. Legislative provisions had been made in many States conferring ownership rights on tenants. In some States this right is acquired on payment of a reasonable compensation to the landlord. Some States have acquired ownership rights from landlords and transferred these to tenants from whom compensation is realised. The States where ownership rights have been given to the general body of tenants are Andhra Pradesh (Telengana area), Assam, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tripura and Uttar Pradesh. About 77 lakh tenants had benefited upto 1985-86 and they had been conferred ownership rights over a total area of 56 lakh hectares. Since the bulk of share-croppers and tenants belong to the Scheduled Castes and Scheduled Tribes their formal recognition, official recording and conferment of legal rights and ownership on them would go a long way towards the economic development of these communities. There is no legislative provision to confer ownership rights on tenants and share-croppers in Andhra Pradesh (Andhra area), Bihar, Haryana, Punjab, Tamil Nadu and West Bengal though security of tenure to tenants or landowners has been made. Further leasing has been prohibited in Jammu & Kashmir, Karnataka, Kerala, Uttar Pradesh and Delhi. However, oral and informal tenancies with cultivating possession still exist without any record in many areas of the country under the guise of personal cultivation, etc. The Conference of Revenue Ministers held in November 1986, inter alia, made the following recommendations in this regard:

(i) The drive to find out the extent and spread of informal or concealed tenancies as suggested earlier should be continued wherever already started and initiated on a crash basis wherever not yet started. It should be followed by conferment of ownership rights on all categories of tenants including share-croppers excepting the specifically exempted categories. However, names of tenants tilling land belonging to exempted categories also should be recorded in the record of rights and they should be provided security of tenure.

(ii) The results of this drive should be regularly and vigorously monitored at the higest level by the respective State Governments.

(iii) In order to prevent emergence of informal and oral tenancies States may take steps to provide for a

stricter definition of personal cultivation, wherever not already done.

(iv) The existing definition of persons under disability and privileged tenants and provisions regarding exemptions in respect of other exempted categories including religious institutions should be reviewed. Necessary steps should be taken to plug loopholes in order to bring the existing legal provisions in conformity with national policy guidelines.

(v) It was agreed to examine the possibility of debarring lawyers in proceedings relating to conferment of ownership rights on tenants. If there were certain inherent legal difficulties in the way of enacting such a provision, the State Governments should provide free legal aid to tenants so that they could defend their rights in the courts.

15. According to the national policy the exempted category of tenants are members of Defence Services, widows, unmarried women, minors and persons suffering from physical and mental disabilities who were permitted to lease out lands to tenants without loss of ownership. But in some States deities have been treated as perpetual minors. The Union Department of Rural Development has, therefore, suggested to the States concerned to review such provisions relating to religious institutions. It has been further suggested that conferment of ownership rights on their tenants may also be considered after providing for an annuity as source of reasonable income to compensate for possible loss of land through suitable legislation.

ALIENATION OF TRIBAL LANDS

16. In spite of legislative and executive measures taken by various State Governments to prohibit transfer of lands belonging to Scheduled Tribe persons to non-tribals, alienation of tribal lands still continued. Such provisions were made either in the revenue laws or in the Regulations made under the Fifth Schedule to the Constitution. The problem existed in varying degrees in the tribal areas of Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura, Uttar Pradesh and West Bengal. The State Governments concerned were requested to furnish data about the alienation of tribal lands and information about the measures taken by them to meet this problem. The data received from eight States are given below:

Table 4

S.No.	State	No. of cases pending at the end of 1985-86	Fresh cases registered during 1986-87	Total of Cols. 3 and 4	No. of cases disposed of during 1986-87	Land restored during 1986-87 (in acres)	No. of pending cases at the end of 1986-87
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	-	-	40414	35998	74120.78	4416
2.	Assam	NA	2756	2756	2554	2062.00	202
3.	Bihar	5261 (1984-85)	7482 (1985-86)	12743	8292 (1985-86)	7278.76 (1985-86)	4451 (1985-86)
4.	Gujarat	2012	2477	4489	1462	4476.00	3027
5.	Maharashtra	548	52	600	163	949.00	437
6.	Orissa	2918	1877	4795	1009	479.30	3786
7.	Tamil Nadu	76 (1984-85)	107 (1985-86)	183	63 (1985-86)	121.97 (1985-86)	120 (1985-86)
8.	Tripura	1345	1640	2985	1220	205.38	1765

17. In Andhra Pradesh the transfer of lands belonging to members of the Scheduled Tribes to non-tribals in the Scheduled Areas of the State was prohibited under the Andhra Pradesh Land Transfer Regulation, 1959. However, the State Government issued an order in 1969 that in the case of Government lands in the Scheduled Areas already encroached upon by non-tribals, while persons other than landless poor persons should be straightaway evicted from the lands occupied by them, landless poor persons should not be evicted from the lands under their occupation upto a maximum extent of 2.5 acres of wet or 5 acres of dry land, including other lands, if any, already owned by them, unless and until such lands were needed for assignment to tribals. The State Government in another order issued in 1971 decided that non-Scheduled Tribe poor persons in the Scheduled Areas of the State should not be evicted from the lands in their occupation upto the limits specified above if they had been in occupation of such lands for a period of not less than ten years and that tribal applicants might be assigned other lands in the same village or in the neighbouring villages. In 1974 the State Government decided that in the case of landless poor Scheduled Caste persons the condition of the ten-year period was not to be insisted upon and they were not to be evicted if they had been in possession of such lands since 1969. In 1979 the State Government issued yet another order in partial modification of the earlier orders to the effect that non-tribal landless poor in occupation of lands in the Scheduled Areas upto 5 acres of wet land or 10 acres of dry land should not be evicted for the time being under the provisions of the above mentioned Regulation of 1959. This order was challenged in the State High Court and was quashed on 5-12-84.

Although the judgment of the High Court was circulated to all the Collectors in the Scheduled Areas for information on 7-2-85, the order had not yet been formally withdrawn by the State Government. Thus even though the State Government order of 1979 had become inoperative, the fact that it had not yet been withdrawn created an impression that the issue of land alienation was not being taken seriously and that even if the field officers ignored the implementation of this important Regulation, the Government were not likely to take a serious note of this default. On 12-9-87 I wrote to the Chief Minister of Andhra Pradesh requesting him that a formal notification should be issued by the State Government immediately withdrawing the Government order of 1979, in order to remove the above impression. A reply is awaited.

18. In Kerala the State Government had enacted the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975. But it received the assent of the President only in November 1985. The State Government informed that the Act had been brought into force retrospectively with effect from 1-1-82 on the issue of the Government Notification in January 1986. Necessary Rules under the Act known as Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Rules, 1986 came into force on the issue of the State Government's Notification on 18-10-86.

19. In Maharashtra the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 provided for restoration to a Scheduled Tribe person of his agricultural land involved in illegal transfer to a non-tribal, effected any time before 6-7-1974. Similarly the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 provided for restoration to a Scheduled Tribe person, of his agricultural land lawfully transferred to a non-tribal by way of sale, mortgage, gift, etc., effected between 1-4-57 and 6-7-74. The State Government informed that representations were received by them from persons affected by implementation of the above laws, particularly the latter Act, stating that a large number of non-tribals were rendered landless in the process of restoration of lands to the tribals. It was also reported that some of these non-tribals, as a result, lost their means of livelihood. In order to give relief to the affected non-tribal persons the State Government issued a circular on 31-7-86 to the effect that no fresh proceedings under the above two Acts should be taken up. However, the cases already initiated before the issue of these instructions were to continue. Since these instructions adversely affected the interests of the Scheduled Tribe persons whose lands had been alienated, I took up the matter with the State Government requesting them to withdraw the above circular containing these instructions. The State Government agreed to my request and withdrew the circular on 4-6-87 and the implementation of the above mentioned two Acts was resumed forthwith. The Collectors were also directed to issue necessary instructions to the Revenue officers concerned to decide the cases under the two Acts expeditiously.

20. The issue of alienation of tribal lands was discussed in the Conferences of State Revenue Ministers in May 1985 and November 1986. In pursuance of the decisions taken in these conferences the Government of India advised the State Governments to plug loopholes in the existing legal provisions, to make adequate administrative arrangements for speedy and effective implementation thereof and to create sufficient awareness among the tribals to enable them to take advantage of these legal provisions. The following recommendations were made by the above conference held in May 1985:

(i) A scrutiny of the existing provisions regarding banning of transfer of land belonging to tribals to non-tribals and its implementation with particular reference to:

(a) suo moto action,
(b) extension of limitation period,
(c) raising plea at any stage in proceedings before courts,
(d) making State as a party in civil proceedings,
(e) bringing trespass within the ambit of law, and
(f) physical restoration of land free from encumbrances

be completed by 31-12-85 and necessary legislation for these and to plug loopholes be enacted by 31-12-86.

(ii) Survey may be undertaken to detect old cases which could be taken up under the law.

(iii) Continuous review of legislative and executive measures be undertaken.

(iv) Updating of land records of the Scheduled Areas be completed in a phased manner by the end of the Seventh Plan.

(v) Complete reports on the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes be sent by the concerned State Governments/UT Administrations so as to reach the Union Department of Rural Development by 30-6-85.

21. The Revenue Ministers' Conference held in November 1986 made the following recommendations:

(i) Suggestions made in May 1985 in respect of giving protection to tribals concerning their rights on land should be implemented without delay, if not already done.

(ii) Administrative and judicial machinery should be suitably strengthened to detect cases of alienation under the existing laws and for speedy disposal of these cases respectively.

(iii) Effective arrangements including deterrent legal provisions should be made for ensuring that tribals

were not evicted from land restored to them. In the context of the concern expressed about growing alienation of tribal lands, in spite of the existence of protective provisions, sufficient awareness must be created among the tribals about their legal rights.

(iv) While taking action to restore land to tribals from which they have been dispossessed the law of limitation and any other law seeking to nullify protective provisions should not apply. Suitable legislative proposals must be undertaken by the States for such enabling provisions.

(v) All steps should be taken for speedy disposal of cases arising out of alienation of tribal lands so that such lands can be restored to them under the existing legal provisions and the possession of tribals over the restored lands can be effectively protected. Most of the States did not consider setting up of special courts necessary because the disposal of such cases is done by the Revenue Courts. However, where such arrangements do not exist and the cases are triable by judicial courts, special courts may be set up. Appellate and revisionary forums should be curtailed to ensure speedy implementation of protective laws in favour of tribals.

TREE PATTA SCHEME

22. In pursuance of the recommendation of the Revenue Ministers' Conference held in May 1985 a Group was set up by the Union Department of Rural Development to evolve guidelines for a Tree Patta Scheme to give usufructuary rights in trees planted on unculturable wastelands belonging to Government, Panchayats and the community including land alongside roads and canals, in order to give a vested interest to individuals and provide an incentive to grow and protect trees, mainly of fuelwood, fruit and fodder species. The Report of the Group containing the guidelines, terms and conditions, model format and model form of legislation was sent by the Department to all the State Governments/UT Administrations recommending its adoption with such modifications as might be considered necessary to suit the local situation.

23. The salient features of the Tree Patta Scheme as per the guidelines issued by the Union Department of Rural Development are given below:

(1) The scheme shall be applicable to growing trees on Government, Panchayat or community wastelands in rural areas including Bhoodan land, surplus ceiling land which is lying in small scattered fragments and land along roads and canal embankments. It would not be applicable to growing trees on lands belonging to Government, Panchayat or community which have been leased out or on lands on which there is a title or interest of a private person.

(2) Culturable or productive agricultural lands should not be diverted for growing trees.

(3) In the case of lands belonging to the Central Government prior consent of the Central Government shall be obtained.

(4) The scheme will not apply to lands covered by the Forest (Conservation) Act, 1980.

(5) Beneficiaries shall include rural poor, i.e., as defined under the IRDP—landless agricultural labour, small and marginal farmers.

(6) Fifty per cent of the allottees shall be SCs and STs and 30% allottees women.

(7) Block level committees will select beneficiaries on the recommendation of the village level committees.

(8) Units of not more than one hectare or 1 Km. strip will be allotted to an individual beneficiary.

(9) Tree planting permit will be issued by the appropriate authority in favour of the beneficiary who should plant trees thereon within a period of two years and after verification of plants in the field, tree pattas will be granted for a period co-terminus with the silvicultural life of the tree.

(10) Breach of any condition of the tree planting permit or tree pattas will render the beneficiary liable for punishment, i.e., fine, simple imprisonment and eviction.

(11) Pattadar will have the right only to the usufruct of trees but no other right on the land itself.

(12) Trees can be hypothecated to a bank/financial institution for raising loan.

(13) To ensure proper implementation recommendations have been made to create the following nodal agencies at different levels:

(a) Department of Rural Development to be the nodal agency at the Government of India level,

(b) State level committee with Secretary, Rural Development, as Convener with Secretaries of Revenue, Forest and PWD Departments as members,

(c) District level committee with Collector as the head with the Project Directors, DRDA/ITDP and representatives of other Government Departments as members,

(d) Block level committee with representatives from

all Departments and Panchayat Raj institutions,

(e) A Revenue official to be placed with the BDO to look after this scheme and depending on the work-load, a Forest official can also be placed at the Block level.

24. According to the information furnished by the Ministry of Environment & Forests the scheme has been introduced in Bihar, Madhya Pradesh and Uttar Pradesh. In Tamil Nadu rights similar to tree patta have been granted under the Revenue Code by introducing an amendment in June 1986. The Governments of Jammu & Kashmir, Kerala and West Bengal and the Administrations of Arunachal Pradesh, Delhi and Lakshadweep expressed their inability to adopt this scheme because of tenurial problems and non-availability of land.

MINIMUM WAGES FOR AGRICULTURAL LABOURERS

25. Agricultural labourers being in the unorganised sector and scattered all over rural areas have very little bargaining power in the absence of a viable organisation. Most of them, therefore, depend on Government machinery for benefits in the shape of fixation of minimum wages, etc. According to the 1981 Census 48.2% of the total Scheduled Caste workers and 32.6% of the total Scheduled Tribe workers were agricultural labourers. The percentages of SC and ST agricultural labourers among the total number of agricultural labourers in the country were 32.88% and 12.93% respectively. Disputes over payment of minimum wages to Scheduled Caste and Scheduled Tribe agricultural labourers constitute one of the important causes of atrocities on members of these communities. Under the Minimum Wages Act, 1948 the State Governments concerned had to fix the minimum wages for labourers in their respective States. Under Section 3 of the Act the State Governments were required to review, at such intervals as they might think fit but not exceeding five years, the minimum rates of wages and revise these, if necessary. A table giving State-wise information regarding the minimum wages for unskilled workers as on 20-5-87 as furnished by the Ministry of Labour may be seen at Annexure III.

26. The disparity in wages and the formulation of a national minimum wage/regional minimum wages were discussed in the past in various forums. In pursuance of the suggestion of the National Commission on Labour, 1969 that a uniform monetary rate of remuneration for the country as a whole was neither feasible nor desirable and that efforts should be made to fix regional minimum wages in different homogeneous regions in each State, the matter was later discussed in the 28th session of the Indian Labour Conference held in November 1985. It recommended that till such time as a national minimum wage was feasible, it would be desirable to have regional minimum wages for which the Central Government could lay down the guidelines. The matter was considered in the meetings of the State Labour Secretaries held in April 1987 and the Labour Ministers' Conference

held in May 1987. The guidelines for the regional minimum wages were circulated by the Ministry of Labour in the light of the conclusions of the Labour Ministers' Conference. These, however, did not have any statutory backing as the Minimum Wages Act, 1948 did not provide for fixation of regional minimum wages. These guidelines are given below:

(a) There will be six Regional Minimum Wages Advisory Boards with the nodal States shown within brackets: Eastern Region (West Bengal), North Eastern Region (Assam), Southern Region (Tamil Nadu), Northern Region (Haryana), Western Region (Maharashtra) and Central Region (Uttar Pradesh). The meetings of the Boards will be chaired by the Labour Secretaries of the States where they are held. The Board will comprise six representatives each of employers and workers, one representative from each State Government/UT Adm. and the Director/Deputy Secretary concerned from the Government of India.

(b) Regional Minimum Wages may be fixed employment-wise for selected employments within a region. The Regional Minimum Wages Advisory Boards may select such employments which are spread over more than two States in a region or in which wide differential causes flight of industry/business from one State to another.

(c) After the initial fixation of the regional minimum wages the Boards may meet at least twice a year to review the situation.

(d) In fixing the regional minimum wages the boards should take into account the prevailing wage rates in the particular employment in different States of the region and the neighbouring regions, the capacity to pay, requirement of skill for the employment, hazards involved, etc.

(e) The Regional Boards may keep the concept of poverty line in mind while determining the minimum wages.

(f) The minimum wages so fixed may be related to a particular level of All India Consumer Price Index Number compiled by the Labour Bureau, Shimla. However, the States may raise the wage whenever there is a rise of 50 points in the price index. The fixation and revision of wages may be done by each State Government by following the usual procedure under the Minimum Wages Act, 1948 while keeping the recommendation of the Board in view.

27. The above Labour Ministers' Conference, inter alia, also recommended that in order to raise the status of the unorganised labour it was essential to implement the labour laws which most closely concerned them. Among these were the Minimum Wages Act, 1948; Inter-State Migrant Workmen

(Regulation of Employment and Conditions of Service) Act, 1979; the Contract Labour (Regulation and Abolition) Act, 1970; the Bonded Labour System (Abolition) Act, 1976; the Child Labour (Regulation and Abolition) Act, 1986; the Beedi and Cigar Workers (Conditions of Employment)Act, 1986. The following action by the Central and State Governments was recommended by the conference to remove the difficulties faced in the implementation of the Minimum Wages Act:

(a) Removing the lack of awareness among labour as well as employers of the provisions of the Minimum Wages Act and other Acts affecting unorganised labour, through a sustained publicity campaign both by the Central and State Governments;

(b) Strengthening and upgrading enforcement machinery of the State Governments with assistance from the Central Government as may be required;

(c) Ensuring that inspection staff have the necessary mobility by giving them transport facility and extending to them security in the course of their work involving enforcement of the Minimum Wages Act and other legislation governing agricultural and other labour especially in rural areas. The Central Government may consider extending suitable assistance to the State Governments for this.

(d) The assistance of other Departments of the State Governments like the Revenue Department, Rural Development Department and Welfare Department should also be taken, depending upon the conditions obtaining in individual States/Union Territories for the effective enforcement and implementation of the laws above mentioned.

Atrocities on SCs and STs on account of agrarian tensions

28. The persistence of serious social and economic inequalities in rural areas has given rise to tensions between different classes. Although legislative and executive measures have been taken by various States to check alienation of tribal lands to non-tribals and to restore alienated lands back to the Scheduled Tribes, they have to face many difficulties in obtaining the actual possession of the allotted lands. Scheduled Caste and Scheduled Tribe persons have thus to face many atrocities at the hands of the vested interests on account of these reasons as well as due to non-payment of the prescribed minimum wages. A large number of representations from the SC/ST victims of such atrocities were received in this organisation. Such cases were also reported in the press. An illustrative Statewise list of 58 cases is given in Annexure IV alongwith a brief account of each case.

ALLOTMENT OF HOUSE-SITES TO LANDLESS WORKERS

29. The National Housing Policy lays special emphasis on the provision of house-sites to the Scheduled Castes

and Scheduled Tribes, freed bonded labourers and landless labourers including artisans and provision of financial assistance for house construction to them on suitable loan-cum-subsidy basis. Under the scheme of Allotment of House-Site-cum-Construction Assistance for Landless Workers an allocation of Rs.576.90 crores was made for the Seventh Five Year Plan period. An expenditure of Rs.245.10 crores was incurred under the scheme during the first two years of the Seventh Plan. A total of 148.47 lakh families were provided house-sites by various States/Union Territories upto the end of 1986-87. The number of SC/ST families provided house-sites during the years 1983-84 to 1985-86 and 1986-87 under the scheme in various States, in respect of which information is available, may be seen in the table below:

Table 5

S.No.	State/UT	No. of SC and ST families provided house-sites during			
		1983-84 to 1985-86		1986-87	
		SC	ST	SC	ST
1	2	3	4	5	6
1.	Andhra Pradesh	2,59,341	1,17,206	60,311	18,138
2.	Assam	Nil	11,733	NA	NA
3.	Bihar	37,673	6,035	6,577	666
4.	Gujarat	7,163	5,727	6,174	7,427
5.	Haryana	36,981	*	1,290	*
6.	Himachal Pradesh	Nil	Nil	NA	NA
7.	Jammu & Kashmir	94	*	NA	*
8.	Karnataka	1,75,021	Nil	NA	NA
9.	Kerala	6,760	972	NA	NA
10.	Madhya Pradesh	47,558	49,127	3,368	3,708
11.	Maharashtra	5,420	1,950	NA	NA
12.	Orissa	34,808	16,864	16,105	NA
13.	Punjab	Nil	*	Nil	*
14.	Rajasthan	36,248	16,836	21,395	9,227
15.	Tamil Nadu	1,95,252	2,803	1,13,131	NA
16.	Tripura	NA	NA	NA	NA
17.	Uttar Pradesh	1,33,038	4,287	48,988	53
18.	West Bengal	12,115	5,908	2,795	788

* not applicable

INDIRA AWAAS YOJANA

30. The scheme known as Indira Awaas Yojana was launched during the Seventh Plan as part of the Rural Landless Employment Guarantee Programme (RLEGP) for construction of houses for SCs and STs and freed bonded labourers in rural areas. It was envisaged to construct one million houses during the Seventh Plan under the scheme. During the first two years of the Plan an expenditure of Rs.195.04 crores was incurred on the scheme. Upto December 1986 about 3.50 lakh houses were sanctioned by the Government of India spread over various States/UTs. According to the guidelines issued by the Union Department of Rural Development the identification of beneficiaries should be based on their economic condition so that the poorest among the poor are selected for the scheme in open Gram Sabha meetings. As far as possible construction of houses is to be taken up by beneficiaries themselves under technical supervision provided by the State Government. In case it is not possible for beneficiaries to construct the houses, the construction can be taken up by the rural engineering organisation, etc., of the State Government. But even in such cases beneficiaries should be engaged as workers in the construction of houses to the maximum possible extent. In the implementation of the scheme the habitat concpet is to be followed, which implies proper clustering and arrangement of the houses in space for economy of design and construction cost, keeping in mind ventilation, natural lighting, etc., and also other basic necessities such as rudimentary drainage, toilets, storage lofts, means of waste disposal and plantation of trees, all weather road link to the village from the main road, etc.

31. The type and design of the houses for each region are to be worked out by the State Governments. The Central Government provide funds upto a ceiling of Rs.7,200 per unit subject to the RLEGP guidlines for the maximum ceiling of non-wage expenditure of 50%. However, the unit cost of assistance may be increased upto Rs.9,000 for housing in hill areas, difficult and remote areas, black cotton soil areas, etc., with the prior approval of the Central Committee on RLEGP. The above additional requirement of funds for housing or for non-wage component over 50%, if any, is to be met by the State Governments from their own funds, contribution of beneficiaries, loans from the HUDCO or other State Corporations responsible for rural housing. Infrastructural developments like land levelling, provision of drainage, site development, construction of internal roads, water supply, etc., are funded in addition to the unit cost of the house indicated above, to the extent of Rs.3,000 or 50% of the ceiling approved by the HUDCO for rural housing per unit, by the Central Government under the RLEGP, subject to the minimum wage expenditure of 50%. The requirement that the wage expenditure will not be less than 50% of the expenditure applies to the cost of house construction and infrastructural development taken together for the annual programme of a Block. The State projects are, therefore, prepared on the basis of Block-wise projections and taking into account the type/design for different regions. The unit cost, type, design, infrastructure, etc., are approved by the Central Committee

on RLEGP as part of the RLEGP projects to be submitted by the States. The additional requirements of funds and the arrangements of funds by the States are also considered by the Central Committee.

32. The scheme is being implemented through the DRDAs in most of the States except a few States. In Andhra Pradesh it is being implemented by the Housing Corporation while in Uttar Pradesh by the Rural Housing Board. In Karnataka the Land Development Department is implementing it. The working of the scheme was reviewed by the Union Department of Rural Development on the basis of reports submitted by the inspecting officers of the Department. The shortcomings observed by the Department on the basis of these reports were: (i) lack of planning, (ii) improper cluster lay-out, (iii) lack of infrastructure facility, (iv) lack of latrines/chulhas/storage facility, (v) in some latrines only one leach pit being provided instead of two, (vi) lack of soak pits for kitchen and bath, (vii) lack of ventilation, (viii) poor workmanship and quality, (ix) in a few clusters the new tile roofing already sagging and not set properly, (x) improper design of smokeless chulhas, (xi) lack of involvement of beneficiaries, (xii) inappropriate techniques of construction with excessive use of cement and steel, (xiii) bought-out approach instead of make-out approach resulting in use of high cost materials involving long distance transportation rather than use of low cost local materials, (xiv) deficiency in the employment aspect and (xv) lack of development of micro habitat with linkages to social forestry, fishery development, workshed facility, approach roads, etc.

ANNEXURE I

State-wise land ceiling limits as against the national guidelines of 1972 and lower limits suggested by the Government of India

	Irrigated with two crops	Irrigated with one crop	Dry land
Suggested in National Guidelines of 1972	4.05 to 7.28	10.93	21.85
Suggested lower ceilings	5.00	7.5	12
Actual Ceilings			
Andhra Pradesh	4.05 to 7.28	6.07 to 10.93	14.16 to 21.85
Assam	6.74	6.74	6.74
Bihar	6.07 to 7.28	10.12	12.14 to 18.21
Gujarat	4.05 to 7.29	6.07 to 10.93	8.09 to 21.85
Haryana	7.25	10.9	21.8
Himachal Pradesh	4.05	6.07	12.14 to 28.33
Jammu & Kashmir	3.6 to 5.06	-	5.95 to 9.20 In Ladakh 7.7 hec.
Karnataka	4.05 to 8.10	10.12 to 12.14	21.85
Kerala	4.86 to 6.07	4.86 to 6.07	4.86 to 6.07
Madhya Pradesh	7.28	10.93	21.85
Maharashtra	7.28	10.93	21.85
Manipur	5.00	5.00	6.00
Orissa	4.05	6.07	12.14 to 18.21
Punjab	7.00	11.0	20,50
Rajasthan	7.28	10.93	21.85 to 70.82
Tamil Nadu	4.86	12.14	24.28
Sikkim	5.06	-	20.23
Tripura	4.00	4.00	12.00
Uttar Pradesh	7.30	10.95	18.25
West Bengal	5.00	5.0	7.00

Note: (1) The actual ceiling limits for lands having two crops and single crop respectively irrigated in Karnataka and Uttar Pradesh are marginally higher due to classification of land.

(2) The actual ceiling limits in respect of dry land in Himachal Pradesh and Rajasthan are higher due to hilly terrain and being desert also respectively.

(3) In West Bengal ceiling limits are not dependent upon crop potential. The ceiling is based on the size of family and is different for irrigated and non-irrigated land.

ANNEXURE II

Statement showing the areas of land declared surplus due to imposition of ceiling laws and the area allotted to Scheduled Castes and Scheduled Tribes and other beneficiaries during the period ending 31-3-1987

(Compiled as on 22-7-1987)

(Area in acres)

State/UT	Area declared surplus			Area taken possession			Area distributed to individuals		
	Pre-revised	Revised	Total	Pre-revised	Revised	Total	Pre-revised	Revised	Total
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	NA	766531	766531	NA	482862	482862	NA	362180	362180
Assam	NA	604172	604172	NA	527023	527023	NA	389164	389164
Bihar	NA	448190	448190	NA	334371	334371	NA	217739	217739
Gujarat	45956	194021	239977	44699	100485	145184	44304	63363	107667
Haryana	351734	31698	383432	09218	21264	110482	89038	21273	110311
Himachal Pradesh	NA	284046	284046	NA	281454	281454	NA	3340	3340
Jammu & Kashmir	450000	6000	456000	NA	450000	450000	NA	450000	450000
Karnataka	NA	295950	295950	NA	152891	152891	NA	114695	114695
Kerala	NA	126241	126241	NA	88881	88881	NA	59383	59383
Madhya Pradesh	75062	223028	298090	66376	141986	208362	40787	95277	136864
Maharashtra	319193	389512	708705	272520	334964	607484	179520	328981	508501
Manipur	–	1652	1652	–	1632	1632	–	1632	1632
Orissa	NA	183504	183504	NA	155404	155404	NA	144270	144270
Punjab	246036	49670	295706	89130	14310	103440	86289	13330	99619
Rajasthan	363281	248458	611739	314363	228154	542517	239284	156378	395662
Tamil Nadu	68170	98587	166757	64621	92771	157392	NA	124275	124275
Tripura	–	2012	2012	–	1929	1929	–	1521	1521
Uttar Pradesh	198780	309304	508084	198392	284597	482989	141154	202898	344052
West Bengal	1048848	191039	1239887	965814	143771	1109585	740209	92982	833191
Dadra & Nagar Haveli	–	8953	8953	–	7524	7524	–	4952	4952
Delhi	377	776	1153	377	764	1141	210	102	312
Pondicherry	–	2353	2353	–	1195	1195	–	935	935
Total	3167437	4465697	7633134	2105510	3848232	5953742	1560795	2848670	4409465

NB: In respect of Andhra Pradesh, Assam, Bihar, Himachal Pradesh, Karnataka, Kerala and Orissa figures of area declared surplus under the old law have not been reported by the States concerned. Figures in acres have been worked out taking 37.1 acres equivalent to 1 standard holding in case of Andhra Pradesh.

(Contd.)

State/UT	No. of beneficiaries			Scheduled Caste beneficiaries					
				Area (acres)			No. of beneficiaries		
	Pre-revised	Revised	Total	Pre-revised	Revised	Total	Pre-revised	Revised	Total
1	11	12	13	14	15	16	17	18	19
Andhra Pradesh	NA	308756	308756	NA	171411	171411	NA	137348	137348
Assam	NA	358697	358697	NA	31527	31527	NA	31027	31027
Bihar	NA	243669	243669	NA	123881	123881	NA	145131	145131
Gujarat	14784	9935	24719	6313	54158	60471	1534	7878	9412
Haryana	30949	6059	37008	33186	9698	42884	11474	2832	14306
Himachal Pradesh	NA	4400	4400	NA	2305	2305	NA	2934	2934
Jammu & Kashmir	NA	450000	450000	NA	NA	NA	NA	NA	NA
Karnataka	NA	26437	26437	NA	59629	59629	NA	15258	15258
Kerala	NA	117034	117034	NA	23162	23162	NA	49196	49196
Madhya Pradesh	10830	37958	48788	9335	24038	33373	2979	11430	14409
Maharashtra	34635	91580	126215	36193	110634	146827	7494	29876	37370
Manipur	-	326	326	-	5	5	-	3	3
Orissa	-	120744	120744	-	46177	46177	-	41653	41653
Punjab	22134	3494	25628	34246	6618	40864	8134	1636	9770
Rajasthan	38649	33825	72474	77148	51531	129279	13839	12872	26711
Tamil Nadu	NA	97785	97785	-	47946	47946	NA	43324	43324
Tripura	-	1317	1317	-	211	211	-	241	241
Uttar Pradesh	70490	217102	287592	89735	145955	235690	43226	154687	197913
West Bengal*	1429467	282122	1711589	NA	310505	310505	520477	117380	637857*
D & N Haveli	-	2282	2282	-	38	38	-	17	17
Delhi	364	290	654	202	80	282	253	242	495
Pondicherry	-	1134	1134	-	581	581	-	723	723
Total	1652302	2414946	4067248	286958	1220090	1507048	609410	805688	1415098

*Area distributed to SC, ST and others in West Bengal not reported. It has been calculated on the basis of average area allotted to an individual in that State.

(Contd.)

State/UT	Scheduled Tribe beneficiaries						Other beneficiaries					
	Area in acres			No. of beneficiaries			Area in acres			No. of beneficairies		
	Pre-revised	Revised	Total	Pre-revised	Revised	Total	Pre-revised	Revised	Total	Pre-revised	Revised	Total
1	20	21	22	23	24	25	26	27	28	29	30	31
Andhra Pradesh	NA	63970	63970	NA	57609	57609	NA	126799	126799	NA	113799	113799
Assam	NA	42113	42113	NA	28624	28624	NA	315524	315524	NA	299046	299046
Bihar	NA	26590	26590	NA	26376	26376	NA	67268	67268	NA	72162	72162
Gujarat	19260	7644	26904	9940	1662	11602	18731	1561	20292	3310	395	3705
Haryana	-	-	-	-	-	-	55852	11575	67427	19475	3227	22702
Himachal Pradesh	NA	139	139	NA	261	261	NA	896	896	NA	1205	1205
Jammu & Kashmir	NA	NA	NA	NA	NA	NA	NA	450000	450000	NA	450000	450000*
Karnataka	NA	3860	3860	NA	940	940	NA	51206	51206	NA	10239	10239
Kerala	NA	4926	4926	NA	6629	6629	NA	31295	31295	NA	61209	61209
Madhya Pradesh	16454	44004	60458	3989	14987	18976	15144	27089	42233	3822	11581	15403
Maharashtra	26661	58835	85496	7021	18043	25064	116665	159513	276178	20120	43661	63781
Manipur	-	25	25	-	15	15	-	1602	1602	-	308	308
Orissa	-	60113	60113	-	44776	44776	-	37980	37980	NA	34315	34315
Punjab	-	-	-	-	-	-	52043	6712	58755	14000	1858	15858
Rajasthan	21597	18130	39727	5415	4843	10258	139939	86717	226656	19395	16110	35505
Tamil Nadu	NA	127	127	-	84	84	-	76202	76202	NA	54377	54377
Tripura	-	426	426	-	314	314	-	884	884	-	762	762
Uttar Pradesh	294	1749	2043	102	1409	1511	51125	55194	106319	27162	61006	88168
West Bengal	-	159376	159376	270037	57363	327400	268616	94694	363310	638958	107374	746332
D. & N. Haveli	-	4912	4912	-	2264	2264	-	2	2	-	1	1
Delhi	-	-	-	-	-	-	10	20	30	112	47	159
Pondicherry	-	-	-	-	-	-	-	354	354	-	411	411
Total	842266	496939	581205	296504	266199	562703	718125	163087	2321 212	746354	1343093	2089447

*In Jammu & Kashmir area distributed to beneficiaries has not been reported by theState and hence total area has been shown as distributed to others.

(Contd.)

(Area in acres)

State/UT	Area declared surplus but not distributed (Col.4 to Col.10)	Area not available for distribution due to				Total area not not available for distribution (Total of Col. 33 to Col. 36)	Net area available for distribution (Col. 32 to Col.37)
		Area involved in litigation	Area reserved for public purposes	Area unfit for cultivation	Area not available for misc. reasons		
1	32	33	34	35	36	37	38
Andhra Pradesh	404351	300856	4773	65479	-	371100	33243
Assam	215008	76000	56397	18423	59600	210420	4588
Bihar	230451	150173	-	13345	51119	214637	15814
Gujarat	132310	94793	25524 @	-	8993	129310	3000
Haryana	273121	8748	180	-	264193 *	273121	Nil
Himachal Pradesh	280706	2591	50928	136220	16048	205787	74919
Jammu & Kashmir	6000	-	-	-	-	-	6000
Karnataka	181255	169744	10295	338	878	181255	Nil
Kerala	66858	28827	19900	-	16450	65185	1673
Madhya Pradesh	162026	93942	11719	26819	18127	150607	11419
Maharashtra	200804	53727	90804	26471	21022	192224	7980
Manipur	20	5	-	-	-	5	15
Orissa	39234	20076	2675	2154	12662	37567	1667
Punjab	196087	36189	-	-	159308	195497	590
Rajasthan	216077	109012	46329	8744	5701	169786	46291
Tamil Nadu	42482	26804	14017	-	-	40821	1661
Tripura	491	64	269	45	18	396	95
Uttar Pradesh	164032	45256	113529	93	2758	161636	2396
West Bengal	406696	181195	44000	121000	1934	348129	50567
D & N Haveli	4001	1429	927	1225	-	3581	420
Delhi	841	169	123	-	481	773	68
Pondicherry	1418	1156	-	-	-	1156	262
Total	3223669	1400756	491789	420356	640100	2953001	270668

@ Area reserved for Narmada Project.

* Area came under exemptions due to inheritance.

ANNEXURE III

Statement of minimum wages in agriculture (for unskilled workers) as fixed by the Central Government and reported by the State Governments/UT Administrations as on 20-5-1987

State	Date from which effective	Rates of wages	Remarks
1	2	3	4
1. Central Government	12-2-85	Rs.8.50 to Rs.12.75 according to areas	
2. Andhra Pradesh	9-2-87	Rs.11.00 per day	80% for children from 15 to 18 years
3. Assam	22-2-85	Rs.12.50 per day	
4. Bihar	16-10-85	Rs.10.00 per day	
5. Gujarat	2-10-82	Rs.11.00 per day	Steps to revise the minimum wages are being taken
6. Haryana	23-4-82	Rs.19.25 per day	Minimum wages linked to Consumer Price Index
7. Himachal Pradesh	4-1-87	Rs.15.00 per day	Workers are entitled to 12½% to 25% higher wages in certain areas.
8. Jammu & Kashmir	7-7-84	Rs.10.50 per day	
9. Karnataka	31-1-85	Rs.9.50 to Rs.14.00 per day according to class of work and type of land	
10. Kerala	1-6-84	Rs.12.00 per day for light work and Rs.15.00 per day for hard work	No separate D.A.
11. Madhya Pradesh	1-1-82	Rs.10.49 per day	The rate of Special Allowance is 45 paise per month per point for every point rise in the average of CPI Number above 449 (1960=100).
12. Maharashtra	1-2-83	Rs.6.00 per day	
13. Manipur	2-3-83	Rs.10.00 to Rs.10.50 per day according to areas	
14. Meghalaya	1-10-85	Rs.11.00 per day	
15. Nagaland	1-2-84	Rs.15.00 per day	

1	2	3	4
16. Orissa	15-7-86	Rs.10.00 per day	
17. Punjab	1-4-87	Rs.18.48 per day	
18. Rajasthan	16-1-85	Rs.14.00 per day	
19. Sikkim	1-4-85	Rs.11.00 per day	Minimum Wages Act, 1948 not yet extended to the State. The minimum wages fixed by executive orders.
20. Tamil Nadu	5-4-83	Rs.12.00 per day	
21. Tripura	12-3-84	Rs.12.00 per day	
22. Uttar Pradesh	13-7-83	Rs.11.50 per day	
23. West Bengal	31-10-85	Rs.16.34 per day	
24. Andaman & Nicobar Islands	15-8-86	Rs.19.00 per day	
25. Arunachal Pradesh	1-9-86	Rs.16.00 per day	
26. Chandigarh	1-1-86	Rs.17.25 per day	
27. Dadra & Nagar Haveli	3-9-83	Rs.9.00 per day	
28. Delhi	16-10-85	Rs.18.90 per day	
29. Goa, Daman & Diu	2-10-83	Rs.12.00 per day	
30. Mizoram	There is no organised agricultural labour. Prevailing rate is Rs.16.00 per day.		
31. Pondicherry	28-11-85	Rs.8.00 per day	

ANNEXURE IV

Brief accounts of some cases of atrocities on SCs and STs on account of land related problems

Andhra Pradesh

(1) A representation was received in March 1987 from some Scheduled Tribe residents of village Hothi 'K' Zaheerabad Mandal, District Medak, stating that some Government wasteland was allotted to them and recorded in their names in 1965. It was alleged that some non-tribal landlords who gave loans to these Scheduled Tribe persons on surety of this land later dispossessed them of the land by obtaining their signatures on blank papers fraudulently. The matter was referred to the Collector, Medak. A reply was awaited.

Bihar

(2) A representation was received in February 1986 from a Scheduled Caste resident of village Jailgarha, District Dhanbad, alleging that a piece of land which was allotted to him by the Gram Panchayat about 30 years ago had been forcibly encroached upon by a non-Scheduled Caste landlord. The matter was referred to the Collector, Dhanbad. A reply was awaited.

(3) A representation was received in May 1986 from a Scheduled Caste resident of village Subhanipur, District Samastipur, in which it was stated that his uncle mortgaged two pieces of cultivable land to a landlord for Rs.28 and Rs.15 respectively. After expiry of the stipulated time they had been requesting the landlord to return their mortgaged land on repayment of the loan. But even after 30 to 35 years the land was not restored. The matter was referred to the Collector, Samastipur. A reply was awaited.

(4) A representation was received in June 1986 from some Scheduled Caste residents of village Patra, P.O.Bihta, District Patna, alleging that some villagers had encroached on some portions of their lands. They had requested to get the encroachment removed. The matter was referred to the District Magistrate, Patna. A reply was awaited.

(5) A representation was received in August 1986 from a Scheduled Tribe resident of village Hinu, Doranda, Ranchi, that some land purchased by his father in 1946 and registered in his name in the revenue records had been illegally encroached on by a non-tribal. The matter was taken up with the Collector, Ranchi, who informed that the possession of the land had since been restored to the representationist.

Haryana

(6) A representation was received in July 1985 from some Scheduled Caste residents of village Kashipur, Tahsil Atarchata, District Faridabad, alleging that the agricultural land allotted to them was being forcibly cultivated by some dominant and moneyed villagers who were conspiring to sell the land. The matter was referred to the Deputy Commissioner, Faridabad. A reply was awaited.

(7) A representation was received in July 1985 from some Scheduled Caste residents of village Kherhar, Tahsil Bahadurgarh, District Rohtak, alleging that some non-Scheduled Caste persons had forcibly occupied their plots of lands allotted to them under the 20-Point Programme. These persons were also threatening them. The matter was referred to the Deputy Commissioner, Rohtak, who informed that the matter was sub judice and the final outcome was awaited.

(8) A representation was received in August 1985 from a Scheduled Caste resident of village Pailak, Tahsil Palwal, District Faridabad, alleging that he had been forcibly dispossessed of the land allotted to him under the 20-Point Programme by the local Sarpanch who had sold the land to some other non-Scheduled Caste persons. In spite of his complaints to the district authorities no action was alleged to have been taken. He had requested for the restoration of the land to him. The matter was referred to the Deputy Commissioner, Faridabad. A reply was awaited.

(9) A representation was received in August 1985 from a Scheduled Caste resident of village Bahadurgarh, District Rohtak, alleging that a non-Scheduled Caste person had forcibly occupied his land. He had complained many a time to the Tahsildar about this but in vain. The matter was referred to the Deputy Commissioner, Rohtak. A reply was awaited.

(10) A representation was received in October 1986 from some Scheduled Caste residents of village Daboda Khurd, District Rohtak, alleging that some lands allotted to them by the Gram Panchayat under the 20-Point Programme had been illegally encroached on by some non-Scheduled Caste persons of that village with the collusion of the Sarpanch. The matter was referred to the Deputy Commissioner, Rohtak. A reply was awaited.

(11) A representation was received in November 1986 from the President, Akhil Bharatiya Anusuchit Jati and Backward Classes Seva Dal, Nilokheri, District Karnal, alleging illegal encroachment on land allotted to the Scheduled Caste residents of village Shahpur Sirsi in Karnal District under the 20-Point Programme, by some non-Scheduled Caste persons of that village. The matter was taken up with the Deputy Commissioner, Karnal, who informed that the case was sub judice and the final outcome was awaited.

(12) A representation was received in January 1987 from a Scheduled Caste resident of village Ladhuvas Ahir, P.O. Saharanvas, District Mahendragarh, alleging that 5 Bighas of surplus land allotted to him in 1979 had been forcibly encroached upon by a non-Scheduled Caste landlord. The matter was taken up with the Deputy Commissioner, Mahendragarh, who reported that the possession of the disputed land had since been restored to the representationist.

Madhya Pradesh

(13) A representation was received in February 1987 from a Scheduled Caste resident of village Mangrol, District Morena, alleging that some part of his ancestral land registered in his name in the revenue records had been illegally encroached on by a non-Scheduled Caste person with the collusion of the village Patwari. The matter was referred to the Collector, Morena. A reply was awaited.

Orissa

(14) A representation was received in February 1987 from a Scheduled Tribe resident of village Siripur, District Keonjhar, alleging that a piece of recorded land measuring 4 acres located in Baniapat Mauza which was in the possession of her father since 1922 Settlement operations and the possession of which passed on to her and her sister after her father's death, was illegally encroached on by a non-tribal in May 1984. He also constructed a house on the land. The matter was referred to the Collector, Keonjhar. A reply was awaited.

Rajasthan

(15) A representation was received in May 1985 from a Scheduled Caste resident of village Dulapura, Tahsil Ramgarh, District Sikar, alleging that some non-Scheduled Caste persons had forcibly occupied his land. He had sent an application to the Gram Panchayat who had given a decision in his favour. But instead of accepting the decision these people had allegedly beaten him. The police also did not file any case against these persons. The matter was referred to the District Magistrate, Sikar. A reply was awaited.

(16) A representation was received from a Scheduled Caste resident of Barmer alleging that some non-Scheduled Caste persons had entered into his house at night on 17-9-85, beat him and his family members and also tried to murder them. These persons had also occupied his land. He had requested for protection to him and his family members and for restoration of his land. The matter was referred to the District Magistrate, Barmer, who informed that all the culprits had been arrested and charge sheets served on them. The matter was sub judice and the final outcome was awaited.

(17) A representation was received in October 1985 from a Scheduled Caste resident of village Kulama, Tahsil Kama, District Bharatpur, alleging that some non-Scheduled Caste residents of the village had encroached on a piece of the house site allotted to him. The matter was referred to the District Magistrate, Bharatpur, whose reply was awaited.

(18) A representation was received in January 1986 from a Scheduled Caste resident of village Ghuma, Tahsil Sapotra, District Sawaimadhopur, alleging that an ex-Sarpanch had forcibly occupied his land for which the court had already given judg-ment in his favour. He had requested for the restoration of his land to him. The matter was referred to the District Magistrate, Sawaimadhopur, who informed that the case was sub judice and the final outcome was awaited.

(19) A representation was received in March 1986 from Dr.Ambedkar Seva Samiti, Dhankiya, Jaipur, alleging forcible dispossession from the land allotted to a Scheduled Caste resident of village Sinvar, District Jaipur, in June 1965, by a non-Scheduled Caste person. The matter was referred to the District Magistrate, Jaipur, whose reply was awaited.

(20) A representation was received in December 1986 from a Scheduled Caste resident of village Patoos, District Pali, alleging that his land measuring 5 Bighas which was allotted to him by the State Government had been illegally encroached on by some non-Scheduled Caste persons. The matter was referred to the District Magistrate, Pali, whose reply was awaited.

Tamil Nadu

(21) It was reported in the press in November 1985 that large areas of land belonging to marginal tribal farmers were being purchased by non-tribal outsiders in Coimbatore District, as a result of which the tribal cultivators were being reduced to the position of agricultural labourers. The matter was taken up with the State Government and the Collector of Coimbatore District. A reply was awaited.

Uttar Pradesh

(22) A complaint was received in May 1985 from some Scheduled Caste residents of village Sinorwa, District Gorakhpur, alleging atrocities committed on them by some influential and powerful persons at the time of consolidation of holdings. It was alleged that the Scheduled Caste persons were threatened with dire consequences if they tried to get their names entered in the official land records. The case was referred to the Collector, Gorakhpur, whose reply was awaited.

(23) A representation was received in January 1986 from a Scheduled Caste resident of village Khalikpur Khurd,

P.O. Mustafabad, District Rai Bareli, alleging that agricultural land allotted to him by the State Government had been grabbed by a non-Scheduled Caste person. He had requested for restoration of his land and protection of his life. The matter was referred to the District Magistrate, Rai Bareli, who replied that the case fell in the jurisdiction of the civil court and the applicant should file a case in the court. The applicant was informed accordingly.

(24) A representation was received in January 1986 from a Scheduled Caste resident of village Mazra Mohammad Ali, District Nainital, alleging that a non-Scheduled Caste person had occupied his land forcibly. He had also been threatening to murder him. He had requested for security of his life and restoration of his land. The matter was referred to the District Magistrate, Nainital, whose reply was awaited.

(25) A representation was received in February 1986 from a Scheduled Caste resident of village Haripura Harsan, Tahsil Bazpur, District Nainital, alleging that some portion of the land allotted to him had been forcibly occupied by some persons who had also been threatening to kill him. He had requested for the protection of his life and the restoration of his land. The matter was referred to the District Magistrate, Nainital, whose reply was awaited.

(26) A representation was received in Febraury 1986 from a Scheduled Caste resident of village Pakri Buzurg, District Azamgarh, alleging that his land had been grabbed forcibly by some persons of the same village. The matter was referred to the District Magistrate, Azamgarh, whose final reply was awaited.

(27) A representation was received in March 1986 from a Scheduled Caste resident of village Khambari, P.S. Bazpur, District Nainital, alleging that some persons had occupied his land after the death of his father and he had got its possession back with the help of the police. These persons had been allegedly trying to murder him and they had attacked him several times. He had requested for protection of his life. The matter was referred to the District Magistrate, Nainital, whose reply was awaited.

(28) A representation was received in March 1986 from a Scheduled Caste resident of village Serawal, District Allahabad, alleging that a non-Scheduled Caste person had occupied the land allotted to his father by the Gram Sabha. The applicant was also threatened that he would be murdered. The matter was referred to the District Magistrate, Allahabad, whose reply was awaited.

(29) A representation was received in March 1986 from some Scheduled Caste residents of village Logava, Tahsil Manjhanpur, District Allahabad, alleging that some

rich landlords of the village had been forcing them to work in their fields on meagre wages. They had been threatening them that if they did not do so they would be kicked out of the village. The matter was referred to the District Magistrate, Allahabad, who informed that the case was sub judice.

(30) In March 1986 the General Secretary, All India Safai Mazdoor Congress, Delhi, represented to this office on behalf of some Scheduled Caste residents of village Pipli, Tahsil Khair, District Aligarh, that they were allotted some land under the 20-Point Programme in 1975 which was alleged to have been illegally encroached upon by some caste Hindu landlords. The case was referred to the District Magistrate, Aligarh, whose reply was awaited.

(31) A representation was received in April 1986 from a Scheduled Caste resident of village Padainia (Bhagat Tola), P.S.Gola Bazar, District Gorakhpur, alleging that some non-Scheduled Caste persons had forcibly occupied his land on which he had been living alongwith his three brothers for the last 15 years. These people had been threatening to demolish his house. He had requested for restoration of his land. The matter was referred to the District Magistrate, Gorakhpur, whose reply was awaited.

(32) A representation was received in April 1986 from two Scheduled Caste residents of village Haripura, Tahsil Bazpur, District Nainital, alleging that some persons had forcibly occupied their land, even though the court had given a decision in favour of one of the Scheduled Caste persons. They had requested for restoration of their land and also for free legal aid. The matter was referred to the District Magistrate, Nanital, who informed that the case was sub judice and the final outcome was awaited.

(33) A representation was received in May 1986 from a Scheduled Caste resident of village Rudragarh Nausi, District Gonda, alleging that a part of his ancestral land was forcibly encroached on by a non-Scheduled Caste person who also wanted to encroach on the remaining part of the land. The matter was referred to the District Magistrate, Gonda, who informed that the matter was sub judice and the final outcome was awaited.

(34) A representation was received in June 1986 from the Uttar Pradesh Anusuchit and Dalit Varga Kalyan Samiti, Bhagatpur Tanda, District Moradabad, alleging that the land allotted under the 20-Point Programme to Scheduled Caste residents of village Akka Fattu Hafizpur, District Moradabad, had been encroached on forcibly by some non-Scheduled Caste persons. The matter was taken up with the District Magistrate, Moradabad, whose reply was awaited.

(35) A representation was received in July 1986 from the Akhil Bharatiya Harijan and Shoshit Varga Utthan Samiti, Bazpur, District Nainital, alleging encroachment of agricultural land belonging to a Scheduled Caste resident of village Darhiyal in Rampur District by a non-Scheduled Caste person. The matter was taken up with the District Magistrate, Rampur, who informed that the possession of the land had since been restored to the applicant.

(36) A representation was received in August 1986 from the Akhil Bharatiya Harijan and Shoshit Varga Utthan Samiti, Bazpur, District Nainital, alleging illegal encroachment by a caste Hindu on about 0.87 acre land allotted to a Scheduled Caste resident of village Rafatpur, Tahsil Bilaspur, District Rampur, under the 20-Point Programme. The matter was referred to the District Magistrate, Rampur, who informed that the possession of the disputed land had since been restored to the representationist.

(37) A representation was received in September 1986 from a Scheduled Caste resident of village Chhitona, Tappa Nikodi, District Gorakhpur, alleging that his land which was his ancestral property was forcibly occupied by some persons of the same village. They had also been threatening to murder him. He had requested for restoration of his land. The matter was referred to the District Magistrate, Gorakhpur. The final outcome was awaited.

(38) A representation was received in October 1986 from a Scheduled Caste resident of village Nagsar(Meer Rai), Tahsil Jamnia, District Ghazipur, alleging that 1.5 acres of his ancestral land was forcibly encroached upon by some non-Scheduled Caste persons. He filed a case in the Civil Court which gave the verdict in his favour but he could not get possession of the land. The matter was taken up with the district authorities whose reply was awaited.

(39) A representation was received in October 1986 from a Scheduled Caste resident of village Gurvalia Tola, Banjara Patti, District Deoria, alleging that 0.7 acre land purchased by him and registered in his name in revenue records was fraudulently got transferred by a non-Scheduled Caste person in his name in revenue records in collusion with the Patwari. Later the applicant was also dispossessed of the land. The matter was taken up with the District Magistrate, Deoria, whose reply was awaited.

(40) A representation was received in October 1986 from some Scheduled Caste residents of village Dhindhala, District Meerut, alleging that some lands allotted to them and for which pattas were issued in their names were forcibly encroached on by some non-Scheduled Caste persons. The matter was taken up with the District Magistrate, Meerut, whose reply was awaited.

(41) Some Scheduled Caste residents of village Jitiapur, Tahsil Harraiya, District Basti, represented in December 1986 that a non-Scheduled Caste person was trying to dispossess them of their ancestral lands forcibly and illegally. The matter was referred to the District Magistrate, Basti, who informed that the matter was sub judice and the final outcome was awaited.

West Bengal

(42) A representation was received in April 1985 from 26 Scheduled Caste and 12 Scheduled Tribe residents of village Chiknamati, P.O. Hardigachh, District Darjeeling, alleging that the Government vested land in the village which they had been cultivating for about 30 years had been included in West Dinajpur District during the last settlement operations. They had submitted several petitions to West Dinajpur district authorities for issuing pattas in their favour, but no action had been taken so far. Some outsiders from Nepal, Bhutan, Bangladesh and Bihar who were now residing in their village were trying to get the pattas in their names and to deprive their legal claims and title on the land. The matter was referred to the Deputy Commissioner, Darjeeling, and the District Magistrate, West Dinajpur, whose replies were awaited.

(43) A representation was received in August 1985 from a Scheduled Tribe resident of village Atharo Khai, P.S. Siliguri, District Darjeeling, alleging that a non-tribal had been harassing him and his father and wanted to grab the land on which he was having leasehold rights for the last 50 years. The representationist was also allegedly being implicated in false court cases. The matter was taken up with the Deputy Commissioner, Darjeeling, whose reply was awaited.

(44) A representation was received in October 1986 from some Scheduled Tribe residents of Thana Falakata/ Birpara, District Jalpaiguri, alleging that their lands had been occupied by some brick kiln owners. They requested that their lands should be restored to them. The matter was referred to the District Magistrate, Jalpaiguri, who informed that action had been taken against unauthorised brick fields and that the Scheduled Castes & Tribes Welfare Officer, Alipurduar, had been asked to take action regarding restoration of land u/s 14 E of W.B.L.R.(Amendment) Act, 1986.

Pondicherry

(45) A representation was received in October 1986 from a Scheduled Caste resident of Padmini Nagar, Pondicherry, alleging that a piece of his ancestral land was illegally and forcibly encroached upon by a non-Scheduled Caste person with the collusion of the local police. The matter was reported by him to the Police but he could not get the possession of the land. The matter was taken up with the U.T.Administration who informed that the case was sub judice and the final outcome was awaited.

CHAPTER IV

EDUCATIONAL DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

The role of education in traditional societies was largely confined to cultural accomplishment. However, it had also been used as a source of power in matters religious, economic and political. With the growing importance of technology which itself has been changing at a very fast rate education came to be acknowledged as a crucial investment for economic development. Acquisition of knowledge in the early phase of life and continuing access to it later on are crucial for an individual's advancement in life. Education has yet another vital role for the weaker sections of the community. During the transformation of a traditional society into a modern one the traditional institutions are gradually replaced by formal institutions. The centre of authority passes over from the known informal traditional systems, albeit inequitous, to distant unknown formal systems which are based on principles of equity and justice. Yet the people may be seriously handicapped because of lack of understanding about their functioning and the class character of the people who may be occupying commanding position in the new system. In this context ignorance about the system is the biggest weakness of the weaker sections and, therefore, education assumes a crucial role as a key to the understanding of these institutions and claiming of rights as members of a democratic society. Education is essential for liberation of the poor in the modern world.

2. It was in realisation of this social and economic dynamics that universal and compulsory education for all children upto the age of 14 was enshrined in the Constitution as a Directive Principle. It was expected that while the earlier sources of inequity in the social and economic life of the nation would be stamped out with suitable measures in accordance with the spirit of the Constitution, the new opportunities in the national life would be available to the people irrespective of their social and economic background on terms of equality according to their intrinsic merit. Education was expected to develop full potential of every child in the country so that an equitable place could be claimed by everyone according to merit. Universalisation of education has been accepted as a goal in all formal forums including the successive Five Year Plans. Nevertheless, the pace of universalisation has been extremely slow compared to the critical role of education in social equity and justice and the objectives set in the Constitution itself.

3. Education is not only a means for betterment of one's position in life but is also indicative of the socio-economic status of an individual group or a community.

Educational advancement can be taken to be the best indicator of the development of a community. The most important single indicator in this regard is the literacy rate which is estimated as a part of the Census operations once in every decade.

Position of literacy

4. The Statewise literacy rates for all communities, the Scheduled Castes, the Scheduled Tribes and all communities excluding SCs and STs according to 1981 Census are given at Annexure I. It may be seen therefrom that literacy percentage among the Scheduled Castes is low in Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh in comparison to the all India Scheduled Castes' literacy percentage. But if we compare it with column 6 of the Annexure (all communities excluding SC&ST), we would find the Scheduled Caste literacy percentage to be deplorable in these States. The position in case of the Scheduled Tribes in comparison to the all India Scheduled Tribes' literacy is poor in case of Andhra Pradesh, Madhya Pradesh, Rajasthan, Orissa, West Bengal and Arunachal Pradesh. Again comparing the Scheduled Tribe literacy figure with column 6 of the Annexure we would find that literacy is extremely low in the above mentioned States. Even in overall comparison with column 6 the Scheduled Tribes lag far behind in literacy rate.

5. The progress of literacy amongst SCs and STs from 1961 to 1971 and from 1971 to 1981 is given below:

Table 1

	Literacy rates			Growth rate	
	1961	1971	1981	1961-71	1971-81
General	24.00	29.45	36.23	22,71	23.02
Scheduled Castes	10.27	14.67	21.38	42.84	45.74
Scheduled Tribes	8.54	11.29	16.35	32.20	44.82
All communities excluding SCs and STs	27.91	33.80	41.30	21.10	22.19

Although the rate of growth of literacy amongst SCs and STs was faster during 'seventies compared to 'sixties, yet it is quite slow. The gap in the literacy rate between SCs and STs on the one hand and the other communities has widened notwithstanding the growth of literacy as will be evident from the following figures:

	1961	1971	1981
Gap between literacy rates among the Scheduled Castes and non-SC/ST communities	17.64	19.13	19.92
Gap between literacy rates among the Scheduled Tribes and non-SC/ST communities	19.37	22.51	24.95

The above position indicates that much more concerted effort is necessary in this area.

6. The global figures of literacy for SCs and STs are not indicative of the real situation of many communities among whom these rates are very low. Special tables for the Scheduled Castes based on 1981 Census and giving individual castewise data have been published so far by the Office of the Registrar General, India, in respect of 15 States/UTs only. Similar special tables for the Scheduled Tribes have been published in respect of 11 States/UTs. These special tables, inter alia, contain information relating to literacy rates. The big gap in the literacy rates among the different Scheduled Castes within the same State is evident from the following table:

Table 2

Literacy rates 1981 Census (Scheduled Castes)

S.No.	State/UT	Non-SC/ST communities	Scheduled Castes	Name of the Sch.Caste having maximum literacy rate	Name of the Sch. Caste having minimum literacy rate
1	2	3	4	5	6
1.	Haryana	30.90	20.14	Pasi (33.6)	Deha, Dheya, Dhea (2.3)
2.	Himachal Pradesh	47.37	31.50	Kamoh, Dagoli (61.9)	Barar,Burar, Berar (14.4)
3.	Jammu & Kashmir	27.05	22.44	Basith (29.1)	Dhyar (11.6)
4.	Manipur	42.11	33.63	Dhupi, Dhobi (58.1)	Yaithibi (21.2)
5.	Meghalaya	44.97	25.78	Kaibaratta, Jaliya (59.2)	Bansphor (7.1)

1	2	3	4	5	6
6.	Orissa	44.22	22.41	Madiga (50.2)	Mundapotta (3.9)
7.	Sikkim	34.84	28.06	Damai (Nepali) (31.0)	Sarki(Nepali) (16.6)
8.	Tripura	53.93	33.89	Mahisyadas (42.0)	Chamar, Muchi (2.1)
9.	Arunachal Pradesh	36.39	37.14	Sutradhar (48.0)	Dhupi, Dhobi (19.4)
10.	Chandigarh	69.33	37.07	Ad Dharmi (66.2)	Sirkiband (0.6)
11.	Dadra & Nagar Haveli	64.41	51.20	Mahyavan-shi, Dhed (61.1)	Chamar (40.5)
12.	Delhi	66.44	39.30	Adi-Dharmi (70.0)	Singiwala, Kalbelia (3.1)
13.	Goa, Daman & Diu	57.38	38.38	Mahyavan-shi (59.2)	Mahar (25.6)
14.	Pondicherry	60.32	32.36	Valluvan (49.2)	Vetan (3.9)

Source: For Cols.3 and 4 Selected Statistics on Scheduled Castes, Ministry of Home Affairs, June 1984

Note: Communities having population less than 100 have been ignored for the purpose of this table. Hence Mizoram has been omitted.

7. Similarly there are wide gaps in the literacy rates among the different Scheduled Tribes within the same State as will be seen from the following table:

Table 3

Literacy rates 1981 Census (Scheduled Tribes)

S.No.	State/UT	Non-SC/ST communities	Scheduled Tribes	Name of the Sch. Tribe having maximum literacy rate	Name of the Sch. Tribe having minimum literacy rate
1	2	3	4	5	6
1.	Himachal Pradesh	47.37	25.93	Bhot,Bodh (56.3)	Gujjar (18.9)

1	2	3	4	5	6
2.	Manipur	42.11	39.74	Koirao (64.2)	Maram (14.6)
3.	Meghalaya	44.97	31.55	Naga tribes (81.9)	Mikir (13.1)
4.	Orissa	44.22	13.96	Kulis (36.4)	Mankirdia (1.1)
5.	Sikkim	34.84	33.13	Bhutia (32.6)	Lepcha (30.2)
6.	Tripura	53.93	23.07	Lushai (68.1)	Munda, Kaur (8.0)
7.	A & N Islands	54.31	31.11	Nicobarese (31.5)	Shompen (2.7)
8.	Arunachal Pradesh	36.39	14.04	Khamiyang (57.9)	Panchen Monpa (0.8)
9.	Dadra & Nagar Haveli	64.41	16.86	Dhodia (38.8)	Koli Dhor including Kolgha (8.7)
10.	Goa, Daman & Diu	57.38	26.48	Siddi (40.6)	Varli (12.5)
11.	Mizoram	63.53	59.63	Mizo tribes (67.8)	Chakma (14.7)

Source: For Cols. 3 and 4 Selected Statistics Scheduled Castes, Ministry of Home Affairs, June 1984

Note: Communities having population less than 100 have been ignored for the purpose of this table.

8. The level of literacy amongst the females is extremely low. The progress of literacy amongst the female population of SCs and STs is given below:

Table 4

Female literacy rates

	Literacy rates		Growth rate
	1971	1981	1971-81
Scheduled Castes	6.44	10.93	69.72
Scheduled Tribes	4.85	8.04	65.77
All communities excluding SCs and STs	22.25	29.43	32.27

Although the rate of growth of female literacy amongst SCs and STs has been showing an upward trend, yet the gap in the female literacy rate between SCs and STs on the one hand and the other communities has widened as will be evident from the following figures:

	1971	1981
Gap between female literacy rates among the Scheduled Castes and non-SC/ST communities	15.81	18.50
Gap between female literacy rates among the Scheduled Tribes and non-SC/ST communities	17.40	21.39

Even among the different Scheduled Castes and Scheduled Tribes there are significant variations with regard to female literacy. In some of the tribal communities the level of literacy amongst the males and females in the North-East is almost the same but in the case of Rajasthan the tribal women can be said to be still at a preliterate level with just 1.2% amongst them being literate. Similarly the position of literacy amongst females belonging to the Scheduled Castes in Bihar is abysmally low(2.5%). The low literacy generally for SCs and STs in certain States and for Scheduled Caste and Scheduled Tribe women in particular shows that the members of SCs and STs in these areas have not only not received much benefit from educational inputs but also continue to face deprivation of the most serious kind. It is, therefore, suggested that special measures may be adopted to improve female literacy both among SCs and STs and generally among those communities which are much below the average literacy rate of the Scheduled Castes/Scheduled Tribes within the respective States.

Enrolment

9. Enrolment figures, particularly at the primary stage and in respect of rural and tribal areas, do not always reflect the actual situation. The Ministry of Education and the NCERT also furnish enrolment ratios on the basis of the number of the children enrolled in the primary classes and the number of the children in the age-group 6 to 11. Since the former number also includes children in a lower or higher age-group than 6 to 11 years, the enrolment ratio is sometimes very high. The enrolment ratio of Scheduled Caste and Scheduled Tribe children in the primary classes is reported to have reached 95.46% and 91.58% respectively during 1985-86 compared to 93.38% for the general population. On the face of it these figures are commendable. But the variation in the enrolment of SCs and STs amongst different States is very high. For example, the enrolment in Jammu & Kashmir is only 57.70% for the Scheduled Castes and in Bihar, Rajasthan and Uttar Pradesh it is 68.61%, 69.36% and 64.65% respectively. The enrolment amongst girls in these three States is dismal,

being 35.91%, 31.36% and 38.84% respectively. The scrutiny of these figures also shows that the reporting is not very reliable. For example, the enrolment ratio of the Scheduled Caste students at the primary stage in Meghalaya was 239.13% and in Maharashtra 236.96% for the Scheduled Castes as a whole and 265.67% for Scheduled Caste boys. This can be partly explained by the enrolment of children below the age of 6 and above the age of 11 in the elementary classes, but this cannot account for such a large percentage particularly when it is noted that the enrolment ratio in the age-group 11-14 is also reported to be 119.99%. It is obvious that a large number of children not really belonging to the Scheduled Castes are being reported as belonging to the Scheduled Castes. Similar anomalies may also be there in other States which are reporting more than 100% enrolment for the Scheduled Castes.

10. The position about the enrolment of the Scheduled Tribes is also quite variable but somewhat less than that for the Scheduled Castes. The level of enrolment at the primary level in Bihar, Madhya Pradesh and Orissa, the three States accounting for more than 44% tribal population, is 88.37%, 74.33% and 78.38% respectively. The enrolment of girls in these States is 59.91%, 48.93% and 49.41% respectively which is quite low. The enrolment ratio is very high in Goa, Daman & Diu (177.35%) and Manipur (160.58%). It may be observed that the method of reporting enrolment in terms of enrolment ratio does not give a clear picture to the layman. It will be better if in the educational survey statistics are so collected that the number of children below the eligible age-group(6-11) and over that age-group are separately reported so that it is possible to know the precise coverage of children in the 6-11 age-group at the primary stage.

11. The actual total number of students and the number of Scheduled Caste and Scheduled Tribe students alongwith the respective percentages at the Primary, Middle, High and Higher Secondary levels of school education are given in the following table:

Table 5

S.No.	Stage	Total No.of students	No. of SC students	No. of ST students
1.	Primary/Junior Basic (Classes I-V)	8,64,65,189	1,39,21,012 (16.10%)	65,80,004 (7.61%
2.	Middle/Senior Basic (Classes VI-VIII)	2,81,24,756	36,18,480 (12.87%)	12,82,644 (4.56%)
3.	High/Post Basic (Classes IX-X)	1,16,17,262	13,96,712 (12.02%)	4,38,742 (3.78%)
4.	Higher Secondary(10+2) New + Old patterns	34,88,672	4,13,096 (11.84%)	1,46,144 (4.19%)

Source:Selected Educational Statistics 1985-86 published by Planning, Monitoring and Statistics Division, Department of Education, Ministry of Human Resource Development, 1987

Availability of schools

12. According to the 4th All India Educational Survey only 83% of the tribal people was covered by primary schools within the habitat or within 1 Km. of the same. Thus about 17% of the tribal population depended on elementary schools which were more than 1 Km. away from their habitats. Out of these 13.96% did not have a school within 1.5 Kms. and 8.37% did not have a school within 2 Kms. This contrasts with the general situation in which 92.82% of the population is covered by schools within the habitat or within 1 Km. thereof. More than 25,000 tribal habitats had no schooling facility. The coverage at the secondary level becomes still more unfavourable. While 82.18% of the population had a secondary school within 8 Kms., only 51.89% of the Scheduled Tribe population could claim this facility. At the higher secondary level 41.08% of the general population was covered by a school within 8 Kms.; only 18.8% of the Scheduled Tribe population had that facility.

13. The above comparison in absolute terms does not present the real picture. The same distance in the plains and those areas with developed communication is not a serious hurdle but in the tribal areas with hills and forests and flowing streams even 1 Km. may be a long distance and the facility of school may not be really available. Even such a detailed survey like the All India Educational Survey has not taken into account these features and has gone by just physical distance. Consequently, it is difficult to say whether the access to education as indicated by the survey is real. The only certainty about accessibility to elementary school facility is the existence of a school within the habitation. Consequently, the percentage of population covered effectively is much smaller at all levels.

14. The only measure so far taken to increase the coverage has been the establishment of residential schools. It is hardly realised that universal coverage for a community particularly an agricultural community cannot be through residential institutions. One cannot even think of a village in which all the children in the age-group 6-11 may be living away from the society, just pursuing their studies in a residential institution. The lack of appreciation of this social reality led some States to rely exclusively on residential institutions for elementary education in the sparsely populated areas and closing down the ordinary primary schools which made the position worse. Effective coverage at the primary school level requires a completely unconventional approach in which all measures may have to be adopted with a clear objective that every child has to be given the facility of education. Even the 4th Educational Survey only speaks of covering 'no school habitations' under Non-Formal Education. It is not realised that it will not be possible to have a person who can undertake teaching through non-formal method which is more difficult than conventional education. In these areas it will be

necessary to have a set of educational institutions which may comprise ordinary schools, single teacher schools, sub-schools or pre-primary-cum-primary institutions and extension centres which may not be all independent institutions but may together comprise an elementary school complex. It is not the structure which can be defined but it is the objective which requires to be clearly stated. It should be left to every elementary school complex to devise its own method to cover the entire school going population as per the national goal. The New Education Policy envisaged a process of micro planning. Micro planning to be successful must adopt a methodology of working backwards from the target and creating institutions as may be necessary for achieving that goal.

Drop-out at primary, middle and secondary levels

15. The enrolment in classes I and II is not the real indicator of the achievements on the educational front. What is important is how many children are reaching the middle school level (classes VI to VIII) and passing out. The enrolment amongst SCs and STs declines sharply from class I to V and from class VI to VIII. In Bihar the enrolment amongst the Scheduled Castes falls to just 21.30% from 68.18% in the primary classes. In Madhya Pradesh it declines from 98.95% to just 40.75%. It is surprising that in Karnataka which claims 92.06% enrolment in primary classes the enrolment in secondary classes is 36.35%. In Rajasthan it declines from 69.36% to 29.60%. It is distressing to note that West Bengal which apparently is free from the forms of untouchability known in the neighbouring States of Bihar and Orissa occupies the second rank from the bottom in the matter of enrolment of the Scheduled Castes (22.03%). The enrolment of Scheduled Caste boys in this age-group is 29.73% which is the lowest for any State in the country. Rajasthan has the invidious distinction of having the enrolment of girls at only 5.03% which is the lowest for the country. The decline in enrolment of the Scheduled Tribes is also extremely marked. In Bihar it declines from 88.37% to 23.19%, in Madhya Pradesh from 74.33% to 21.41% and in Orissa from 78.38% to 21.60%. The enrolment at the middle school level is the lowest in Andhra Pradesh with 19.06% and West Bengal is just a little better with 20.08%.

16. Information regarding the percentage of drop-out at primary, middle and secondary stages among the Scheduled Castes in various States/UTs during the year 1981-82 is given at Annexure II and similar information in respect of the Scheduled Tribes in Annexure III. The national drop-out rates and the drop-out rates among the three States each having the best and the worst performance at the different stages of education are shown in the following table:

Table 6

SCHEDULED CASTES

Primary stage (Classes I-V)		Middle stage (Classes VI-VIII)		Secondary stage (Classes I-X)	
		(Figures in %age)			
Manipur	(90.45)	Orissa	(90.71)	Orissa	(93.80)
West Bengal	(75.72)	Manipur	(88.81)	Manipur	(93.00)
Punjab	(72.53)	Meghalaya	(84.25)	Madhya Pradesh	(92.99)
INDIA	(59.21)	INDIA	(74.76)	INDIA	(85.72)
HimachalPradesh	(29.10)	Haryana	(57.37)	Gujarat	(75.51)
Haryana	(28.12)	Himachal Pradesh	(55.46)	Assam	(69.80)
Kerala	(0.0)	Kerala	(23.71)	Kerala	(49.80)
		SCHEDULED TRIBES			
Manipur	(85.36)	Orissa	(91.23)	Madhya Pradesh	(97.13)
Bihar	(80.58)	Manipur	(90.84)	Orissa	(94.04)
Orissa	(77.99)	Assam	(88.37)	Tripura	(93.93)
INDIA	(74.00)	INDIA	(84.99)	INDIA	(91.65)
Tamil Nadu	(37.59)	Uttar Pradesh	(53.69)	Assam	(71.34)
Kerala	(37.16)	Kerala	(45.10)	Kerala	(69.50)
Uttar Pradesh	(0.0)	Karnataka	(26.98)	Karnataka	(45.53)

17. The Tata Institute of Social Sciences, Bombay, conducted a study of wastage and stagnation in education among the Scheduled Castes and Scheduled Tribes in Maharashtra. The study was conducted at the instance of the Union Ministry of Human Resource Development. Data were collected from September to December 1984 and the report was submitted in 1985. In Maharashtra the rates of wastage and stagnation among SC/ST students are reported to be higher than those among non-SC/ST students at the primary and middle levels of schooling. For this study 60 schools were randomly selected from three districts of Maharashtra, viz., Osmanabad, Dhule and Sholapur. A total of 482 regulars, 182 drop-outs and their parents, 135 headmasters and teachers from the 60 schools were interviewed besides officials and the public. Four cohorts of students were covered in the study. The first cohort of students consisting of 1,346 students were followed up over a period of seven

years since enrolment in Std. I in June 1977. The second cohort consisting of 808 students were followed up for a period of four years from Std. I to Std. IV. The third cohort of 700 students were traced over a period of three years since enrolment in Std.V in June 1981. In the fourth cohort 376 students who were enrolled in Std.V in June 1978 were followed up over a period of six years. The major findings and recommendations are given below:

(i) Out of the 1,346 students who had been enrolled in the 50 selected schools in Std.I in June 1977, 213 belonged to the Scheduled Castes and 509 to the Scheduled Tribes. The pass percentage at the end of four years was 15% for the Scheduled Castes and 16% for the Scheduled Tribes while it was 2.3% for non-SC/ST students. There were two schools out of the 50 covered by the study where all the students had dropped out before completing Std.IV.

(ii) In only 9 out of the 60 schools covered in this sample all the students passed Std.I. In five schools more than half the number of students did not pass Std.I. This problem was more acute with single teacher schools and schools having a large percentage of SC/ST students on their registers. These schools had a low percentage of students passing Std.I and a still lower percentage of students passing Std.IV. In 9 out of the 16 schools having a vast majority of students belonging to SCs and STs, there was not a single student who passed Std.IV.

(iii) At the middle stage of schooling 67% of the students who had enrolled in Std.V in June 1981 had passed Std. VII in three years. There were no differences in the performances of students belonging to SCs and STs and non-SC/ST communities. The percentage of girls completing the middle stage of schooling was lower than that of boys.

(iv) The performance of students at the elementary level (Std. I to Std. VII) is dismal. Only 9% of the students passed Std. VII in seven years since enrolment in Std.I in June 1977. An additional 14% were at the middle stage of schooling. Those who completed Std. VII or were likely to complete it in an additional year or two constituted 22% of those who enrolled in Std. I in June 1977. About two-thirds discontinued their studies before completing Std. VII. Non-SC/ST students had a lower rate of drop-out compared to the SC/ST students. Boys had a much lower rate of drop-out than girls.

(v) Examining the performance of SC/ST students in the various schools, there were 14 schools where all the SC/ST students passed Std.I and five schools where the entire batch of SC/ST students passed Std.IV. On the other hand, there were 15 schools where not a single SC/ST student from the batch of SC/ST students

enrolled in Std.I in June 1977 passed Std.IV. Comparing the performance of SC/ST students with that of non-SC/ST students at the level of Std.I, in 22% of the schools the performance of SC/ST students was lower than that of non-SC/ST students. However, in 36% of the schools the performance of SC/ST students was better than that of non-SC/ST students.

(vi) At the high school stage, out of the 324 students who had enrolled in Std. V in June 1978, 21% passed SSC in the first attempt. Compared to the drop-outs the regular children in schools have a more favourable background in terms of having parents belonging to relatively higher socio-economic status groups, more exposed to modernisation, having a higher level of political awareness and having higher aspirations for their children. Further, the regulars were less involved in helping their parents compared to drop-outs.

(vii) The three major reasons for discontinuing their studies according to the parents of drop-outs were (a) the child being required to help at home, (b) poverty and inability to afford education and (c) their lack of interest in education. Among the conditions for rejoining as mentioned by the parents of drop-outs, the provision of teaching-learning materials and board/lodging rank high. Quite a few of the parents of drop-outs mentioned that if the classes were held in the morning or at night, they would send their children to school.

(viii) The quality of inputs and the functioning of schools, specially those which had a large percentage of SC/ST students, left much to be desired. Not only those talukas which had a predominantly ST population, had a very high percentage of single teacher schools, but the physical facilities like teaching-learning materials available at the school were not only inadequate but were also of very poor quality. But what was still more shocking was that a number of schools, especially in tribal areas, had remained closed for certain periods of time and in a number of cases these schools had not functioned since the beginning of the academic year. The policy of transferring teachers, who are to be 'punished', to schools in tribal areas needs to be immediately stopped. On the contrary, incentives may be provided to teachers in schools located in tribal areas.

Preference in selection of teachers should be accorded to persons belonging to SCs and STs. If need be, the requirements for such persons may be lowered if suitable candidates are not available. If SC/ST teachers are still not available despite lowering of minimum qualifications, efforts should be made by the Education Department to identify and train such persons for posts of teachers.

(x) In order to ensure that the teacher comes to school regularly, specially in tribal areas, accommodation in the form of quarters or a rent subsidy may be given to such teachers. Special incentives and recognition should be given to teachers working in such areas.

(xi) The medium of instruction, specially at the level of Std. I and Std. II, should be the mother tongue of the pupil and it should be immediately implemented in tribal areas.

(xii) Besides improving the quantity and quality of the teaching-learning materials, specially of single teacher and predominantly SC/ST schools, the teachers should be encouraged to prepare their own teaching-learning materials using locally available materials.

Pre-Matric Scholarships

18. While the programme of scholarships and stipends has significantly grown there are some weaknesses which have to be noted carefully. The coverage under the assistance programme increases as one moves up the educational ladder. Thus, every student belonging to SCs and STs subject to certain conditions is eligible for a post-matric scholarship. But at the higher secondary level the coverage is much smaller and there is hardly assistance at the elementary level. This has created a situation in which those people who have been able to cross the initial hurdle at the primary and secondary level are able to move up with comparative ease but those who are unable to cross even the first hurdle are doomed for life. The above analysis also brings out another phenomenon. The number of children attending schools in the age group 11 - 14 drops sharply. In many cases while the coverage by higher secondary schools is better the facilities at the middle school level are not commensurate with the objective of universalisation of education for the children upto the age of 14. Many children somehow are able to make through the primary school because it is within their easy reach. But for more than half of the tribal children a secondary school is far away, more than 8 Kms. from their homes. It is not possible for these children particularly in the context of the rugged terrain to attend these schools while living at their homes. Consequently, education from class VI onward is beyond reach of these children and the assistance by the State at this level is also meagre. This is responsible for bulk of the students belonging to SCs and STs not being able to move up the educational ladder.

19. The little assistance which pupils receive at the primary, middle and secondary levels also comes too late. It is necessary that scholarships and stipends to the students must simulate the support which a child gets in an ordinary home. A method must be devised whereby a student can claim the assistance the day he joins the school. The States should devise an eligibility card which may be given to the students by the head of the institution at the time when they take their school leaving certificates at the end of the primary school, middle school, higher

secondary school, as the case may be. They should be able to get admission on the basis of this eligibility card and claim due assistance of the State without waiting for the formal sanction which could follow in due course. Moreover, all scholarships to students should be due on the first of the month rather than the end of the month because scholarship is meant to support the child during the forthcoming month.

Improving science education among school students

20. The Homi Bhahba Centre for Science Education(HBCSE) set up as a constituent of the Tata Institute of Fundamental Research, Bombay, in 1974 has been undertaking a variety of action research projects aimed at improving science education in the country and in these efforts it is primarily concerned with identifying socio-economic, cultural, linguistic and peadagogic factors that hamper the progress of the first generation learners and students belonging to the socially deprived sections of the community and prevent them from continuing in the formal stream of education. One of these action research programmes deals with improving the scholastic achievements of the Scheduled Caste students studying in the secondary schools of the Bombay Municipal Corporation. In this programme an effort has been made to investigate why the Scheduled Caste students coming from very poor home background perform so badly at school. An attempt has also been made to identify specific hurdles faced by them and to design remedial measures to overcome these hurdles. This programme is reported to have worked well and the students participating therein are reported to have performed very well at the SSC examination. Details of this experiment have been included in an admirable monograph captioned 'Talent Search and Nurture among the Underprivileged' (October 1985) by Prof.V.G. Kulkarni and Dr.S.C. Agarkar.

Directions of Kerala High Court about functioning of a school for Scheduled Caste girls

21. A typical case of how an educational institution in Kerala having majority of Scheduled Caste girls is being run would indicate apathy on the part of the administration. This particular case was brought to our notice by the Registrar of the High Court, Kerala, Ernakulam, in 1986. In the order of the High Court in this case (C.M.P.Nos.15081/86 and 15082/86 in O.P.No.4630/86) it was specifically mentioned that this case be mentioned in the Report of the Commissioner for Scheduled Castes and Scheduled Tribes. The Government High School at Guderale, about 18 miles from Munnar, Idukki District, got wide publicity in the media due to nil performance of the school in SSLC examination for two sucessive years. The Law Society of India, Cochin, filed a writ petition in the High Court which appointed a Commissioner to make an on-the-spot study and report about the conditions of the school. An advocate of the High Court carried out the assignment and submitted a comprehensive and useful report. It was reported that a portion

of a shed constructed by the Tata Tea Company more than four decades back was being used as the school building. The available area for running the class was 19.7 metres in length and 5.6 metres in breadth. There were 400 students for whom there were only 25 benches and 25 desks. Most of the students were forced to sit on the cold and damp cement floor. There was no toilet, latrine or urinal available for use of the pupils. Almost 50% of the students were girls and some of them were grown-ups. The Commissioner (Advocate) had also indicated in his report that the supply of text-books and note-books was quite inadequate. There were 12 sanctioned posts for the school whereas only 5 had been filled up and at the time of inquiry two teachers were on leave. There was no Headmaster. The Senior Assistant was holding the charge. The environment of this institution was reported to be very dirty as the ground was swampy and there were cow-dung heaps and firewood stock all over the area. Besides the above mentioned depressing details there were other shortcomings noticed by the Commissioner. Based on his report the High Court issued the following directions:

(1) construct temporary sheds to safely and hygenically accommodate all the 400 students;

(2) ensure that the floors are not damp and that there is sufficient protection from wind and rain;

(3) make available to the school the following items of furniture: 50 benches, 50 desks and 8 more chairs and 8 more tables for the teachers;

(4) appoint teachers to all the vacant posts immediately and provide them at least temporary accommodation in a place at Munnar and arrange for their transport facilities to enable them to reach the school in time and to impart education to the students effectively and regularly;

(5) appoint a permanent Headmaster for the school;

(6) supply the text-books and note-books to all the students;

(7) remove the firewood stock and cow-dung heap from the school premises and make the area safe and fit for the proper use of the children; and

(8) provide urinals for the students.

The High Court gave one month's time for complying with the directions referred to at item No.(1). The other directions were to be carried out within a period not exceeding three weeks. A copy of the order was forwarded to the Secretary to the Government of Kerala, Education Department, and also to the Director of Public Instructions and the District Educational Officer, Kattapana, Idukki District.

My office took up the issue with the State Government and enquired about the action taken on the directions issued by the High Court. A reminder was also issued but no reply had been received from the State Government.

Centrally Sponsored Schemes in the Welfare of Backward Classes Sector

22. The following table indicates the allocations and expenditure under the various Centrally Sponsored Schemes in the Welfare of Backward Classes Sector during the Sixth Plan, 1985-86 and 1986-87:

Table 7

(Rs. in crores)

S.No.	Scheme	Sixth Plan		Allocation for VII Plan	1985-86		1986-87	
		Allocation	Exp.		Allocation	Exp.	Allocation	Exp. (Anticipated)
1	2	3	4	5	6	7	8	9
1.	Post-matric scholarships to SC/ST students	130.00	140.94	114.57	10.00	10.00	11.00	18.90
2.	Pre-matric scholarships for children of those engaged in unclean occupations	8.00	1.78	10.32	2.50	0.25	1.82	1.82
3.	Book Banks for SC/ST students of Engineering/Medical Colleges	3.00	0.96	2.25	0.55	0.31	0.50	0.50
4.	Girls' Hostels for SC/ST	13.00	14.06	32.05	5.00	3.02	4.55	4.55

Post-matric Scholarships

23. The growth of this most important scheme over the years can be judged from the fact that in 1944-45, the first year of its introduction, there were only 114 Scheduled Caste scholarship holders under this scheme. The number of tribal scholarship holders was 84 in 1948-49 when it was introduced for them for the first time. The number of awards of post-matric scholarships to SC/ST students during 1986-87 was likely to be of the order of 10.89 lakhs. The total expenditure on this scheme at the end of the Sixth Plan was Rs.88.53 crores which became committed expenditure during the Seventh Plan period. The Central assistance would be over and above this expenditure. An outlay of Rs.10 crores was provided during 1985-86 which

is reported to have been utilised in full. The Planning Commission allocated an amount of Rs.11 crores only for this scheme during 1986-87. However, during that year the total requirement of funds under the scheme was reported to be Rs.18.90 crores. Under the scheme the scholarship is paid to eligible students by the State Governments/UT Administrations in accordance with the regulations laid down by the Government of India who provide the funds for the Plan scheme on 100% basis. A candidate gets the scholarship through the Government of the State to which he/she belongs irrespective of his/her place of study. It is encouraging to note that there is a proposal with the Ministry of Welfare for increasing the rates of scholarships and upward revision of the income ceiling.

24. The disbursement of post-matric scholarships, which is an open ended scheme, leaves much to be desired. Sometimes the first instalment may not be received even till the middle of the session and in some cases the student may collect the entire amount at the fag end of the session. Consequently, only those who can afford or those who can get some support from a voluntary organisation during the intervening period can continue their education. It is ironical that in many cases some institutions specialise in giving assistance to these children initially from their own funds and then collect the scholarships from the Government on their behalf. This is no doubt invaluable service but these children in the process become dependent on those institutions and cannot claim that assistance from the State as a matter of right. Those who do not have such a benefit have to go without education even though they are eligible for assistance.

25. During the Sixth Plan the Ministry of Home Affairs had assigned the National Institute of Educational Planning and Administration (NIEPA), New Delhi, the task of monitoring the functioning of the Post-Matric Scholarships Scheme. The intention of the Government at that time was to gradually hand over to the NIEPA monitoring of other Centrally Sponsored educational schemes as well. In 1984-85 the NIEPA submitted reports on the functioning, management and utilization of the Post-Matric Scholarships Scheme as well as a report entitled 'Retention, Failure, Repetition and Drop-out in Higher Education:A Cohort Analysis of the SC/ST Students'. However, this assignment was subsequently discontinued.

National Overseas Scholarships to Scheduled Castes, Scheduled Tribes, Denotified Tribes and Nomadic/Semi-nomadic Tribes

26. The Government of India initiated a scheme for the award of national overseas scholarships to Scheduled Castes, Scheduled Tribes, Denotified Tribes, Nomadic/Semi-nomadic Tribes and other economically backward classes in 1954-55 for pursuing postgraduate studies and research abroad in subjects for which suitable facilities were not available in India. This is a non-Plan scheme. The total number of scholarships awarded each year is 21. During 1985-86

the Government of India proposed to award 29 scholarships with a backlog of 8 scholarships of the previous years. However, in the year 1985-86, 25 scholars were selected. The selection process for award of these scholarships for the selection period 1986-88 was reported to be in progress.

Girls' Hostels

27. The scheme is in operation since the Third Five Year Plan. The expenditure on this scheme is shared by the Centre and the States on matching basis (50:50). Initially the scheme provided for construction of hostel buildings. Later the scope was enlarged to incorporate provision of ancillary facilities and non-recurring items. During the Sixth Plan period a provision of Rs.13 crores was made under this scheme for hostels for both Scheduled Caste and Scheduled Tribe girls. During the Seventh Plan period an allocation of Rs.31.95 crores was made. A Central grant of Rs.1.67 crores was sanctioned to the State Governments for the construction of 162 SC hostels during 1985-86. During that year an amount of Rs.1.50 crores was allocated for ST girls' hostels and the actual expenditure was Rs.1.35 crores. During 1986-87 an allocation of Rs.4.55 crores was made under the scheme. The expenditure figures for that year are not available. It is encouraging to note that with the rise of price index the Government of India had revised the ceiling cost for the construction of hostels under this scheme in 1985. The following are the approved revised ceiling costs:

Table 8

Type of accommodation	Old rates of ceiling cost per inmate		Revised rates of ceiling cost per inmate	
	Plain areas (Rs.)	Hill areas (Rs.)	Plain areas (Rs.)	Hill areas (Rs.)
1	2	3	4	5
For accommodation only	5,200	5,680	9,235	12,380
For accommodation plus ancillary facilities like dining hall, kitchen, sanitary block, etc.	7,150	7,790	12,775	17,125

The Working Groups on the Development of Scheduled Castes and Scheduled Tribes during the Seventh Plan recommended that the Central grant for this scheme should be 100% and the scheme should also be extended for boys' hostels. They also suggested that at least two hostels for boys and one for girls should be established in each of the district headquarters in the country.

Book Banks

28. This scheme was started in 1978-79 for SC/ST students pursuing medical/engineering courses. At present an amount of Rs.5,000 has been fixed as the total cost for purchase of one set of text-books. One set of books is allowed to be used by four students. The life period of one set of books has been fixed as three years which means that every three years funds will be provided for getting new sets of books. This scheme has proved very useful for SC/ST students pursuing medical and engineering courses. A provision of Rs.3 crores was made for this scheme during the Sixth Plan but unfortunately the expenditure during that period was only Rs.0.96 crore. For the Seventh Five Year Plan an outlay of Rs.2.25 crores has been provided for this scheme. During 1985-86 an allocation of Rs.0.55 crore was made against which an expenditure of Rs.0.31 crore only was incurred. The number of SC/ST beneficiaries during that year was 16,822. During 1986-87 an allocation of Rs.0.50 crore was made. Proposals to cover other professional courses like Agriculture and Law and to provide a set of text-books to each SC/ST student were reported to have been sent to the Planning Commission for approval.

Pre-matric scholarships for children of those engaged in unclean occupations

29. The main objective of this scheme is to provide good quality education to children of those engaged in unclean occupations like scavenging, tanning and flaying, by keeping them away from the dirty and unhygenic surroundings under which their parents live. There were certain inherent defects in the scheme and hence the response of the State Governments towards it was unsatisfactory. The scheme was suitably modified during 1986-87. The children from the families of sweepers who have traditional link with the job of scavenging have also been included in this scheme from the year 1986-87. The other modifications made in the scheme are mentioned below:

(i) increase of rates of scholarships from Rs.145 p.m. to Rs.200 p.m. for classes VI to VIII and Rs.250 p.m. for classes IX to X,

(ii) increase of the income ceiling limit from Rs.500 p.m. to Rs.1,000 p.m.,

(iii) provision for renting hostel buildings where hostel facilities are not available,

(iv) provision for appointment of a full time hostel warden where the number of children is large, otherwise one of the school teachers may be appointed as hostel warden on some extra remuneration.

30. As envisaged in the National Policy on Education, 1986, the question of extending the scope of this scheme

to cover children from classes I to V and also inclusion of day scholars under this scheme is reported to have been taken up with the Planning Commission. The covering of children of classes I to V under this scheme had already been approved by the Planning Commission but the same was not agreed to by the Ministry of Finance. An outlay of Rs.10.32 crores has been approved for this scheme for the Seventh Five Year Plan. During 1985-86 the expenditure incurred on this scheme was only Rs.0.25 crore against an allocation of Rs.2.50 crores and the number of students benefited was 9,286. With the modification of the scheme during 1986-87 the entire allocation of Rs.1.82 crores was expected to be spent and the number of students to be benefited was 8,948.

Admissions to Universities and Colleges

31. According to earlier guidelines issued by the Ministry of Education (now Ministry of Human Resource Development) the State Governments and Universities had reserved 20% of the seats in all educational and technical institutions with a distinct reservation of 15% for the Scheduled Castes and 5% for the Scheduled Tribes. These reservations are interchangeable between these two categories. The Ministry had also suggested that in case of the seats reserved for them remaining unfilled a further relaxation in marks could be given to them. In the 27th Report of the Commissioner for Scheduled Castes and Scheduled Tribes it was recommended that in line with the proportion of the Scheduled Tribes in the country's population the number of seats reserved for them in various educational and technical institutions should be raised from 5% to 7.5%. It is gratifying to note that the reservation percentage was revised in August 1982 to 7.5% for the Scheduled Tribes.

32. An SCT Cell was established by the UGC in January 1979. It, inter alia, collects regularly on an annual basis information regarding course-wise admissions and appointments of SC/ST candidates to teaching and non-teaching posts by reservation. Such information about the actual position was collected from 1977-78 onwards and analysed. In January 1985 the UGC published a document captioned 'Facilities to Scheduled Castes and Scheduled Tribes in Universities and Colleges'. It contained an analysis on the position of actual admission and employment of SCs and STs in Universities and colleges during 1978-79.

33. The actual total number of students and the number of Scheduled Caste and Scheduled Tribe students alongwith the respective percentages at the undergraduate/postgraduate levels and in professional courses during 1978-79 are given below:

Table 9

S.No.	Course	Total	SC(%)	ST(%)
	Undergraduate			
1.	Arts	9,37,028	91,721(9.85)	23,124(2.48)
2.	Science	4,36,000	19,369(4.44)	3,559(0.83)
3.	Commerce	4,53,472	21,398(4.76)	5,722(1.27)
	Postgraduate			
4.	Arts	1,36,004	13,797(10.54)	2,526(1.93)
5.	Science	47,359	1,342(2.93)	365(0.79)
6.	Commerce	32,449	1,676(5.42)	372(1.29)
	Education			
7.	Undergraduate	63,660	3,782(6.24)	789(1.30)
8.	Postgraduate	4,139	136(3.42)	27(0.68)
	Engineering/ Technology			
9.	Undergraduate	99,569	5,454(6.16)	1,061(1.20)
10.	Postgraduate	5,151	84(1.92)	8(0.18)
	Medicine			
11.	Undergraduate	95,289	7,266(9.98)	1,324(1.82)
12.	Postgraduate	10,305	287(3.69)	39(0.50)
	Agriculture			
13.	Undergraduate	27,102	1,903(8.39)	160(0.71)
14.	Postgraduate	6,018	201(4.48)	39(0.87)
	Veterniary Science			
15.	Undergraduate	5,589	266(7.02)	44(1.14)
16.	Postgraduate	1,002	9(1.37)	-
	Law			
17.	Undergraduate	1.65,317	10,475(7.47)	1,851(1.32)
18.	Postgraduate	3,085	95(3.97)	4(0.17)
	Others			
19.	Undergraduate	11,361	671(5.93)	48(0.42)
20.	Postgraduate	3,550	126(3.56)	20(0.56)
	Total	25,43,449	1,80,058(7.08)	41,082(1.62)

34. Statewise combined enrolment figures for all the undergraduate, postgraduate, professional and technical courses may be seen at Annexure IV. The growth of SC/ST enrolment at graduate level based on comparative figures for 1977-78 and 1978-79 has been shown in Annexure V and that at postgraduate level in Annexure VI. It will be seen from Annexure V that at graduate level(including professional and technical courses) the percentage of Scheduled Caste students for the country as a whole decreased from 7.50% in 1977-78 to 7.33% in 1978-79. On the other hand,

there was a slight increase in the percentage of Scheduled Tribe students from 1.57% in 1977-78 to 1.70% in 1978-79. Annexure VI indicates that at postgraduate level (including professional and technical courses) the percentage of Scheduled Caste students increased marginally from 7.53% in 1977-78 to 7.62% in 1978-79. In the case of the Scheduled Tribes also there was an increase from 1.28% in 1977-78 to 1.46% in 1978-79. It is suggested that the SCT Cell of the UGC may make special efforts to compile and publish the enrolment statistics more expeditiously as at present the time lag between the statistics pertaining to an academic year and their publication is rather too much. The Government of India, State Governments and the Universities should also take necessary steps to increase the number of SC/ST students at the various levels and in different courses of studies.

ANNEXURE I

Literacy rates in 1981

For all communities, Scheduled Castes, Scheduled Tribes and all communities excluding Scheduled Castes and Scheduled Tribes

S.No.	India/State/Union Territory	All communities	Scheduled Castes	Scheduled Tribes	All communities excluding SCs STs
1	2	3	4	5	6
INDIA		36.23	21.38	16.33	41.30
STATES					
1.	Andhra Pradesh	29.94	17.64	7.82	33.91
2.	Assam	NA	NA	NA	NA
3.	Bihar	26.20	10.40	16.99	30.17
4.	Gujarat	43.70	39.78	21.14	48.14
5.	Haryana	36.14	20.14		30.90
6.	Himachal Pradesh	42.48	31.50	25.93	47.37
7.	Jammu & Kashmir	26.89	22.44	-	27.05
8.	Karnataka	38.46	20.59	20.14	42.05
9.	Kerala	70.74	55.96	31.79	75.32
10.	Madhya Pradesh	27.87	18.97	10.68	36.15
11.	Maharashtra	47.18	35.55	22.29	51.55
12.	Manipur	41.35	33.63	39.74	42.11
13.	Meghalaya	34.08	25.78	31.55	44.97
14.	Nagaland	42.57	-	40.31	54.30
15.	Orissa	34.23	22.41	13.96	44.22
16.	Punjab	40.86	23.86	-	47.11
17.	Rajasthan	24.38	14.04	10.27	29.31
18.	Sikkim	34.05	28.06	33.13	34.84
19.	Tamil Nadu	46.76	29.67	20.46	34.84
20.	Tripura	42.12	33.89	23.07	53.93
21.	Uttar Pradesh	27.16	14.96	20.45	30.45
22.	West Bengal	40.94	24.37	13.21	48.12
	UNION TERRITORIES				
23.	Andaman & Nicobar Islands	51.56	-	31.11	54.31
24.	Arunachal Pradesh	20.79	37.14	14.04	36.39
25.	Chandigarh	64.79	37.07	-	69.33
26.	Dadra & Nagar Haveli	26.67	51.20	16.86	64.41
27.	Delhi	61.54	39.30	-	66.44
28.	Goa, Daman & Diu	56.66	38.38	26.48	57.38
29.	Lakshadweep	55.07	-	53.13	84.57
30.	Mizoram	59.88	84.44	59.63	63.53
31.	Pondicherry	55.85	32.36	-	60.32

ANNEXURE II

Dropout rates of Scheduled Caste students 1981-82

S.No.	State/U.T.	Primary stage (Classes I-V)			Middle stage (Classes VI-VIII)	Secondary stage (Classes I-X)
		Boys	Girls	Total	Total	Total
1	2	3	4	5	6	7
	STATES					
1.	Andhra Pradesh	63.14	68.17	65.14	81.66	85.91
2.	Assam	56.96	61.76	58.93	78.99	69.80
3.	Bihar	70.38	77.70	72.07	83.01	89.92
4.	Gujarat	55.18	61.09	57.47	67.06	75.51
5.	Haryana	23.50	40.52	28.12	57.37	78.89
6.	Himachal Pradesh	28.98	29.29	29.10	55.46	80.91
7.	Jammu & Kashmir	51.77	45.91	49.84	69.09	79.35
8.	Karnataka	67.83	75.12	70.99	71.17	88.77
9.	Kerala	0.0	0.0	0.0	23.71	49.80
10.	Madhya Pradesh	51.91	66.83	56.13	69.13	92.99
11.	Maharashtra	54.89	68.02	60.50	67.86	78.61
12.	Manipur	89.44	91.52	90.45	88.81	93.00
13.	Meghalaya	75.63	63.38	70.69	84.25	86.73
14.	Nagaland	-	-	-	-	-
15.	Orissa	69.53	77.27	72.37	90.71	93.80
16.	Punjab	69.08	76.57	72.53	68.84	84.46
17.	Rajasthan	63.80	77.86	65.94	78.88	83.14
18.	Sikkim	66.97	67.02	66.99	-	-
19.	Tamil Nadu	32.53	45.88	38.54	72.55	84.89
20.	Tripura	61.10	63.60	62.61	83.80	92.04
21.	Uttar Pradesh	44.88	58.50	48.33	76.98	86.95
22.	West Bengal	74.36	78.41	75.72	83.95	91.81
	UNION TERRITORIES					
23.	A & N Islands	-	-	-	-	-
24.	Arunachal Pradesh	93.51	96.07	94.42	-	-
25.	Chandigarh	0.0	0.0	0.0	0.0	70.69
26.	D & N Haveli	28.12	47.94	38.68	71.42	91.56
27.	Delhi	32.58	55.68	42.63	62.99	51.10
28.	Goa, Daman & Diu	42.47	47.25	44.43	69.27	81.93
29.	Lakshadweep	-	-	-	-	-

(Contd.)

1	2	3	4	5	6	7
29.	Mizoram	-	-	-	-	-
30.	Pondicherry	1.38	27.89	14.17	63.26	83.68
	INDIA	56.43	64.24	59.21	74.76	85.72

Source: Ministry of Human Resource Development (Dept. of Education)

Dropout rate at elementary stage =

$$\frac{\text{Enrolment in Class I during preceding 4 years - Enrolment in Class V during the year}}{\text{Enrolment in Class I during preceding 4 years}} \times 100$$

ANNEXURE III

Drop out rates of Scheduled Tribe students 1981-82

S.No.	State/UT	Primary stage (Classes I-V)			Middle stage (Classes I-VIII)	Secondary stage (Classes I-X)
		Boys	Girls	Total	Total	Total
1	2	3	4	5	6	7
	STATES					
1.	Andhra Pradesh	64.83	73.81	68.10	85.40	91.01
2.	Assam	73.53	79.83	76.22	88.37	71.34
3.	Bihar	78.89	83.91	80.58	86.06	92.66
4.	Gujarat	69.35	78.27	72.94	77.11	85.79
5.	Haryana	-	-	-	-	-
6.	Himachal Pradesh	39.97	49.28	43.05	61.99	80.45
7.	Jammu & Kashmir	-	-	-	-	-
8.	Karnataka	48.14	48.09	48.12	26.98	45.53
9.	Kerala	39.04	34.64	37.16	45.10	69.50
10.	Madhya Pradesh	66.46	80.39	70.65	84.53	97.13
11.	Maharashtra	70.41	80.18	74.22	85.08	90.55
12.	Manipur	85.69	84.89	85.36	90.84	91.82
13.	Meghalaya	76.86	76.62	76.74	84.75	89.81
14.	Nagaland	75.09	76.59	75.75	87.84	91.04
15.	Orissa	75.39	83.36	77.99	91.23	94.04
16.	Punjab	-	-	-	-	-
17.	Rajasthan	69.35	84.90	71.48	82.80	86.07
18.	Sikkim	-	-	-	-	-
19.	Tamil Nadu	34.68	41.68	37.59	72.01	85.43
20.	Tripura	67.61	73.80	69.76	87.97	93.93
21.	Uttar Pradesh	0.0	5.62	0.0	53.69	82.02
22.	West Bengal	70.84	65.64	69.27	87.04	93.33
23.	UNION TERRITORIES					
23.	A & N Islands	50.10	39.17	45.74	43.64	74.91
24.	Arunachal Pradesh	77.22	78.18	77.53	87.91	92.93
25.	Chandigarh	-	-	-	-	-
26.	Dadra & Nagar Haveli	73.60	81.65	76.43	93.64	98.17
27.	Delhi	-	-	-	-	-
28.	Goa, Daman & Diu	63.19	73.33	66.38	87.31	91.80
29.	Lakshadweep	1.03	16.25	8.01	51.20	66.39
30.	Mizoram	61.61	64.13	62.83	67.86	80.63
31.	Pondicherry	-	-	-	-	-
	INDIA	71.57	78.43	74.00	84.99	91.65

Source: Ministry of Human Resource Development (Dept. of Education)

ANNEXURE IV

Statewise enrolment figures for SC and ST students at all undergraduate, postgraduate, professional and technical courses during 1978-79

S.No.	State/Union Territory	Graduate + Postgraduate courses				
		Total	SC	%age to total	ST	%age to total
1	2	3	4	5	6	7
1.	Andhra Pradesh	1,36,490	11,595	8.64	1,306	0.97
2.	Assam	46,703	1,859	4.81	1,570	4.66
3.	Bihar	1,25,679	4,270	3.57	6,425	5.37
4.	Gujarat	1,69,546	10,692	6.31	5,556	3.28
5.	Haryana	58,723	3,217	5.48	33	0.06
6.	Himachal Pradesh	11,118	541	4.87	232	2.09
7.	Jammu & Kashmir	18,087	203	1.14	1	0.01
8.	Karnataka	1,71,878	10,624	6.18	1,816	1.06
9.	Kerala	97,539	4,600	4.72	461	0.47
10.	Madhya Pradesh	1,93,901	11,396	5.94	6,500	3.39
11.	Maharashtra	3,24,704	27,624	8.81	5,699	1.82
12.	Manipur	6,140	36	0.62	334	5.78
13.	Meghalaya	4,873	145	2.98	2,504	51.39
14.	Nagaland	830	-	-	680	81.93
15.	Orissa	45,798	1,433	3.13	866	1.89
16.	Punjab	93,120	7,810	8.39	39	0.04
17.	Rajasthan	1,34,996	4,903	4.39	3,001	2.68
18.	Sikkim	102	-	-	-	-
19.	Tamil Nadu	1,62,285	12,357	7.62	201	0.12
20.	Tripura	4,458	312	7.10	285	6.39
21.	Uttar Pradesh	4,06,747	44,232	11.46	988	0.26
22.	West Bengal	2,29,155	17,708	8.29	1,396	0.65
	UNION TERRITORIES					
23.	A. & N. Islands	419	-	-	13	3.10
24.	Arunachal Pradesh	222	-	-	171	77.03
25.	Chandigarh	15,397	744	4.83	117	0.76
26.	Dadra & Nagar Haveli	-	-	-	-	-
27.	Delhi	74,291	3,621	4.88	164	0.22
28.	Goa, Daman & Diu	6,928	32	0.46	11	0.16
	Lakshadweep	-	-	-	-	-

(Contd.)

1	2	3	4	5	6	7
30.	Mizoram	835	8	0.96	713	85.39
31.	Pondicherry	2,485	96	3.86	-	-
	INDIA	25,43,449	1,80,058	7.36	41,082	1.68

ANNEXURE V

Growth of SC/ST enrolment during the year 1978-79 at graduate level

S.No.	States/UTs	Percentage of SC enrolment to total			Percentage of ST enrolment to total		
		1977-78	1978-79	Growth of enrolment	1977-78	1978-79	Growth of enrolment
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	7.08	8.49	+ 1.41	0.71	0.96	+ 0.25
2.	Assam	5.03	4.74	- 0.29	6.93	3.89	- 3.04
3.	Bihar	3.61	3.62	+ 0.01	3.13	5.71	+2.58
4.	Gujarat	6.00	6.49	+ 0.49	3.88	3.32	- 0.56
5.	Haryana	4.63	5.65	+ 1.02	0.09	0.06	- 0.03*
6.	Himachal Pradesh	4.06	5.03	+ 0.97	2.89	1.92	- 0.97
7.	Jammu & Kashmir	1.95	1.11	- 0.84	0.03	0.01	- 0.02*
8.	Karnataka	5.86	6.23	+ 0.37	0.62	1.07	+ 0.45
9.	Kerala	3.85	4.84	+ 0.99	0.48	0.48	Nil
10.	Madhya Pradesh	5.95	6.00	+ 0.05	1.10	3.46	+ 2.36
11.	Maharashtra	9.45	8.43	- 0.99	1.96	1.79	- 0.17
12.	Manipur	1.95	0.62	- 1.33	10.91	5.78	- 5.13
13.	Meghalaya	2.59	3.16	+ 0.57	56.28	50.59	- 5.69
14.	Nagaland	-	-	-	85.40	81.93	- 3.47
15.	Orissa	3.45	3.12	- 0.33	3.13	1.97	- 1.16
16.	Punjab	8.69	8.64	- 0.05	0.03	0.05	+ 0.02*
17.	Rajasthan	4.77	4.38	- 0.39	2.79	2.62	- 0.17
18.	Sikkim	-	-	-	-	-	-
19.	Tamil Nadu	7.37	7.69	+ 0.32	0.53	0.13	- 0.40
20.	Tripura	6.29	7.00	+ 0.71	5.11	6.39	+ 1.28
21.	Uttar Pradesh	10.80	11.41	+ 0.61	0.18	0.25	+ 0.07
22.	West Bengal	10.98	8.52	- 2.46	1.21	0.69	- 0.52
23.	A & N Islands	-	-	-	NA	3.40	NA
24.	Arunachal Pradesh	-	-	-	84.34	77.03	- 7.31
25.	Chandigarh	3.89	5.16	+ 1.27	0.63	0.82	+ 0.19
26.	Dadra & Nagar Haveli	-	-	-	-	-	-
27.	Delhi	5.01	5.08	+ 0.07	0.52	0.15	- 0.37
28.	Goa, Daman & Diu	0.71	0.46	- 0.25	0.05	0.18	+ 0.13
29.	Lakshadweep	-	-	-	-	-	-
30.	Mizoram	NA	0.96	NA	NA	85.39	NA
31.	Pondicherry	NA	4.15	NA	-	-	-
	INDIA	7.50	7.33	- 0.17	1.57	1.70	+ 0.13

Source: UGC Report on Facilities to SCs and STs in Universities and Colleges, 1985, pp.50-51

* There is no ST population.

ANNEXURE VI

Growth of SC/ST enrolment during the year 1978-79 at postgraduate level

S.No.	States/UTs	Percentage of SC enrolment to total			Percentage of ST enrolment to total		
		1977-78	1978-79	Growth of enrolment	1977-78	1978-79	Growth of enrolment
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	7.07	8.54	+ 1.47	0.42	0.93	+ 0.51
2.	Assam	4.52	3.26	- 1.26	5.56	5.47	- 0.09
3.	Bihar	1.46	3.22	+ 1.76	NA	4.93	-
4.	Gujarat	2.39	2.49	+ 0.10	1.50	2.28	+ 0.78
5.	Haryana	4.63	3.55	+ 1.08	1.58	-	- 1.58
6.	Himachal Pradesh	NA	2.51	-	NA	4.46	-
7.	Jammu & Kashmir	1.06	0.76	- 0.30	-	-	-
8.	Karnataka	4.25	5.26	+ 1.01	0.50	0.87	+ 0.37
9.	Kerala	6.43	3.74	- 2.69	0.49	0.39	- 0.10
10.	Madhya Pradesh	5.46	5.52	0.06	2.19	2.87	+ 0.68
11.	Maharashtra	11.67	12.41	+ 0.74	2.46	2.06	- 0.40
12.	Manipur	-	-	-	-	-	-
13.	Meghalaya	0.51	1.26	+ 0.75	35.75	59.62	+23.87
14.	Nagaland	-	-	-	-	-	-
15.	Orissa	3.46	3.25	- 0.21	2.11	1.62	- 0.49
16.	Punjab	4.26	5.60	+ 1.34	-	-	-
17.	Rajasthan	5.19	4.47	- 0.72	4.93	3.24	- 1.69
18.	Sikkim	-	-	-	-	-	-
19.	Tamil Nadu	6.48	6.87	+ 0.39	0.80	0.01	- 0.79
20.	Tripura	-	-	-	-	-	-
21.	Uttar Pradesh	10.93	11.73	+ 0.80	0.24	0.27	+ 0.03
22.	West Bengal	6.20	3.92	- 2.28	0.10	0.04	- 0.06
23.	A & N Islands	-	-	-	-	-	-
24.	Arunachal Pradesh	-	-	-	-	-	-
25.	Chandigarh	10.06	3.62	- 6.44	-	0.55	+ 0.55
26.	Dadra & Nagar Haveli	-	-	-	-	-	-
27.	Delhi	3.27	3.15	- 0.12	1.13	0.86	- 0.27
28.	Goa, Daman & Diu	-	1.25	+ 1.25	-	-	-
29.	Lakshadweep	-	-	-	-	-	-
30.	Mizoram	-	-	-	-	-	-
31.	Pondicherry	-	-	-	-	-	-
	INDIA	7.53	7.62	+ 0.09	1.28	1.46	+ 0.18

Source: UGC Report on Facilities to SCs and STs in Universities and Colleges, 1985, pp.52-53

CHAPTER V

ECONOMIC DEVELOPMENT OF SCHEDULED CASTES

SPECIAL COMPONENT PLAN FOR SCHEDULED CASTES

The Scheduled Caste population according to the 1981 Census was about 10.60 crores as against about 8.00 crores in 1971 and comprised 15.47% of the total population of the country (1981) as against 14.60% (1971). The proportion of population amongst the Scheduled Castes living in rural areas was 84% in 1981 as compared to 88% in 1971. The proportion of the Scheduled Castes living in urban areas rose from 12% to 16% during the same years which is indicative of a higher level of migration from rural to urban areas amongst the Scheduled Castes compared to that amongst the total population of the country (proportion of urban population 23.7% in 1981 as compared to 20% in 1971).

2. The occupational distribution amongst the Scheduled Castes also has undergone some change during this period. The proportion of workers in 1981 was 39.58% compared to 36.34% in 1971. However, in view of the fact that the basis of classification of the female population has been undergoing change and the figures may not be comparable, the variation can be better appreciated by the analysis of male working force. The classification of male workers according to various categories in 1981 is given in the table below:

Table 1

Occupational distribution of Scheduled Caste male workers(main + marginal)in 1981 Census

Total Rural Urban	Cultivators	Agricultural labourers	Household industry*	Other workers+	Total
1	2	3	4	5	6
T	32.12	41.75	3.20	22.93	100
R	36.88	46.67	3.00	13.45	100
U	4.16	12.87	4.35	78.62	100

* Household industry in manufacturing, processing, servicing and repairs.

\+ Other workers include occupations of factory workers, plantation workers trade, commerce, business, transport, mining, construction, political or social work, Government service, municipal service, teaching, priesthood, entertainment art, etc.

The number of cultivators amongst the Scheduled Caste males in rural areas recorded a rise from 35.39% in 1971 to 36.88% in 1981 which is indicative of the cumulative benefits which the members of the Scheduled Castes had received on account of conferment of tenancy rights, distribution of land, etc. This is further confirmed by a significant decline in the proportion of agricultural labourers from 49.65% to 46.67% during the same period. The proportion amongst those engaged in household industry fell slightly from 3.2% in 1971 to 3% in 1981. The proportion of those dependent on other vocations rose from 11.76% in 1971 to 13.45% in 1981. The trend is more prominent in urban areas where the proportion of the Scheduled Castes depending on household industry declined significantly from 5.3% to 4.35% whereas the proportion of those depending on other occupations rose from 76.67% to 78.62%.

3. The proportion of the people below the poverty line among the Scheduled Castes was estimated to be about 70% as against the overall average of 48% among the general population in 1977-78. Besides a large proportion of the Scheduled Castes being agricultural labourers almost all the primary leather workers in the country and almost all the fishermen in some States belong to the Scheduled Castes. Similarly almost all the civic sanitation workers (sweepers and scavengers) and flayers and tanners also belong to the Scheduled Castes. The above mentioned categories, who are amongst the poorest of the population below the poverty line, constitute bulk of the Scheduled Castes in the country.

4. The only funds available for the development of the Scheduled Castes upto the end of 1978-79 were provided under the Welfare of Backward Classes Sector of the Annual Plans of the States which were minuscule compared to the dimensions of the problem. This sector was supposed to supplement the benefits expected to accrue to the Scheduled Castes from general developmental programmes. But despite repeated instructions from the Government of India it was not possible to assess the benefits accruing to the Scheduled Castes from general developmental programmes. By the end of the Fifth Five Year Plan it had been realised that the strategy for the development of the Scheduled Castes would have to be based on comprehensive economic and human resource development efforts so that they could participate on terms of equality and recieve a reasonable share in the fruits of general economic development. To achieve this objective the strategy of Special Component Plan (SCP) was evolved during the Sixth Five year Plan with emphasis on family and beneficiary-oriented developmental schemes. The SCP was to be financed from four sources, viz., (i) flow from State Plan, (ii) flow from Central Sector and Centrally Sponsored Schemes, (iii) Special Central Assistance and (iv) institutional finance. The SCP envisaged identification of schemes in the general sectors of development which would be of benefit to the Scheduled Castes, quantification of funds from all programmes under each sector and determination of specific targets in terms of number of families who were to be benefited from these programmes

under each sector to enable them to cross the poverty line. Special Component Plans were formulated by 20 States and 4 Union Territories with sizable Scheduled Caste population. The flow of funds to the SCPs in relation to the total Plan outlays as well as the expenditure incurred in various States/UTs during the Sixth Plan, yearwise and total for the Plan period, may be seen in Annexure I. The State-wise ratio of SCP percentage to percentage of Scheduled Caste population (outlay ratio) may also be seen in that Annexure.

5. It would be seen from that Annexure that the flow to the SCP in these 20 States and 4 Union Territories taken together during the Sixth Plan was Rs.3614.66 crores (7.67% of the total Plan outlay of these States/Union Territories taken together). The outlay ratio was less than 60% in 15 States/UTs, viz., Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Orissa, Punjab, Sikkim, Uttar Pradesh, West Bengal, Chandigarh and Delhi. The Working Group on the Development of Scheduled Castes during the Seventh Plan pointed out that some of the major Departments of the States were avoiding the strenuous exercise of earmarking funds specifically for the development of the Scheduled Castes and that it was mainly due to their inerita. The Working Group termed this as "attitudinal problem—lack of proper orientation." The main argument advanced by the State Governments concerned for not earmarking funds under the SCP in proportion to the percentage of the Scheduled Caste population was that a large portion of the total State Plan outlay was indivisible in sectors like power, irrigation, communications, roads, transport, etc., which often accounted for about 60% of the total Plan outlay. The Working Group pertinently pointed out that the benefits from these sectors, specially the economic benefits, did not automatically or significantly go to the Scheduled Castes in view of their poor ownership of assets and, therefore, incapacity to utilise these infrastructures either for stepping up their production or to produce marketable surpluses to be transported to markets. On the other hand, even to the extent the members of the Scheduled Castes were in a position to utilise benefits from these sectors, these were by-passed for want of specific focus on the part of developmental authorities. The Working Group, therefore, suggested that it was necessary to deliberately channelise benefits from these sectors towards the Scheduled Castes. This would be possible only when benefits in physical and financial terms were earmarked from these sectors. It was not correct to say that these sectors were indivisible as a whole. On the other hand, there were schemes in these sectors which were divisible. Further, it was also possible to formulate new divisible schemes in these sectors if the needs of the Scheduled Castes pertaining to these sectors were appreciated. When this was done earnestly and systematically with careful understanding of the needs of the Scheduled Castes from each major infrastructural sector and the magnitude of the needs in physical and financial terms, and benefits and outlays were earmarked to the SCP from these sectors on that basis, it would become possible to step up the SCP of every State, notwithstanding the fact that a large part

of the State Plan outlay is in the major infrastructural sectors.

6. Even the outlays provided in the SCP in various States were not fully utilised. For the country as a whole the expenditure on the SCP in these 24 States/Union Territories during the Sixth Plan was Rs.2978.40 crores (82.41% of the SCP outlay). There were sizable shortfalls (more than 20%) in expenditure in 7 States/Union Territories, viz., Bihar, Jammu & Kashmir, Manipur, Sikkim, Tamil Nadu, West Bengal and Goa, Daman & Diu. According to the above mentioned Working Group this was due to the implementing agencies being structurally weak for absorption of large amounts under different programmes. The States were also somewhat slow in suitably strengthening the monitoring machinery due to financial and other constraints. In some States the District Magistrates/Collectors were not directly involved with SCP schemes either at the stage of formulation or that of implementation, which resulted in blurring of focus.

7. Some other observations made by the Seventh Plan Working Group on the Development of Scheduled Castes were as follows:

(i) Implementation of SCP schemes did not make adequate progress in many States because the physical and financial targets under various sectors were not disaggregated and communicated to the district and Block levels by the concerned Departments as repeatedly emphasised by the Government of India.

(ii) On the basis of the experience of the Sixth Plan the main stress should be on the development of different occupational categories, specially agricultural labourers and marginal farmers, leather workers, fishermen and vulnerable groups. With this end in view implementation of cluster-cum-saturation approach which was evolved during the Sixth Plan should be intensified to ensure the total coverage of eligible families in village clusters identified on the basis of the size of the Scheduled Caste population.

(iii) The SCPs in the agricultural sector in different States encompassed a very large number of small schemes like distribution of mini-kits, distribution of seeds, saplings, land levelling, land bunding, minor irrigation, etc., but there was hardly an integrated approach. In many of the States landholding pattern of the Scheduled Castes was not fully known. In the absence of this basic data it would be difficult to formulate meaningful programmes that would make an impact on the Scheduled Caste families having land.

(iv) Most of the Scheduled Caste cultivators had

land of minuscule size scattered in a number of tiny plots. Notwithstanding the programmes so far taken up for agricultural development, small and marginal Scheduled Caste cultivators were still outside the pale of many programmes taken up in the agricultural sector. The funds earmarked in the SCP in this particular sector were very small and had not yet made the desired impact for want of careful integrated planning and implementation by the sectoral agencies. Even in the case of new allottees of ceiling surplus land land distribution had not been linked up with meaningful programmes. Quite often such ceiling surplus lands were of marginal or sub-marginal quality needing development before these could be put to proper economic use.

Strategy of SCP during Seventh Plan

8. During the Seventh Plan 50% of the Scheduled Caste families living below the poverty line are to be assisted to cross the line. The package of assistance is to be so designed that it is capable of generating an additional income necessary to enable each assisted family to cross the poverty line. The objective of the family-oriented programmes is not only to raise the assisted Scheduled Caste families above the poverty line but also to help diversification of beneficiaries, as far as possible, from their traditional occupations. The cluster approach which was evolved during the Sixth Plan is to be improved upon to ensure the total coverage of those identified clusters having concentration of Scheduled Caste population. In such a cluster-cum-saturation approach the investment for the development of individual families and of infrastructure of Scheduled Caste bastis is to be made in an integrated manner to have a meaningful impact. Justice to the Scheduled Castes and Scheduled Tribes has been incorporated as point 11 of the New 20-Point Programme, 1986, to give a boost to the developmental activities for these communities.

Outlay and expenditure during the Seventh Plan

9. The outlays made under the SCP during the Seventh Five Year Plan as well as 1985-86 and 1986-87, the outlay ratios (ratio of SCP percentage to percentage of Scheduled Caste population) and the expenditure incurred in various States/ UTs during 1985-86 and 1986-87 may be seen in Annexure II. It would be seen therefrom that the proposed flow to the SCP in these 24 States/Union Territories taken together during the Seventh Plan is Rs.6205.67 crores (7.76% of the total Plan outlay of these States/Union Territories taken together). The 'outlay ratio' for the Seventh Plan was less than 60% in 16 States/UTs, viz., Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Orissa, Punjab, Sikkim, Uttar Pradesh, West Bengal, Chandigarh, Delhi and Goa, Daman & Diu. During 1985-86 the 'outlay ratio' was less than 60% in 11 States/UTs, viz., Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh,

Punjab, Sikkim, Uttar Pradesh, Delhi and Goa,Daman & Diu, while during 1986-87 it was less than 60% in 11 States/UTs, viz., Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Punjab, Tamil Nadu, Uttar Pradesh, West Bengal, Delhi and Goa, Daman & Diu.

SPECIAL CENTRAL ASSISTANCE

10. Special Central Assistance was envisaged as an additive to the States' Special Component Plans and was not tied up to specific schemes on a schematic pattern. Being supplementary its aim was to motivate the State Governments to provide larger outlays in their SCPs. It was meant for the totality of the States' efforts for development of the Scheduled Castes and the only condition laid down was that this fund was to be used by the States only for income generating development schemes including directly relevant training, directly relevant back-up services and arrangements for implementation, supervision, monitoring and evaluation. Special Central Assistance was distributed among the States/UTs on the basis of factors like the population of the Scheduled Castes, backwardness of the States and the efforts of the State Governments as reflected in their Annual SCPs. During 1979-80 a token provision of Rs.5 crores was made. An amount of Rs.600 crores was released during the Sixth Plan and a tentative allocation of Rs.930 crores made for the Seventh Plan. The SCA released and utilised during the Sixth Plan period, 1985-86 and 1986-87 as well as allocations made for the Seventh Plan to various States/UTs may be seen in Annexure III. During the Sixth Plan the total expenditure under the SCA was Rs.553 crores. The States where more than 10% of the SCA remained unutilised at the end of the Sixth Plan were Bihar, Jammu & Kashmir, Rajasthan, Sikkim, Chandigarh, Goa,Daman & Diu and Pondicherry. For 1985-86 information was available for 18 States/UTs only. Amongst them those where more than 10% of the SCA remained unutilised were Jammu & Kashmir, Madhya Pradesh, Punjab, Sikkim, Chandigarh, Delhi and Goa,Daman & Diu. Similarly for 1986-87 information was available for 19 States/UTs only. Amongst them those where more than 10% of the SCA remained unutilised were Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Tamil Nadu, Chandigarh and Goa, Daman & Diu.

11. The Seventh Plan Working Group on the Development of Scheduled Castes observed that a very large chunk of the SCA had been utilised as subsidy by various State Governments during the Sixth Plan either to raise the total rate of subsidy to 50% by linking it up with the IRDP provision or by providing it for schemes outside the IRDP. In some of the States the rate of subsidy in respect of some of the schemes was stated to be as high as 75% and bulk of the amount of subsidy was spent out of the SCA. In some of the States the State Governments had transferred the amounts of the SCA to the State Scheduled Castes Development Corporations where these remained unutilised. The Working Group recommended that the SCA should be utilised for meeting the critical gaps in such a way as to give a composite and integrated shape to economic development programmes for Scheduled Caste families.

SCHEDULED CASTES DEVELOPMENT CORPORATIONS

12. Before the commencement of the Sixth Plan Scheduled Castes Development Corporations were in existence in Andhra Pradesh, Gujarat, Haryana, Kerala, Punjab, Tamil Nadu, and West Bengal. When the strategy for development of the Scheduled Castes during the Sixth Plan was being formulated the utility of these specialised Corporations was recognised and the Government of India advised the States having sizable population of the Scheduled Castes to set up such Corporations in their States to vigorously take up economic development of Scheduled Caste families living below the poverty line. So far these Corporations have been established in 18 States and 3 Union Territories. The years in which these Corporations were set up and the Acts under which these were registered are given below:

Table 2

S.No.	Region/ State	Year of establi-shment	Act under which re-gistered
1	2	3	4
	NORTHERN REGION		
1.	Haryana	1971	ICA
2.	Punjab	1971	SA
3.	Uttar Pradesh	1975	ICA
4.	Himachal Pradesh	1979	SA
5.	Jammu & Kashmir	NA	NA
	EASTERN REGION		
6.	Assam	1975	ICA
7.	West Bengal	1976	SA
8.	Bihar	1978	CSA
9.	Orissa	1979	CSA
10.	Tripura	1979	CSA
	WESTERN REGION		
11.	Gujarat	1975	ICA
12.	Madhya Pradesh	1978	CSA
13.	Maharashtra	1979	ICA
14.	Rajasthan	1980	CSA
	SOUTHERN REGION		
15.	Kerala	1972	ICA
16.	Andhra Pradesh	1974	CSA
17.	Tamil Nadu	1974	ICA
18.	Karnataka	1975	ICA
	UNION TERRITORIES		
19.	Chandigarh	1979	NA
20.	Delhi	1983	ICA
21.	Pondicherry	NA	NA

Note: ICA = Indian Companies Act

SA = State Act

CSA = Cooperative Societies Act

The Government of India had already started assisting these Corporations from 1978-79 by contributing to their share capital on a matching basis with the State Governments in the ratio of 49:51. This subsequently became an essential feature of the Sixth Plan.

13. The main functions of the Corporations were mobilisation of institutional credit for economic development schemes for Scheduled Caste entrepreneurs by functioning as catalysts, promoters and guarantors. The promotional role consisted of identifying Scheduled Caste clusters through special surveys, identification and motivation of eligible Scheduled Caste beneficiaries, assessment of their felt needs and financial requirements, preparation of suitable economic development schemes for different occupational groups of the Scheduled Castes, bringing the Scheduled Castes in contact with financial institutions and Government development agencies, etc. The catalytic and guarantor roles were to be played by interacting with these institutions and agencies and intervening at crucial points to provide massive inputs necessary for economic development of the target groups. By implementing a scheme of margin money loan programme and thus providing a portion of the unit cost of individual beneficiary scheme at low rates of interest the Corporations played their role as partners alongwith banks in financing Scheduled Caste entrepreneurs. Loan, subsidy and margin money were to be routed through one window, preferably the bank.

14. The total amount released by various State Governments and the Central Government to the Scheduled Castes Development Corporations from 1978-79 to 1986-87 may be seen in the table below:

Table 3

(Rs. in lakhs

Year	State Governments' contribution	Amount released by the Govt. of India
1978-79	710.55	50.00
1979-80	703.10	1,224.00
1980-81	1,403.00	1,300.97
1981-82	1,367.66	1,332.37
1982-83	1,364.40	1,350.00
1983-84	1,866.02	1,400.00
1984-85	1,454.21	1,500.00
1985-86	1,755.21	1,500.00
1986-87	1,982.15	1,458.56
Total	12,606.30	11,115.90

During the Sixth Plan period these Corporations economically assisted about 28.65 lakh Scheduled Caste families by providing margin money loans amounting to Rs.106.59 crores which enabled additional bank financing amounting to Rs.370.84 crores. The Corporations also distributed subsidy amounting to Rs.100.53 crores.

15. The following constraints were noticed in the working of these Corporations during the Sixth Plan:

(i) The SCDCs in Andhra Pradesh, Haryana, Kerala, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh were getting a major portion of the SCA released to the State Governments concerned. Most of these Corporations were using this amount to give subsidy to individual beneficiaries. However, in Andhra Pradesh and Tamil Nadu and to some extent in Orissa it was used for providing infrastructure for group schemes in the form of common worksheds and machinery. In Andhra Pradesh 90% of the SCA was reported to have been utilised for infrastructure building. The SCDC received the entire amount of the SCA provided to that State.

(ii) The SCDCs in Assam, Kerala, Gujarat, Punjab, Rajasthan and Tamil Nadu were reported to be unable to use the major portion of their share capital for programmes of assistance to the Scheduled Castes. Some Corporations like those in Gujarat and Rajasthan were earning huge amounts of interest from the share capital funds kept in fixed deposits. The Corporations in Assam, Karnataka, Maharashtra, Rajasthan and Delhi were reported to be using a large portion of their share capital for meeting their administrative expenses. According to the guidelines these funds should have been used to provide assistance for bank tie-up schemes to Scheduled Caste families.

(iii) The position regarding the recovery of margin money loans was reported to be quite unsatisfactory in Andhra Pradesh (7%), Assam (2%) and Uttar Pradesh (8.5%). The Corporations having good recovery position were Himachal Pradesh (36.5%), Orissa (54.8%) and West Bengal (35.7%). Some Corporations are reported to have received little cooperation from banks in effecting recovery of margin money loans. In Andhra Pradesh and Maharashtra the Corporations had to recover their margin money loans themselves and in Bihar and West Bengal the banks agreed to recover margin money loans after their own components had been recovered. There was no problem of recovering margin money loans in the Corporations in Gujarat, Kerala and Madhya Pradesh since they provided margin money deposits and not loans to the banks. In the case of other Corporations the banks were reported to have agreed to recover margin money loans almost simulta-

neously with their loans. According to the commercial banks a considerable number of beneficiaries identified and sponsored by the Corporations were found on verification either to be much above the poverty line or habitual defaulters or were not interested in taking up the subsidy schemes which resulted in delay in the sanction of projects.

(iv) According to the Corporations the banks, particularly at the field level, were not very enthusiastic to lend to the Scheduled Castes probably with the fear of non-recovery of dues or due to the belief that poor entrepreneurs were not viable. They were also of the view that the banks often violated the Reserve Bank of India directive not to insist on security and guarantee for loans not exceeding Rs.5,000.

Strategy during the Seventh Plan

16. Since the margin money loan programme had not succeeded in generating institutional finance of the magnitude required due to conceptual and operational problems inherent in the scheme, a Standing Committee was constituted by the Ministry of Home Affairs in 1984 for suggesting an alternative scheme which would be less cumbersome and easier to operate. The Committee recommended a new programme entitled 'New Pattern of Assistance to Scheduled Caste families through SCDCs' for adoption by all the SCDCs. The main features of the new programme are given below:

(i) A family having an annual income of Rs.6,400 or less in rural areas and Rs.7,200 or less in urban areas would be considered to be a family below the poverty line. The families below the poverty line will be covered in three stages in the following order of priority:

First stage-'Very very poor' families with annual income upto Rs.3,500 in rural areas and Rs.4,300 in urban areas

Second stage-'Very poor' families in the income bracket of Rs.3,501 to Rs.4,800 in rural areas and Rs.4,301 to Rs.5,500 in urban areas

Third stage-'Poor' families with annual income in the range of Rs.4,801 to Rs.6,400 in rural areas and Rs.5,501 to Rs.7,200 in urban areas

(ii) The programme aimed to achieve this objective by integrating self-employment and wage-employment approaches. This consisted of providing (a) assets for self-employment for one member

each of 'very very poor' families and wage-employment to other able-bodied members of these families and (b) only assets for self-employment to 'very poor' and 'poor' families.

(iii) For assessment of income the occupation of the would-be beneficiary was to be taken as the main criterion. For example, landless agricultural labourers, marginal farmers, share-croppers operating less than one standard hectare, non-agricultural labourers, daily wage labourers, leather workers (collectors of skins, bones, etc.), footwear menders and makers (not employing wage workers), nomadic tribes listed as Scheduled Castes, ceiling surplus land assignees solely depending on land or labour, self-employed household industrial workers (with an investment requirement upto Rs.5,000), etc., were to be treated as 'very very poor'. Similarly small farmers, artisans, leather workers, other household industrial workers (having an investment requirement upto Rs.7,500) were to be treated as 'very poor'. For the third category of 'poor' production of income certificates was to be obligatory.

(iv) The margin money loan programme was to be discontinued. On the other hand, the Corporations were to provide to the financing institutions seed money deposits equivalent to 25% of the project cost of the schemes. However, deposits were not to be linked to each individual account but only to the total disbursals during a given period. Thus, the Corporations were to become partners in development lending alongwith financing institutions providing them lien and risk cover to a limited extent.

(v) Clubbing of subsidies from different sources was to be stopped. Persons availing of subsidy from the IRDP or other agencies were to be excluded from the programme.

(vi) Scheduled Caste beneficiaries, who repaid their loans within the stipulated period, were to be given incentives equivalent to 5% of the project cost, not exceeding Rs.600 in any case.

(vii) The project cost was not to exceed Rs.12,000 including the working capital and cost of insurance of assets.

(viii) Maximum limit of subsidy of each eligible family was to be Rs.4,000. Marginal farmers, agricultural labourers and non-agricultural labourers were to be provided subsidy to the extent of 33-1/3% of the project cost; other categories such as small farmers, artisans and others to

the extent of 25% as in the IRDP. In urban areas subsidy was to be uniform at 25% of the project cost.

(ix) The credit provided under the scheme was to bear a concessional rate of interest of 10% per annum. For investment loans upto Rs.5,000 no security was to be submitted other than hypothecation of assets created by the loan. The period of repayment of loan was ordinarily to be 3 to 5 years.

(x) Any economically viable scheme could be taken up under the programme in primary, secondary or tertiary sector. Considering the need to off-load the farm sector, attempts were to be made to diversify into secondary and tertiary sector activities in harmony with the local situation. Rural artisans, however, were to be given encouragement to pursue their traditional occupations on the basis of appropriate modern technology.

17. According to the Seventh Plan Working Group on the Development of Scheduled Castes an assistance of Rs.10,000 should suffice for a Scheduled Caste family to cross the poverty line during the Plan period. In the past a Scheduled Caste family was assumed to have received on an average assistance not exceeding Rs.3,000 from the SCDC. Therefore, it would be assumed that the family would need an additional average assistance of Rs.7,000 as supplementary assistance during the Seventh Plan.

SPECIAL COMPONENT PLANS OF THE CENTRAL MINISTRIES

18. Guidelines were issued by the Planning Commission and the Ministry of Home Affairs (now Ministry of Welfare) to all the Central Ministries in the beginning of the Sixth Plan to identify schemes under each sector having direct relevance to development of the Scheduled Castes and earmark funds for them from the Ministries' Plans in proportion to the population of the target groups. The Ministries concerned were requested to furnish information regarding the progress of the SCPs formulated by them. Information was received from eight Ministries only and is discussed below:

(1) Ministry of Labour

The Ministry of Labour informed that no Plan funds had been earmarked exclusively for the SCP. However, certain Plan schemes which would benefit the Scheduled Castes to a large extent had been identified. Two of the schemes with which the Ministry was concerned and which were of special significance to the Scheduled Castes were rehabilitation of bonded labourers and enforcement of minimum wages for agricultural labourers. The Centrally Sponsored Scheme for rehabilitation of bonded labourers was introduced in May 1978. The scheme envisaged provision of financial assistance upto a ceiling of Rs.4,000 per bonded labourer half of which was provided as Central share. This amount

was raised to Rs.6,250 from 1-2-1986. The total number of bonded labourers identified and freed upto 31-5-87 was 2.19 lakhs out of whom 1.85 lakhs had been rehabilitated. The exact number of Scheduled Caste beneficiaries was not furnished by the Ministry though it stated that 54% of the identified bonded labour belonged to the Scheduled Castes. Out of the total outlay of Rs.15 crores under the scheme for the Seventh Plan the proposed flow to the SCP/TSP during the Plan period is Rs.8.10 crores(54%). During 1985-86 and 1986-87 the allocation under the SCP/TSP was Rs.3.30 crores each against the total outlay of Rs.5 crores during each year. The actual expenditure under the SCP/TSP was Rs.260.60 lakhs and Rs.388.25 lakhs respectively during these two years.

The Centrally Sponsored Scheme for strengthening of enforcement machinery to implement minimum wages in agriculture was approved by the Planning Commission on a pilot basis in June 1984 to be extended to four States, viz., Madhya Pradesh, Manipur, Orissa and Rajasthan. The scheme envisaged appointment of 200 Rural Labour Inspectors (RLIs) for the enforcement of minimum wages in agriculture. RLIs were to be appointed in each development Block in which the number of agricultural workers belonging to the Scheduled Castes and Scheduled Tribes was more than 70%. The Planning Commission stressed that the motivation, social background and qualifications of Inspectors to be appointed should be kept in view and that SC/ST persons should be given preference. In all 154 RLIs were appointed: 42 in Madhya Pradesh, 13 in Manipur, 65 in Orissa and 34 in Rajasthan.

(2) Department of Agriculture & Cooperation

During the Seventh Plan, out of the total divisible outlay of Rs.805.15 crores an amount of Rs.119.94 crores (14.90%) was quantified for the SCP in respect of Central and Centrally Sponsored Schemes of the Department of Agriculture and Cooperation. During 1985-86, against the divisible total outlay of Rs.165.76 crores an expenditure of Rs.25.08 crores was incurred under the SCP constituting 15.13% of the total outlay of the Ministry. During 1986-87, against the total outlay of Rs.159.90 crores the flow to the SCP was Rs.25.97 crores(16.24%) against which an expenditure of Rs.21.34 crores was anticipated to be incurred. The main schemes for which the outlay was quantified for the SCP included crop-oriented programmes, plant protection, dairy development, animal husbandry, horticulture, soil and water conservation, fisheries, agricultural credit, agricultural census and cooperation.

(3) Ministry of Health & Family Welfare

During the Seventh Plan an outlay of Rs.47.34 crores was quantified for the SCP out of the total divisible outlay of Rs.439 crores. During 1985-86 the outlay under the SCP was Rs.14.23 crores out of the total divisible outlay of Rs.105 crores, constituting 11.9%. Against this the expenditure during the year amounted to Rs.13.35 crores. The information relating to 1986-87 was awaited. Under the minimum needs programme a network of community health

centres, PHCs (Primary Health Centres) and Sub-Centres was being established in the State Sector. Central assistance from Family Welfare funds was being provided to the States for setting up Sub-Centres. Although no quantification of funds for the SCP had been made, yet while communicating the targets to the States they were advised to set up at least 10% of the Sub-Centres in bastis/villages having more than 20% Scheduled Caste population or at least in the Scheduled Caste locality of the village. Ninetysix PHCs and 2,060 Sub-Centres had been established in or near Scheduled Caste bastis/villages having more than 20% Scheduled Caste population by the end of the Sixth Plan period. While implementing programmes like National Malaria Control Programme, National Filaria Control Programme, Programme for the Control of Blindness, etc., Central assistance was provided to make facilities available under these programmes in bastis/villages having more than 20% Scheduled Caste population. A separate cell had been set up in the Ministry to coordinate the work in respect of the SCP. Separate budget sub-heads had already been opened in respect of most of the schemes relating to the Scheduled Castes.

(4) Department of Industrial Development

The Department of Industrial Development informed that there were no schemes exclusively benefiting the Scheduled Castes. The Department further informed that the schemes falling under Khadi & Village Industries, Coir, Small Scale Industries, etc., were of promotional nature and were not amenable to quantification. However, certain percentage of seats in the training programmes being conducted under these schemes had been reserved for SC/ST persons. Similarly under the Centrally Sponsored Scheme of bringing coir industries in the cooperative sector a more liberalised pattern of assistance was being adopted for distribution of improved implements to the cooperative societies having a sizable section of the Scheduled Castes. The proposal for the creation of a separate cell for the SCP in the Ministry was still under consideration. No separate budget sub-head had been opened for the SCP because of the limitations in allocation of separate outlays and nature of the schemes being promotional.

(5) Department of Food

The Department of Food informed that the nature of the schemes being implemented by them was such that it was not possible to indicate the flow of funds separately for the SCP since these were not divisible. It had not, therefore, been possible for them to identify the SCP for the Scheduled Castes in respect of the Department's Plan schemes. However, some of the existing schemes had been so oriented as to give better coverage to the Scheduled Castes.

(6) Ministry of Energy

The Department of Non-Conventional Energy Sources informed that in view of the programmes being implemented by them being site-specific and decentralised in nature

and the multiplicity of implementing agencies, it was difficult to quantify the outlays under these programmes and that it would not be possible for them to prepare the SCP exclusively for the benefit of the Scheduled Castes. However, with a view to protecting the interests of SC/ST persons instructions had been issued to all the implementing agencies to ensure fair and adequate share for SCs and STs in the benefits flowing from the programmes of the Department provided they were otherwise eligible. These agencies had also been advised to make concerted efforts to utilise 10% to 15% of the subsidy funds for the benefit of SC/ST persons. The beneficiaries belonging to these communities were also being sanctioned higher rates of subsidy for adopting bio-gas plants and improved chulhas. In addition, a number of State Governments are also reported to be providing additional subsidies for SC/ST persons out of State Plans.

According to the information furnished by the REC (Rural Electrification Corporation Ltd.) it did not provide directly for outlays and expenditure under the SCP. This was done by the State Electricity Boards in consultation with the State Governments. The REC, however, set apart funds for sanctioning schemes for electrification of Scheduled Caste bastis out of the allocations made by the Planning Commission for its normal and minimum needs programmes. During the Sixth Plan period 586 projects involving a loan assistance of Rs.36.48 crores for electrification of 27,524 Scheduled Caste bastis were sanctioned. The amount disbursed during the period was Rs.23.71 crores. During the year 1985-86, 27 projects were sanctioned by the Corporation for electrification of 636 Scheduled Caste bastis. The amount disbursed during the year was Rs.4.17 crores. Loan assistance for electrification of Scheduled Caste bastis was given at concessional rate of interest (6%) instead of 9½% to 10½% for other areas. As a matter of policy it was ensured that Scheduled Caste bastis adjoining the villages under the sanctioned projects were electrified alongwith the main villages.

(7) Ministry of Commerce

According to the information furnished by the Ministry of Commerce no SCP for the Scheduled Castes had been prepared. The Ministry had simply explained the activities of the Coffee Board and the Rubber Board.

(8) Department of Education

According to the information furnished by the Department of Education out of the total divisible outlay of Rs.116.46 crores for 1986-87 the flow to the SCP was Rs.23.40 crores, constituting 20.1% of the total divisible outlay. Some of the important schemes included in the SCP were Non-Formal Education, Early Childhood Education, Adult Education, remedial courses for SC/ST students in colleges, SC/ST cells in Universities, students' hostels, national scholarships at the secondary stage for talented children from rural areas, upgradation of merit of SC/ST students by coaching, etc.

FIELD STUDIES ON SCP

19. This office conducted a field study in Agra and Kanpur districts in Uttar Pradesh in September 1983 to study the implementation of some schemes under the Special Component Plan for the Scheduled Castes. Baroli Aheer Block having 23% Scheduled Caste population was selected for the study in Agra District while Ghatampur Block in Kanpur District. The important observations made during the study are given below:

(i) Sufficient care had not been taken by the purchase committees at the time of purchase of milch cattle for the Scheduled Caste beneficiaries under the scheme of animal husbandry to ensure that cattle of good breed and quality were purchased. In Agra District it was observed that in one case the buffalo purchased by a beneficiary was reported to have died within a short period of its purchase while in two other cases the buffaloes had stopped yielding milk and even during the period these yielded milk, the quantity of milk yielded was much less than that demonstrated at the time of purchase. Apparently unscrupulous sellers came forward to sell sub-standard cattle at places where a large number of cattle were purchased for the beneficiaries. Higher milk yield was demonstrated by keeping the cattle unmilked for a couple of days before the demonstration. In Kanpur District also the buffaloes purchased for two Scheduled Caste beneficiaries stopped yielding milk after about two months and one of the buffaloes died after a year and a half. In such cases the assistance given to the Scheduled Caste beneficiaries actually resulted in an increase in their liabilities instead of an increase in their incomes and thus proved to be counter-productive. It was felt that the veterinary doctor in whose presence the cattle were purchased should be held responsible for the breed and quality of the cattle.

(ii) While most part of village Kalal Kheria in Agra District had been electrified, the Harijan bastis in the village had not been electrified. In Ghatampur village in Kanpur District while all the non-Scheduled Caste households had been given electric connections, most of the Scheduled Caste households had been ignored. There were clear instructions that while electrifying a village preference should be given to Harijan bastis, if any.

20. A study was conducted by this office in Pune District of Maharashtra in June 1984 to study the implementation of various schemes under the Special Component Plan for the Scheduled Castes. Important observations made during

the study are given below:

(i) The general bodies of the Gram Sabhas had not met to select beneficiaries below the poverty line.

(ii) The cluster approach had not been applied.

(iii) In the entire district 29.4% of the beneficiaries assisted under the IRDP belonged to the Scheduled Castes. Since, however, a large number of families included in the target groups like leather workers, basket/rope makers, etc., belonged to the Scheduled Castes, the State Government should consider the desirability of increasing the number of Scheduled Caste beneficiaries under the programme to at least 50%.

(iv) A large number of proposals sent by the Mahatma Phule Backward Classes Development Corporation Ltd. for sanction of loans to Scheduled Caste beneficiaries were rejected by commercial banks on flimsy grounds.

(v) The State Agriculture Department had issued Nond Pustikas to the Scheduled Caste beneficiaries of various schemes implemented under the SCP in which a record of the assistance given by that Department was kept. To ensure coordination among different Departments assisting the same beneficiary under the SCP a single book, i.e., Vikas Patrika, should be given to each beneficiary. This would also remove the possibility of a beneficiary fraudulently receiving assistance for which he might not be eligible.

(vi) Five beneficiaries interviewed in Khed and Haveli Blocks still remained below the poverty line and needed more assistance under a package programme to enable them to cross the poverty line.

(vii) The assistance given by the MPBCD Corporation to the Scheduled Caste kerosene oil hawkers was well planned. The sale of kerosene oil being no problem, the income of these beneficiaries could be further increased if the State Civil Supplies Department increased their quota of kerosene oil.

21. A study was conducted by this office in Vidisha District of Madhya Pradesh in November 1985 to study the working of some important programmes under the Special Component Plan for the Scheduled Castes and that of the District Antyavasayee Cooperative Development Society. Two Blocks, viz., Vidisha and Lateri, having more than 20% Scheduled Caste population were selected for the study. Important

observations made during the study are given below:

(i) Among the SC beneficiaries interviewed in Vidisha Block 87.5% belonged to Chamar community. This community no doubt is the predominant group among the Scheduled Castes in this district, constituting almost 75% of the Scheduled Caste population of the district. Yet it is necessary to ensure that the poorest among the poor are assisted first under the programme irrespective of the community or group to which they belong.

(ii) After receipt of assistance under the programme 85% of the sample Scheduled Caste families still remained below the poverty line. They would have to be given another dose of assistance during the Seventh Plan period to raise them above the poverty line.

(iii) In more than 60% of the sample cases disbursement of loans to Scheduled Caste beneficiaries was made from one month to one year after the sanction of the schemes. Efforts should be made by the banks concerned to make disbursements as early as possible after the sanction of the projects.

(iv) In Vidisha Block 14% of the animals supplied to beneficiaries died within one year of purchase while in Lateri Block this percentage was 69.6%. Out of these 52% could not survive in spite of receiving veterinary treatment. In the case of 23% cattle treatment was not availed of, while in the case of 25% of such animals a veterinary doctor was not available.

(v) The post-mortem of 48% of the cattle which died had not been performed by the veterinary doctor, as a result of which the beneficiaries could not submit their claims of compensation to the concerned insurance company. Since this problem may be existing in other parts of the State as well, it is suggested that the State Government should take corrective measures in the matter.

(vi) The method of purchase of animals under the programme could be improved if the purchase of good quality animals was made the responsibility of the veterinary doctor who should also be responsible for the health care of the animals purchased through him.

(vii) There had been excessive emphasis on animal husbandry schemes like cattle, pig units, goat units, etc., which were not working well. More emphasis may be laid on schemes related to land and agriculture and cottage industries.

(viii) Vikas Patrikas had been issued to 87% of the beneficiaries interviewed. However, these books had not been kept up-to-date.

(ix) In a few cases of loans from banks the security of immovable property was insisted upon by the banks concerned in spite of clear instructions of the Reserve Bank of India that in the case of loans upto Rs.5,000 security other than personal security should not be insisted upon.

(x) More than 78% of the sample beneficiaries had not yet repaid 50% to 100% loans received by them under the programme.

(xi) The State Government should consider the desirability of increasing the strength of the Block staff for the IRDP work to enable the Block offices to properly monitor cases of assistance under the programme.

(xii) In villages Massodi and Jawati in Lateri Block the Harijan bastis had not been electrified though the villages were electrified.

(xiii) In villages Massodi and Muraria in Lateri Block the Scheduled Caste people did not have free entry into the temples. They were allowed to offer prayers only from outside the temples in these villages.

(xiv) One of the beneficiaries of the District Antyavasayee Cooperative Development Society, Vidisha, had utilised the amount of assistance received by him for a purpose other than that for which he had received the assistance, viz., purchase of a bullock cart. Proper follow-up of assistance received by beneficiaries is essential.

(xv) Under the rural housing scheme in Massodi village, Lateri Block, rain water as well as subsoil water had seeped into the houses during the rainy season. This could have been avoided if these houses had been constructed after raising the level of the plots.

(xvi) In Berkheda Ghosi village, Lateri Block, 9 out of the 16 houses allotted to Scheduled Caste beneficiaries were still unoccupied and neglected, as a result of which one of these houses had fallen down and the condition of the remaining eight houses had deteriorated. Apparently some of the allottees had already got residential accommodation in the village and did not want to shift to their new houses. These houses were allotted to the more vocal Scheduled Caste persons who did not appear to be below the poverty line. Allotment of houses under the scheme should be made to really deserving persons who do not own any other residential accommodation in the village, specially those belonging to the more backward Scheduled Caste communities

and who are below the poverty line. Instead of giving the cost of houses to beneficiaries in cash houses should be constructed by the Block authorities and then allotted to beneficiaries to avoid any misuse of funds by beneficiaries.

(xvii) There was a lot of wastage in education in all the four primary schools in villages Chirkhera, Muraria, Massodi and Berkheda Ghosi, specially among the Scheduled Caste students.

(xviii) The condition of the link roads in both the Blocks, specially in Lateri Block, was extremely bad. About 74% of the villages in the Block remained cut off from the rest of the district for about four months of the rainy season, which was a very serious handicap in the way of developmental work. Link roads to villages and culverts should be urgently constructed in the district.

WELFARE OF BACKWARD CLASSES SECTOR

22. With the introduction of the Special Component Plan for the Scheduled Castes in the beginning of the Sixth Plan the main developmental effort for these communities was included in the SCPs of various State Governments. However, the need for the Welfare of Backward Classes Sector continued for filling the missing gaps in the programmes under the SCP. It was envisaged that programmes which could supplement the general sector programmes for rapid development of the Scheduled Castes would have to be formulated and included in the Welfare of Backward Classes Sector of various States/UTs.

CENTRALLY SPONSORED PROGRAMME FOR THE SCHEDULED CASTES

23. The Centrally Sponsored Schemes included in the Welfare of Backward Classes Sector of the Ministry of Welfare were the schemes of high priority like post-matric scholarships to Scheduled Caste/Scheduled Tribe students, pre-matric scholarships to children of those engaged in unclean occupations (Classes VI to X only), book banks for SC/ST students of Engineering/Medical Colleages, girls' hostels for SC/ST, coaching and allied schemes, aid to voluntary organisations, machinery for implementation of the PCR Act, research and training and Special Central Assistance to Scheduled Castes Development Corporations. During the Seventh Plan, from the year 1986-87 some new schemes like compensation for opportunity cost, hostels for Scheduled Caste boys and special coaching for weak students in Classes IX to XII were also introduced. In all these schemes Neo-Buddhists have also been made eligible except under the machinery for the implementation of the PCR Act. All these schemes were funded by the Government of India on 100% basis till 1978-79. From 1979-80 all the above schemes except post-matric scholarships and the scheme for aid to voluntary organisations were converted into partly funded schemes on 50:50 matching basis between the Central and State Governments. It was understood that this pattern of providing financial assistance to the State Governments was not working smoothly and the State Governments were

pleading that it was difficult for them to provide adequate amounts for these schemes on matching basis. The Seventh Plan Working Group on the Development of Scheduled Castes had, therefore, recommended that financial assistance in respect of these schemes should be provided on 100% basis as was being done till 1978-79 in order to accelerate the tempo of development under these schemes. The schemewise outlay and expenditure during the Sixth Plan, the outlay for the Seventh Plan and theoutlay and expenditure during 1985-86 and 1986-87 may be seen in the table below:

Table 4

S.No.	Name of scheme	Sixth Plan 1980-85		Seventh Plan 1985-90	1985-86		1986-87	
		Outlay	Exp.	Outlay	Outlay	Exp.	Outlay	Exp.
1	2	3	4	5	6	7	8	9
1.	Post-matric scholarships to SC/ST students	130.00	140.94	114.57	10.00	10.00	11.00	11.50
2.	Pre-matric scholarships to children of those engaged in unclean occupations	8.00	1.79	10.32	2.50	0.25	1.82	0.13
3.	Book Banks for SC/ST students studying in Medical and Engineering Colleges	3.00	0.96	2.25	0.55	0.31	0.50	0.47
4.	Girls' Hostels for SC/ST	13.00	13.43	24.55	5.00	3.02	4.55	4.63
5.	Coaching and allied schemes for SC/ST candidates	3.50	1.47	2.66	0.70	0.30	0.46	0.35
6.	Aid to voluntary organisations for SC/ST	7.50	2.66	8.59	1.75	1.33	1.59	1.60
7.	Implementation of PCR Act/Liberation of scavengers	6.00	15.14	44.07	5.50	5.50	8.57	8.57
8.	Scheduled Castes Development Corporations	65.00	68.84	69.75	15.00	15.00	12.25	14.58
9.	Research and Training scheme for SC/ST	4.00	2.67	4.46	1.00	0.73	0.76	0.61
	Total	240.00	247.90	281.22	42.00	36.44	41.50	42.44

It would be seen from the above table that there were huge shortfalls in expenditure in some important schemes like pre-matric scholarships to children of those engaged in unclean occupations, book banks for SC/ST students studying in Medical/Engineering Colleges and aid to voluntary organisations working for the welfare and development of SCs and STs. It may also be pointed out that the implementation of the PCR Act should not be clubbed with the scheme of liberation of scavengers and that the outlays and expenditure under these schemes should be shown separately.

LEATHER WORKERS

24. Among the target groups to be covered by various schemes under the Special Component Plan for the Scheduled Castes leather workers, almost all of whom belong to the Scheduled Castes, have a special significance. Flayers and tanners among them are treated as belonging to an 'unclean' occupation. They, alongwith scavengers, suffer the most from the practice of untouchability. They work in extremely unhygenic conditions and occupy the lowest social status in the villages where they invariably live in separate hamlets or bastis, away from the main village. The techniques used by tanners continue to be traditional and no worthwhile efforts have been made to improve the working conditions of flayers and tanners by the Central or State Governments. Leather Development Corporations have since been set up in 13 States to look into the various problems of the leather industry but by and large the primary leather worker has remained ignored. The Seventh Plan Working Group on the Development of Scheduled Castes suggested the setting up of the office of a Development Commissioner for Decentralised Primary Leather Workers in order to give an overall national perspective to their problems. The said Working Group also made the following suggestions for improving the lot of primary leather workers:

(i) A definite and precise programme needs to be drawn up with focus on primary leather workers.

(ii) Identification of concentration of leather workers should be done in every State and projects taken up under the Special Component Plan.

(iii) The Ministry of Commerce should reorient its export policy vis-a-vis the raw materials needed for domestic demand.

(iv) The Ministry of Industry should formulate a policy with focus on the needs and interests of leather workers engaged in each stage of the production cycle.

(v) All the stages of activities starting from lifting of the dead animal through flaying and tanning and collection of bones upto the stage of finished goods should be organised.

(vi) An advance study should be made of the traditional

techniques adopted by flayers and tanners. An economic survey should also be made to ascertain the income derived by traditional flayers and tanners in villages and the commercial value of the products at different stages.

(vii) A scheme should be prepared for modernisation of tanning in villages by transfer of technology now available with research institutions.

(viii) A policy of purchase preference may be adopted in favour of purchases directly from Scheduled Caste leather goods producers by the Ministry of Supply and other Ministries incharge of public sector organisations and the State Departments.

25. A study was conducted by this office in Agra District in Uttar Pradesh in September 1983 to study, inter alia, the problems faced by primary leather workers. Baroli Aheer Block having 23% Scheduled Caste population was selected for the study. Important observations made during the study are given below:

(i) The Bharat Leather Corporation, the Uttar Pradesh Leather Development and Marketing Corporation Ltd. and the Khadi & Village Industries Commission placed orders on leather artisans, supplied raw materials and other inputs and also gave them technical guidance for manufacture of footwear. However, these organisations were handicapped since they had to depend on other Government agencies for getting orders for manufacture of shoes. As a result the artisans had to remain out of employment for three to four months in a year for lack of orders.

(ii) The parcha system under which artisans are paid on credit by commission agents for the shoes sold by them is a great handicap to the bargaining capacity of artisans. Artisans who are generally in need of cash have to get the parchas exchanged for cash at a discount of 2% to 4% per month. Most of the time they are compelled by circumstances to purchase raw materials also from shops owned by wholesalers against the parcha. Thus the margin of profit is very much reduced. The State Government should take some effective measures to put a stop to the parcha system and ensure payment of cash to artisans for the sale of their produce.

(iii) The leather artisans engaged in shoe-making expressed the view that with advancement in shoe-making techniques they were unable to compete with the organised sector and were being reduced to the status of leather wage earners who went to Agra for daily wages with various units engaged in the manufacture of footwear. The Bharat Leather Corporation had taken up a scheme near one of the biggest concentrations of footwear artisans at Narainch village near Agra. The scheme envisaged provision of training and technology to

leather artisans who would be organised in four co-operative societies and given 100% marketing support for their finished products. It was hoped that when cooperative societies started functioning under the package assistance scheme of the Corporation artisans would be able to get all the facilities and assured marketing of the footwear produced by them.

26. It is suggested that the entire footwear industry in the country should be organised on cooperative basis. Leather workers not included in the cooperative societies are at present left out to be exploited by middlemen and various agencies. The cooperatives of the workers engaged in manufacture of footwear should be real ones.

LIBERATION OF SCAVENGERS

27. The inhuman and degrading practice of removing night-soil and filth manually by scavengers almost all of whom belong to the Scheduled Castes is greatly responsible for perpetuating untouchability against them. The evil practice of scavenging has continued in large areas of the country due to the existence of dry latrines. In 1980-81 the Ministry of Home Affairs took up the Centrally Sponsored Scheme of 'liberation of scavengers' by way of conversion of existing dry latrines into low cost pour-flush latrines and providing alternative employment to the unemployed scavengers, in pursuance of Section 15 A of the PCR Act, 1955, on 50:50 matching basis, as one of the measures for removal of untouchability and providing financial assistance to the State Governments for implementation of the programme in selected towns on whole-town approach basis. The work had so far been taken up in 91 towns in various States out of which 18 towns in 8 States had been made scavenging free. The work in other towns was in progress. The Seventh Plan Working Group on the Development of Scheduled Castes recommended that the practice of carrying nightsoil should be completely eradicated within the Plan period. It also suggested that the scavengers so liberated and their dependents should be provided with wherewithals for earning their livelihood in such alternative employments as did not attract the stigma of untouchability. The Central and State Governments should be equal partners in this endeavour. It was estimated that there were about 41 lakh dry latrines in the country which were required to be converted into water-borne ones. The estimated funds required for the scheme during the Seventh Plan were of the order of Rs.1,500 crores including the cost of rehabilitation of displaced scavengers, out of which the Central share would be Rs.750 crores.

28. At the Central level the Working Group recommended that the total cost should be shared by the Ministry of Works and Housing (now Ministry of Urban Development) and the Ministry of Welfare. Conversion of dry latrines into sanitary ones in Class I towns should be the responsibility of the former Ministry while the latter should take up work relating to Class II and other categories of towns. All the liberated scavengers should be provided alternative

occupations for which necessary training should be imparted by the State Governments. The training programme should precede conversion so that on the one hand there is no lag between conversion and alternative employment and, on the other, scavengers become unavailable, thereby speeding up the conversion process. The Statewise information relating to the progress of the Urban Sewerage Programme during the years 1985-86 and 1986-87 as furnished by the Ministry of Urban Development may be seen at Annexure IV. Similar information furnished by that Ministry in respect of the progress of Urban Low Cost Sanitation Programme may be seen at Annexure V. The Ministry of Welfare released a total amount of Rs.1153.11 lakhs to 19 States during the Sixth Plan and amounts of Rs.509.42 lakhs and Rs.800.66 lakhs during 1985-86 and 1986-87 respectively under this scheme. The names of the States and the amounts received by them from the Central Government are mentioned in the table below:

Table 5

(Rs.in lakhs)

S.No.	State	Sixth Plan 1980-85	1985-86	1986-87
1.	Andhra Pradesh	148.60	63.81	141.61
2.	Assam	29.96	8.00	-
3.	Bihar	302.65	88.23	160.74
4.	Gujarat	-	-	-
5.	Haryana	21.00	-	-
6.	Himachal Pradesh	83.00	-	35.74
7.	Jammu & Kashmir	-	54.00	54.00
8.	Karnataka	8.84	8.00	-
9.	Kerala	11.13	-	-
10.	Madhya Pradesh	214.74	115.56	147.98
11.	Maharashtra	30.08	40.22	24.14
12.	Manipur	-	-	-
13.	Orissa	15.08	6.00	70.04
14.	Punjab	-	-	-
15.	Rajasthan	64.84	51.20	39.43
16.	Tamil Nadu	55.21	20.00	-
17.	Tripura	75.35	-	-
18.	Uttar Pradesh	30.00	20.00	18.72
19.	West Bengal	62.63	34.40	108.26
	Total	1153.11	509.42	800.66

A list of the towns taken up under the Centrally Sponsored Scheme of liberation of scavengers by the Ministry of Welfare may be seen at Annexure VI.

ALLOTMENT OF DISTRIBUTIVE AGENCIES TO SCHEDULED CASTES AND SCHEDULED TRIBES

29. In order to improve the economic condition of the Scheduled Castes and Scheduled Tribes it was recommended in Commissioner's earlier Reports that some percentage of reservation should be made in the allotment of distributive agencies by various public sector undertakings. The Government have accepted reservations in allotment of quotas, permits, etc., as an important step towards raising the socio-economic status of SCs and STs. This sphere is comparatively less risk-prone and is also amenable to better care and support by the State agencies. Only when some members of the Scheduled Castes and Scheduled Tribes establish themselves in this comparatively more secure area, we can expect a larger number of them to move out to the uncertain private sector. If they fail to acquire a foothold here, there is no chance of their further advancement in the economic system. It is presumed that such an important responsibility of the State cannot be a matter of mere form. It has to be supported and sustained assiduously if the final object is to be achieved. Therefore, the real task begins after the formal decision of the Government to reserve a quota for the Scheduled Castes and Scheduled Tribes. The first step in this regard would be to ensure that these opportunities are brought to the notice of the potential beneficiaries. It is quite possible that adequate number of SC/ST candidates may not be forthcoming. Therefore, it will be necessary to suitably modify the terms of the agency which may vary from one area to another depending on the general socio-economic conditions in each case so that adequate number of potential candidates come forward to take up the agencies. In many cases, particularly in the more backward areas, even the relaxed conditions may be quite stiff. Therefore, the third step would be to work out a system of assistance directly or in collaboration with other institutions to enable those who do not have their own resources to come into this business. Lastly, even when an individual may enter the arena of business, he must be helped to stabilise himself in a territory which is alien and unknown to him. Only after an institution has taken all the four steps, it can be said that the Constitutional obligation has been fully discharged.

30. The concerned Ministries/Departments of the Government of India were requested to furnish information regarding the details of reservations made by them for the Scheduled Castes and Scheduled Tribes. The information received from them is given below:

(1) Department of Civil Supplies

According to the information furnished by the Department of Civil Supplies in October 1986 by and large all the States/UTs were giving preference to SC/ST candidates while granting new licences for fair price shops.

(2) Department of Fertilizers

Instructions had been issued to the public sector undertakings under the administrative control of this Department in September 1978 to reserve at least 25% of all future appointments for dealerships of fertilizers for SC/ST candidates. The percentage of reservation was to be calculated on State basis. In case sufficient number of applicants or suitable candidates belonging to these communities were not available, dereservation was to be made on specific approval of the competent autnority. In order to encourage SC/ST candidates no security deposit was to be demanded from them. Preference was also to be given in despatch of material indented by this group of dealers. Immediately on appointment an intensive training for a period of two weeks was to be organised for SC/ST dealers at the area office close to their places of business. These candidates would be entitled to return second class fare and an allowance of Rs.30 per day for the period of training. To avoid their exploitation the candidates belonging to these communities would not be permitted to enter into any partnership with anybody except SC/ST persons. The field officers of the Fertilizer Corporation of India were to keep liaison with banks to ensure that SC/ST dealers got the required banking facilities. These concessions would be available for a period of three years after which SC/ST dealers would be treated at par with other dealers. In order to ensure that only deserving SC/ST candidates got dealerships, a representative of the State Department concerned with the welfare of the Scheduled Castes and Scheduled Tribes would be associated with the selection.

(3) Ministry of Petroleum & Natural Gas

Reservation of 25% was made for SC/ST candidates for the award of dealerships in various petroleum products including cooking gas distributorships by public sector oil companies. It has, however, been observed that in some cases LPG agencies allotted to SC/ST persons were terminated on account of reasons which cannot perhaps be called as fully justified. For example, a case was brought to my notice where a Scheduled Tribe resident of Betul District of Madhya Pradesh, who was awarded an LPG agency by the Hindustan Petroleum Corporation, was given notice for its termination during 1986. The matter was taken up with the Ministry of Petroleum & Natural Gas at the highest level. However, a final reply of the Ministry was still awaited. Similar other cases were also brought to our notice earlier. The Indian Oil Corporation Ltd. furnished a list of 10 Scheduled Caste and 2 Scheduled Tribe LPG distributorships which were terminated upto 1986-87.

These cases involve a basic policy issue discussed in the beginning of para 29 above which need to be looked into urgently. The cases which have come to our notice relate to persons belonging to comparatively better off sections amongst the Scheduled Castes and Scheduled Tribes. If persons from economically better background face problems, the condition of those from poorer background can well be imagined. It cannot be denied that some of the

problems are due to the inherent bias and prejudice against the members of the Scheduled Castes and Scheduled Tribes. The working of reservations of the distributive agencies, therefore, requires to be critically reviewed by the Ministry of Petroleum &. Natural Gas so as to ensure fulfilment of the Constitutional obligations not only in form but in spirit.

(4) Ministry of Railways

According to the information furnished by the Ministry in October 1986 catering/vending contracts equated upto ½ unit are exclusively reserved for the Scheduled Castes and Scheduled Tribes. While allotting larger contracts SC/ST persons are given first preference.

(5) Department of Surface Transport(Transport Wing)

There is no provision for reservation in respect of contract carriage permits granted under Section 63(7) of the Motor Vehicles Act, 1939. Insofar as stage carriage permits are concerned reservation for the Scheduled Castes and Scheduled Tribes is regulated in terms of Section 47 (1-A) of the above Act which provides that "the Government of a State shall reserve in that State certain percentage of stage carriage permits for the Scheduled Castes and Scheduled Tribes". According to Sub-Section 1-B of Section 47 of the Act the reservation of permits under Sub-Section 1-A is to be in the same ratio as in the case of appointments made by direct recruitment to public services in the State. As regards the grant of national permits, the quota restrictions on the grant of such permits by the State Governments have been removed and as such reservation in this regard is not considered necessary.

(6) Department of Tourism

A representation was received in March 1986 from a Scheduled Caste person who alleged that he had applied for the allotment of a shop in the ITDC hotel, Agra Ashok, which was nearing completion, but the Corporation had refused his request on the plea that there was no policy of reservation of shops for SC/ST applicants in hotels. The matter was taken up with the Department of Tourism who informed that since the ITDC hotels were operated on commercial lines there was no policy of reservation of shops in these hotels for SC/ST applicants, the number of such shops being very small and these shops being allotted after calling open tenders.

The stand of the ITDC is not in consonance with the general policy of the State in this regard, particularly because in this case they have not adopted any criteria other than competition in an open tender, which is indicative only of the financial strength of a person and nothing else. It is clear that members of the weaker sections like the Scheduled Castes and Scheduled Tribes cannot compete with others particularly in those trades which have larger margins and are highly coveted. The competitiveness in terms of their capacity to invest large amounts

is in no way indicative of their capability to enter business and the competence with which they can handle the same. It is here that the role of the State becomes crucial which must provide such people not only due protection in a situation of unequal competition but also the necessary financial and technical support wherever necessary. This is largely due to the confusion which has been consciously created between innate capabilities and financial strength of a person. There is no reason why the ITDC should claim a special privilege in not accepting the general policy of the State for reservations for SCs and STs. It is suggested that the ITDC should reconsider their entire policy about the location of new opportunities and reservations therein for SCs and STs as per practice in other Government organisations and undertakings.

ANNEXURE I

Statement showing flow of funds to the Special Component Plan in relation to total Plan outlay and expenditure incurred during Sixth Plan(total and year-wise) in various States/UTs

(Rs. in crores)

S.No.	Name of State/ UT	%age of SC population	Total Plan outlay	Flow to SCP	%age of Col.5 to Col.4	Ratio of SCP %age to %age of SC population(Col.6 to Col.3)	Total expenditure on SCP	
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	14.87	3091.85	426.63	13.83	93.00	334.61	(87.4%)
2.	Assam	6.24	1089.41	22.61	2.07	33.17	22.52	(99.60%)
3.	Bihar	14.58	3087.00	262.65	8.51	58.36	190.75	(72.63%)
4.	Gujarat	7.15	3729.60	112.44	3.01	42.09	102.20	(90.89%)
5.	Haryana	19.07	1687.09	147.11	8.71	45.67	121.15	(82.35%)
6.	Himachal Pradesh	24.62	612.75	59.80	9.75	39.60	59.03	(98.71%)
7.	Jammu & Kashmir	8.31	901.32	16.50	1.83	22.02	9.25	(56.06%)
8.	Karnataka	15.07	2471.28	299.13	12.10	80.29	266.20	(88.99%)
9.	Kerala	10.02	1471.00	104.16	7.08	70.66	88.36	(84.83%)
10.	Madhya Pradesh	14.10	3911.05	238.85	6.10	43.26	217.67	(91.13%)
11.	Maharashtra	7.14	6293.34	171.14	2.72	21.30	153.45	(89.66%)
12.	Manipur	1.25	242.87	11.18	4.60	301.96	3.02	(27.01%)
13.	Orissa	14.66	1404.86	114.34	8.13	55.45	128.48	(112.37%)
14.	Punjab	26.87	1530.64	117.35	7.66	28.50	103.71	(88.38%)
15.	Rajasthan	17.04	1841.86	196.83	10.68	62.67	184.94	(93.96%)
16.	Sikkim	5.78	102.39	1.86	1.82	31.48	0.30	(16.13%)
17.	Tamil Nadu	18.35	3431.84	451.09	13.14	71.60	264.27	(58.58%)
18.	Tripura	15.12	230.44	23.53	10.21	67.52	22.79	(96.86%)
19.	Uttar Pradesh	21.16	5981.00	538.93	9.01	42.58	488.81	(90.70%)
20.	West Bengal	21.99	2642.51	204.97	7.76	35.29	121.10	(59.08%)
21.	Chandigarh	14.09	96.04	4.69	4.88	34.63	4.14	(88.27%)
22.	Delhi	18.03	1023.38	66.40	6.48	35.94	78.30	(117.92%)
23.	Goa,Daman & Diu	2.16	180.68	8.23	4.55	210.64	0.95	(11.54%)
24.	Pondicherry	15.99	95.79	14.24	14.86	92.93	12.90	(90.59%)
	Total		47149.99	3614.66	7.67		2978.90	(82.41%)

ANNEXURE II

Statement showing State-wise flow of funds to the SCP in relation to total Plan outlay during the Seventh Plan and flow of funds to SCP and expenditure incurred during 1985-86 and 1986-87

(Rs. in crores)

S.No.	Name of State/UT	Percentage of SC popu-	Seventh Plan 1985-90			
			Total Plan outlay	Flow to SCP	%age of Col.5 to Col.4	Ratio of SCP %age to %age of SC population (Col.6 to Col.3)
1	2	3	4	5	6	7
1.	Andhra Pradesh	14.87	5200.00	800.41	16.16	108.67
2.	Assam	6.24	2100.00	66.92	3.19	49.69
3.	Bihar	14.58	5100.00	330.56	6.48	44.66
4.	Gujarat	7.15	6000.00	178.09	2.97	41.54
5.	Haryana	19.07	2900.00	179.29	6.18	32.41
6.	Himachal Pradesh	24.62	1050.00	115.50	11.00	44.68
7.	Jammu & Kashmir	8.31	1400.00	47.84	3.42	41.16
8.	Karnataka	15.07	3500.00	452.86	12.94	85.87
9.	Kerala	10.02	2100.00	210.19	10.01	99.90
10.	Madhya Pradesh	14.10	7000.00	414.88	5.93	42.06
11.	Maharashtra	7.14	10500.00	247.89	2.36	18.48
12.	Manipur	1.25	430.00	6.45	1.50	98.03
13.	Orissa	14.66	2700.00	201.42	7.46	50.88
14.	Punjab	26.87	3285.00	181.44	5.52	20.54
15.	Rajasthan	17.04	3000.00	377.00	12.57	73.77
16.	Sikkim	5.78	230.00	2.37	1.03	17.82
17.	Tamil Nadu	18.35	5750.00	686.25	11.93	65.01
18.	Tripura	15.12	440.00	42.54	9.67	63.96
19.	Uttar Pradesh	21.16	10447.00	1075.00	10.29	48.63
20.	West Bengal	21.99	4125.00	438.81	10.64	48.39
21.	Chandigarh	14.09	203.10	8.90	4.38	31.09
22.	Delhi	18.03	2000.00	110.42	5.52	30.62
23.	Goa, Daman & Diu	2.16	360.00	3.43	0.95	43.98
24.	Pondicherry	15.99	170.00	27.21	16.01	100.13
	Total		79990.10	6205.67	7.76	

(contd.)

(Rs. in crores)

	1985-86				
S.No.	Total Plan outlay	Flow to SCP	%age of Col.9 to Col.8	Expenditure on SCP	Ratio of SCP %age to %age of SC population(Col.10 to Col.3)
1	8	9	10	11	12
1.	1044.00	120.64	11.55	109.43 (90.71)	77.67
2.	198.97	10.44	5.25	10.91 (104.50)	84.13
3.	851.00	67.27	7.90	54.28 (80.69)	54.45
4.	804.37	25.87	3.22	24.93 (96.37)	45.03
5.	480.00	30.33	6.32	26.16 (86.25)	33.14
6.	177.00	19.49	11.01	16.42 (84.25)	44.72
7.	260.00	9.56	3.68	9.56 (100.00)	44.28
8.	650.56	76.22	11.72	67.17 (88.13)	77.77
9.	366.42	29.58	8.07	29.58 (100.00)	80.54
10.	1105.54	63.32	5.73	64.85 (102.42)	40.64
11.	275.58	42.87	15.56	63.55 (148.24)	121.84
12.	70.08	1.42	2.03	0.87 (61.27)	132.68
13.	201.62	36.51	18.11	36.01 (98.63)	123.53
14.	506.39	21.87	4.32	18.24 (83.40)	16.07
15.	430.00	52.00	12.09	43.83 (84.29)	70.95
16.	41.00	0.39	0.95	0.19 (48.72)	16.44
17.	960.00	126.16	13.14	113.73 (90.15)	71.60
18.	54.12	7.55	13.95	6.86 (90.86)	92.26
19.	1750.00	172.67	9.86	175.82 (101.82)	46.60
20.	348.24	65.42	18.79	61.38 (93.82)	85.45
21.	6.65	2.35	35.34	1.57 (66.81)	250.82
22.	335.00	13.09	3.91	18.02 (137.66)	21.69
23.	64.00	0.81	1.27	0.63 (77.78)	58.80
24.	33.00	5.20	15.77	4.76 (91.54)	98.62
	11013.54	1001.03	9.09	958.75 (95.79)	

*Figures in brackets indicate percentage of Col.11 to Col.9.

(contd.)

(Rs. in crores)

1986-87

S.No.	Total Plan outlay	Flow to SCP	%age of Col.14 to Col.13	Expenditure on SCP**	Ratio of SCP %age to %age of SC population (Col.15 to Col.3)
1	13	14	15	16	17
1.	1210.00	154.50	13.73	135.00 (87.49)	92.33
2.	353.42	13.95	3.90	13.95 (100.00)	62.50
3.	1150.00	103.59	9.01	76.01 (72.38)	62.09
4.	950.00	29.83	3.14	28.96 (97.08)	43.92
5.	523.00	32.33	6.18	35.30 (109.19)	32.40
6.	205.00	22.56	11.00	22.56 (100.00)	44.68
7.	328.78	10.90	3.32	10.90 (100.00)	39.95
8.	750.00	104.13	13.90	87.89 (84.40)	92.23
9.	390.00	35.81	9.20	35.01 (97.77)	91.81
10.	1240.58	76.66	6.20	74.65 (97.38)	43.97
11.	394.18	37.38	9.48	71.04 (109.05)	74.24
12.	61.19	1.08	1.76	1.08 (100.00)	115.03
13.	368.79	47.07	12.80	44.92 (95.43)	87.31
14.	575.00	24.76	4.30	28.59 (115.47)	16.00
15.	525.00	69.28	13.20	37.60 (54.27)	77.46
16.	3.74	0.41	11.20	0.16 (39.02)	193.77
17.	1199.82	128.04	11.00	140.07 (109.40)	59.94
18.	105.00	10.71	10.20	10.45 (97.57)	67.46
19.	2150.00	199.44	9.20	196.40 (98.48)	43.48
20.	750.00	71.91	9.59	71.14 (98.93)	43.61
21.	6.57	1.83	27.90	1.88 (102.73)	198.03
22.	400.00	18.50	4.62	20.90 (112.97)	25.62
23.	56.74	0.62	1.09	0.71 (114.52)	50.46
24.	39.00	6.24	16.00	5.58 (89.42)	100.06
	13735.81	1201.53	8.75	1150.75 (95.79)	

**Figures in brackets indicate percentage of Col.16 to Col.14.

ANNEXURE III

Statement showing the Special Central Assistance released and utilised during the Sixth Plan period and allocations made during the Seventh Plan, 1985-86 and 1986-87 in various States/UTs

(Rs. in lakhs)

S.No.	State/UT	Released during VI Plan	Utilised during VI Plan	%age of Col.4 to Col.3	Tentative allocations for VII (1985-90)
1	2	3	4	5	6
1.	Andhra Pradesh	4842.35	4734.00	97.76	6645.78
2.	Assam	575.82	575.91	100.02	1071.36
3.	Bihar	5659.11	2927.14	51.72	9314.38
4.	Gujarat	1251.24	1251.24	100.00	1943.70
5.	Haryana	1237.95	1237.24	99.94	1906.50
6.	Himachal Pradesh	616.39	616.39	100.00	876.06
7.	Jammu & Kashmir	127.13	89.30	70.24	414.78
8.	Karnataka	3554.60	3537.30	99.51	4687.20
9.	Kerala	1395.39	1395.39	100.00	2125.98
10.	Madhya Pradesh	3824.85	3462.68	90.53	6483.96
11.	Maharashtra	3562.53	3348.58	93.99	6673.68
12.	Manipur	13.46	13.46	100.00	18.60
13.	Orissa	2487.93	2487.93	100.00	3364.64
14.	Punjab	2425.85	2312.02	95.31	3388.92
15.	Rajasthan	3263.41	2410.98	73.88	5061.06
16.	Sikkim	6.74	4.26	63.20	16.74
17.	Tamil Nadu	4900.65	4848.00	98.93	7477.20
18.	Tripura	147.58	133.57	90.51	260.40
19.	Uttar Pradesh	14055.23	14055.23	100.00	20517.66
20.	West Bengal	5629.74	5502.61	97.24	9768.72
21.	Chandigarh	10.83	6.23	57.53	48.36
22.	Delhi	351.70	351.05	99.82	842.58
23.	Goa, Daman & Diu	5.34	2.76	51.69	16.74
24.	Pondicherry	54.28	9.41	17.34	74.40
	Total	60000.10	55312.68	92.19	92999.40

(Contd.)

(Rs. in lakhs)

S.No.	1985-86			1986-87		
	Released	Utilised	%age of Col.8 to Col.7	Released	Utilised	%age of Col.11 to Col.10
1	7	8	9	10	11	12
1.	1444.42	NA	-	1340.42	NA	-
2.	183.89	NA	-	160.55	NA	-
3.	1787.86	NA	-	1611.10	NA	-
4.	319.35	313.09	98.04	346.75	325.94	93.99
5.	345.10	344.80	99.91	297.55	295.05	99.16
6.	177.54	178.26	100.41	155.63	103.00	68.18
7.	79.29	45.99	57.88	58.37	30.69	52.58
8.	902.89	902.89	100.00	1215.81	NA	-
9.	347.97	350.19	100.64	342.31	404.02	118.03
10.	1110.54	955.72	86.06	1179.30	161.68	13.71
11.	862.21	1090.26	126.45	1139.49	1348.52	118.34
12.	2.72	3.30	121.32	4.89	4.89	100.00
13.	645.08	643.08	99.69	661.30	661.30	100.00
14.	588.48	523.15	88.90	509.05	490.10	96.28
15.	1098.49	NA	-	1342.26	1863.00	138.79
16.	3.78	3.26	86.24	4.02	4.00	99.50
17.	1338.98	NA	-	1344.26	700.00	52.07
18.	40.01	48.42	121.02	43.67	47.10	107.88
19.	3334.15	3334.15	100.00	3720.36	3720.36	100.00
20.	1839.58	NA	-	1883.62	NA	-
21.	6.18	1.60	25.89	38.43	1.02	2.65
22.	121.61	79.75	65.58	81.02	81.02	100.00
23.	5.69	1.48	26.01	5.18	0.56	10.81
24.	14.19	14.19	100.00	14.60	14.60	100.00
	16600.00			17499.94		

ANNEXURE IV

Progress of Urban Sewerage Programme being implemented by the Ministry of Urban Development during 1985-86 and 1986-87

(Rs. in lakhs)

S.No.	State/UT	Plan provision			Number of towns proposed to be covered with sewerage		
		VII Plan	1985-86	1986-87	VII Plan	1985-86	1986-87
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	500.00	-	-	2 *	NA	NA
2.	Bihar	830.00	125.00	202.00	1	NA	NA
3.	Haryana	1930.00	90.00	90.00	10	1	NA
4.	Jammu & Kashmir	905.00	120.00	141.00	2	2	2
5.	Karnataka	1000.00	143.50	118.00	13	3	3
6.	Kerala	500.00	250.00	65.00	5	2*	3*
7.	Maharashtra (M.C.G.B.)**	10503.72	1063.83 3374.67	1697.49 6054.52	31	12 All areas of Greater Bombay	5
8.	Punjab	1515.00	247.00	330.00	28	8	8
9.	Tamil Nadu (Mun.Corpn.)	3660.00	511.00	588.64	-1	NA	NA
10.	West Bengal (C.M.D.A.)+	764.11	107.86	110.55	1	NA	NA
11.	Andaman & Nicobar Islands	4.0	1.0	1.0	1	NA	NA
12.	Dadra & Nagar Haveli	5.0	0.75	0.25	1	Nil	NA
13.	Goa, Daman & Diu	420.00	46.00	75.00	2	-	1
	Total	22536.83	6080.61	9473.45	98	28	22

* partially covered

**Municipal Corporation of Greater Bombay

+ Calcutta Metropolitan Development Authority

(Contd.)

S.No.	Number of dry latrines to be converted and connected to sewerage			Number of new latrines to be constructed and connected to sewerage		
	VII Plan	1985-86	1986-87	VII Plan	1985-86	1986-87
1	9	10	11	12	13	14
1.	NA	NA	NA	NA	NA	NA
2.	4000	NA	1000	Details being worked out		
3.	20000	1000	NA	5000	200	NA
4.	NA	NA	NA	NA	NA	NA
5.	NA	NA	NA	Not applicable		
6.	NA	NA	NA	NA	NA	NA
7.	679200	144672	25730	257674	41358	22584
		228	80		531	565
8.	No target fixed	700	1100	No target fixed	-	-
9.	NA	NA	NA	NA	NA	NA
10.	7277	1027	1053	NA	NA	NA
11.	NA	NA	NA	NA	NA	NA
12.	NA	NA	NA	NA	NA	NA
13.	25000	2000	2500	5000	1000	500
	735477	149627	31463	267674	43089	23649

ANNEXURE V

Progress of Urban Low Cost Sanitation Programme being implemented by the Ministry of Urban Development during 1985-86 and 1986-87

S.No.	State/UT	Plan provision (Rs. in lakhs)			Number of towns proposed to be covered with sewerage		
		VII Plan	1985-86	1986-87	VII Plan	1985-86	1986-87
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	3266.02	500.00	550.00	82	28	21
2.	Assam	150.00	81.00	45.00	26	26	26
3.	Bihar	2000.00	282.00	400.00	144	32	40
4.	Haryana	150.00	10.00	10.00	10*	8*	10*
5.	Jammu & Kashmir	80.00	1.00	11.00	6	6	6
6.	Karnataka	200.00	-	-	6	-	-
7.	Kerala	370.00	65.00	44.00	10	10	10
8.	Maharashtra (M.C.G.B.)	530.00	110.00	113.00	144	30	31
9.	Manipur	350.00	5.00	10.00	20	-	-
10.	Meghalaya	200.00	20.50	15.00	3*	3*	3*
11.	Nagaland	50.00	10.00	10.00	7*	7*	7*
12.	Punjab	87.00	24.97	25.00	6	6	6
13.	Rajasthan	400.00	20.00	20.00	196	-	-
14.	Uttar Pradesh	32.00	275.00	500.00	300	160	185
15.	West Bengal	1800.00	150.00	190.00	25	3	5
	(C.M.D.A.)	894.42	75.25	133.27	37	159	-
16.	Andaman & Nicobar Islands	25.00	5.00	5.00	1	1	1
17.	Dadra & Nagar Haveli	5.00	-	0.50	1	-	-
18.	Goa, Daman & Diu	30.00	10.00	5.00	2	-	1
19.	Mizoram	-	10.00	8.50	-	3	3
20.	Pondicherry	10.00	0.53	1.00	4	-	-
	Total	13797.44	1654.75	2096.27	1030	474	355

* partial coverage

(Contd.)

S.No.	Number of dry latrines to be converted and connected to sewerage			Number of new latrines to be constructed and connected to sewerage		
	VII Plan	1985-86	1986-87	VII Plan	1985-86	1986-87
1	9	10	11	12	13	14
1.	2,77,780	75867	68548	120700	NA	NA
2.	4,000	2000	1000	3000	1620	900
3.	1,70,941	24102	34102	300	50	100
4.	15,00,000	1233	1481	NA	NA	NA
5.	2,400	30	330	1500	20	220
6.	1,530	NA	NA	1874	NA	NA
7.	NA	NA	NA	NA	NA	NA
8.	72,000	15000	15500	NA	494	525
9.	NA	NA	NA	17500	NA	500
10.	5,000	400	375	5000	400	375
11.	NA	NA	NA	1000	200	200
12.	10,000	2850	2850	NA	NA	NA
13.	1,00,000	20000	25000	NA	NA	NA
14.	1,00,000	34000	45000	5000	500	1000
15.	80,000 17,360	8000 1867	9000 3486	40000	2000	4000
16.	5,000	500	1000	NA	NA	NA
17.	NA	NA	NA	250	NA	25
18.	209	NA	75	1189	NA	400
19.	NA	400	400	NA	333	283
20.	666	45	66	NA	NA	NA
	23,46,886	186294	208213	197313	5617	8528

ANNEXURE VI

Names of the towns taken up under the Centrally Sponsored Scheme of liberation of scavengers by the Ministry of Welfare from 1980-81 to 1986-87

S.No.	State	Town/municipality	Year of selection
1	2	3	4
1.	Andhra Pradesh	1. Warangal	1981-82
		2. Eluru	
		3. Rajamundry	1984-85
		4. Siddipet	
		5. Kurnool	
		6. Hyderabad	1985-86
		7. Yeminganaur	1986-87
		8. Jagtial	
2.	Assam	9. Nalbari	1981-82
		10. Mangaldoi	
		11. Karimganj	1984-84
		12. Hailakandi	
3.	Bihar	13. Biharsharif	1980-81
		14. Purnea	
		15. Madhubani	1981-82
		16. Daltonganj	
		17. Chaibasa	
		18. Bhagalpur	1982-83
		19. Gaya	
		20. Chhapra	
		21. Muzaffarpur	1983-84
		22. Hazaribag	
		23. Motihari	1985-86
		24. Bettiah	
		25. Arrah	
		26. Darbhanga	1986-87
		27. Sitamarhi	
		28. Katihar	
4.	Haryana	29. Hodal	1982-83
		30. Gharaunda	
		31. Bawaj	1984-85
		32. Bawanikhera	
5.	Himachal Pradesh	33. Shimla	1983-84
		34. Mandi	
		35. Nahan	1984-85
		36. Chamba	
		37. Sundarnagar	1986-87
		38. Kullu	
		39. Dharmasala	

1	2	3	4
6.	Jammu & Kashmir	40. Jammu 41. Udhampur 42. Srinagar	1985-86
7.	Karnataka	43. Basavakalyan 44. Nanjangud 45. Kushalnagar 46. Tiptur	1983-84
8.	Kerala	47. Calicut 48. Cochin 49. Palghat	1981-82
9.	Madhya Pradesh	50. Raipur 51. Shajapur 52. Bilaspur	1981-82
		53. Durg 54. Satna 55. Jabalpur	1983-84
		56. Datia 57. Burhanpur 58. Khandwa	1984-85
		59. Katni 60. Sehore	1985-86
		61. Rewa 62. Ujjain 63. Gwalior	1986-87
10.	Maharashtra	64. Khamgaon 65. Udgir	1981-82
		66. Malkapur 67. Kamptee	1983-84
		68. Nasik	1985-86
		69. Wardha 70. Kolhapur	1986-87
11.	Orissa	71. Bhubaneshwar 72. Cuttack 73. Bhadrak 74. Jarsuguda	1982-83 1983-84 1985-86
		75. Puri 76. Khurda 77. Talchar	1986-87
12.	Rajasthan	78. Bhilwara 79. Makrana	1981-82
		80. Bharatpur	1982-83
		81. Nagaur 82. Pali 83. Sirohi	1984-85

1	2	3	4
		84. Hanumangarh 85. Chittorgarh 86. Sikar	1985-86
		87. Tonk 88. Behror	1986-87
13.	Tamil Nadu	89. Udumalpet	1981-82
		90. Ambattur 91. Nagarcoil 92. Villupuram	1984-85
		93. Tiruchendur 94. Tirukkalukundram 95. Veerapanchatram	1985-86
14.	Tripura	96. Agartala (Phase I)	1981-82
		97. Agartala (Phase II)	1983-84
		98. Dharamnagar 99. Udaipur	1984-85
15.	Uttar Pradesh	100. Barabanki 101 Badaun	1981-82 1985-86
		102. Sitapur 103. Jalaun 104. Mirganj	1986-87
16.	West Bengal	105. Sonamukhi 106. Murshidabad	1982-83
		107. Shantipur 108. Ghatal 109. Bolpur	1983-84
		110. Rampurhat 111. Mekliganj 112. Alipurduar	1985-86
		113. Burdwan 114. Asansole 115. Taki 116. Mathbhanga	1986-87

CHAPTER VI

TRIBAL DEVELOPMENT

Strategy for Tribal Development

The population of the Scheduled Tribes as per 1981 Census was about 5.38 crores (including the projected figures in respect of Assam) constituting about 7.8% of the total population. Tribal development has from the beginning been based on a two-pronged policy, viz., (i) protection and promotion of their interests through legal-administrative support and (ii) implementation of developmental schemes to raise their level of living. The Tribal Sub-Plan (TSP) concept evolved and implemented during the Fifth Five Year Plan period continues to be the main instrument for development of tribal people and tribal areas. The TSP is in operation in 17 States and 2 Union Territories, viz., Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, A & N Islands and Goa, Daman & Diu. It covers 26 districts fully and 97 districts partly in the country. The TSP does not cover tribal majority States and Union Territories of Meghalaya, Mizoram, Nagaland, Arunachal Pradesh, Dadra & Nagar Haveli and Lakshadweep as their respective Plans are primarily meant for the majority tribal population. The TSP approach consists of three main components, viz., (a) Integrated Tribal Development Projects (ITDPs) comprising generally administrative units like Sub-Divisions/Tahsils/Talukas with 50% or more Scheduled Tribe population, (b) 284 pockets of tribal concentration (MADA pockets) having a total population of 10,000 or more and a Scheduled Tribe population of 50% or more and (c) 73 Primitive Tribal Group Projects. In addition, during the Seventh Five Year Plan period clusters having a total population of 5,000 and 50% or more Scheduled Tribe concentration therein are being identified. Till 1986-87, 47 clusters covering a total tribal population of 1.76 lakhs were in operation in Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa and Rajasthan.

SIXTH FIVE YEAR PLAN

Financial investment in Tribal Sub-Plan areas

2. While continuing the Sub-Plan approach towards tribal development the Sixth Plan attached primary importance to poverty alleviation among the Scheduled Tribes with a view to assisting economically at least 50% of tribal families below the poverty line to enable them to cross that line. This effort was to be supplemented with adequate inputs by providing infrastructure, elimination of exploitation and spread of education. During the Sixth Plan the major objectives in tribal development were:

(i) taking up family oriented beneficiary programmes through raising productivity levels of the beneficiary families in the fields of agriculture, horticulture, animal husbandry, small industries, etc.;

(ii) elimination of exploitation of tribals in the spheres of alienation of land, moneylending, debt-bondage, forest, etc.;

(iii) human resources development through education and training programmes; and

(iv) infrastructure development.

During the Sixth Plan period about 75% of the Scheduled Tribe population in the above mentioned 19 States/UTs was covered under the TSP.

3. The table below shows the increase in investments in the tribal areas from the First Plan to the Sixth Plan:

Table 1

(Rs. in crores)

Plan	Total Plan outlay	Tribal development programmes	Percentage
First Plan*	1960	19.93	1.0
Second Plan*	4672	42.92	0.9
Third Plan*	8577	50.53	0.6
Annual Plans*(1966-69)	6756	32.32	0.6
Fourth Plan	15902	75.00	0.5
Fifth Plan 1974-79	39322	1102.00	3.01
1979-80	12601	454.11	3.6
Sixth Plan 1980-85	110821	5468.46+	4.93

* Expenditure

+ Includes institutional finance (Rs.800 crores).

The TSP continued being funded through resources drawn from:

(i) State Plans,

(ii) Special Central Assistance of the Ministry of Home Affairs (now Ministry of Welfare),

(iii) Central and Centrally Sponsored Programmes, and

(iv) Institutional Finance.

Flow from State Plans to TSP

4. The State Plan investment includes amounts proposed under various sectors of activity of the State Government and also includes amounts earmarked towards the State's share of the Centrally Sponsored Schemes. According to the guidelines for quantification of funds for the TSP the total financial outlay in a State Plan is to be divided into divisible and non-divisible components. The non-divisible components would represent investments where the benefits cannot be identified to have flown to any specific area or region or any target group. During the Sixth Plan the State Governments were advised that they should earmark an amount of outlay for the TSP keeping in view: (i) proportion of the TSP area in the total geographical area of the State, (ii) relative level of development of tribal areas vis-a-vis other areas in the State and (iii) percentage which the tribal population in the State bears to the total population. The State Plan outlay, the flow to the TSP, the percentage of the latter to the former and the expenditure incurred during the Sixth Plan have been given in Annexure I. The flow to the TSP for the country as a whole was 8.25% of the total State Plans (Rs.3495.24 crores out of Rs.42390.60 crores). In some States the flow to the TSP in the divisible sectors is shown to be higher than the percentage of the Scheduled Tribe population in those States but the correct way would be to compare it with the proportion of the Scheduled Tribe population in the population of the TSP area. Moreover, the quantification of funds under the TSP continues to be notional in quite a few cases and schemes that cannot be legitimately shown as flow to the TSP are actually shown as such. The detailed planning and exercise that are necessary on the part of each developmental Department to quantify the flow to the TSP realistically are seldom undertaken. The actual flow from the State Plans to the TSP during the Sixth Plan for the country as a whole according to the Budget Brief for 1988-89 prepared by the Tribal Development Division of the Ministry of Welfare during the latter half of 1987 came to Rs.3387.89 crores. But as will be seen from Appendix I there are discrepancies in the Statewise expenditure figures included in the said Budget Brief and those arrived at by totalling the actual expenditure figures for the first four years of the Plan period from the 1985-86 TSP documents and the actual expenditure figures for 1984-85 from the 1986-87 TSP documents of the respective States. According to these State TSP documents the actual flow to the TSP for the country as a whole came to Rs.3219.84 crores.

5. To ensure that the different developmental Departments make specific provisions under the TSP which cannot be reappropriated to other sectors or programmes the State Governments/U.T.Administrations were required to provide a separate Demand No. for the TSP/SCA in their budgets. The position regarding creation of a separate Demand for TSP allocations obtaining in the different States/UTs has been given in Annexure II.

6. The various sectors in the TSP may be grouped in the following four broad categories:

(A) Family beneficiary oriented sectors like agriculture, horticulture, minor irrigation, veterinary and animal husbandry, fisheries, cooperatives, cottage industries and sericulture;

(B) Infrastructure sectors like large and medium industry, irrigation and power, mining and roads;

(C) Social service sectors like drinking water, education, health, labour, etc.;

(D) Other sectors.

The comparative investment in each of these categories or groups of sectors during the Sixth Plan in the different States/UTs is indicated in Annexure III. For the country as a whole the investment in category A was only 16.69% while that on infrastructure sectors 39.44% and on social service sectors 21.96%. Though the sectors in categories B, C and D may also contribute to the economic betterment of tribal families indirectly and in the long run, it is desirable that in order to achieve the main objective of the TSP there should be comparatively a larger investment in family beneficiary oriented schemes.

Special Central Assistance

7. The Special Central Assistance (SCA) was instituted in the beginning of the Fifth Plan period. The purpose of the SCA was that it should be an additive and a catalyst for spurring financial investment by the State Governments and financial institutions. The Ministry of Home Affairs increased the SCA from Rs.190 crores in the Fifth Plan period to Rs.486.11 crores in the Sixth Plan period. The expenditure under the SCA is reported to have been Rs.441.51 crores. The amount of the SCA released to and spent by the State Governments/UT Administrations during the Sixth Plan has been shown in Annexure IV alongwith the yearwise break-up. This statement is the latest as on 15-5-87. According to an earlier statement which showed anticipated expenditure during the Sixth Plan and which has been given at Annexure V the comparative picture of investment in the four categories of sectors indicated that the investment on family beneficiary oriented schemes was 43.3%, that on infrastructure sectors 4.21% and on social service sectors 31.39%. But Maharashtra spent only 8.64% on family beneficiary oriented schemes.

A review of the Sixth Plan expenditure under the TSP in the States having Scheduled Areas with special reference to the principle of supplementation

8. A preliminary check of the Sub-Plan outlays including the Special Central Assistance (SCA) and expenditure of the States having Scheduled Areas which account for about 78% of the tribal population of the country was undertaken. The SCA is given to the States to supplement their efforts

and the eligibility for claim arises only when the total expenditure in the year rises above the level of the flow from the State Plan and is limited to the extent to which the actual expenditure is in excess of the outlay from the State Plan, subject to the ceilings indicated by the Union Government. Moreover, the eligibility is also to be determined with reference to the actual performance in each sector for which the Government of India agree to allow supplementation from the SCA. For example, if the shortfall is in Education and the excess expenditure is in Power sector, the overall expenditure in a State Plan may reach the stipulated level but the eligibility to the SCA will be related to the performance in Education sector and in the case of shortfall the SCA is deemed to remain unutilised. The position in respect of each of the States having Scheduled Areas is discussed in the succeeding paragraphs.

Andhra Pradesh

9. The original State Plan outlay (all sectors) was Rs.3100 crores and the flow to the TSP Rs.139.46 crores (4.5% of the State Plan outlay). The flow to the TSP during the Sixth Plan according to the Draft Seventh Plan and Annual Plan 1985-86 is Rs.106.01 crores. This flow including Rs.4.6 crores on Administration is exclusive of the outlay on Rural Development. The sectorwise break-up of the outlay and expenditure available for the TSP (State Plan) is as follows:

Table 2

	Sector		Outlay		Exp.
			(Rs. in crores)		
(1)	Agriculture & Allied Services		13.86		9.79
(2)	Cooperation		0.23		0.22
(3)	Irrigation(Medium Projects) & Power		41.37		32.90
(4)	Industries		2.25		2.48
(5)	Roads & Bridges		6.64		4.25
(6)	Social & Community Services				
	(a) Education	4.30		3.73	
	(b) Medical & Health	2.65		1.87	
	(c) Nutrition	2.92	37.07	2.57	39.11
	(d) Others	27.20		30.94	
(7)	Rural Development		NA		10.24
	Total		101.42		98.99

The reduction in the TSP outlay itself is unauthorised. But even within the reduced outlay there are significant shortfalls in all the crucial sectors, viz., Agriculture and Allied Services, Education, Medical and Health and Nutrition. But the entire SCA is reported to have been spent which essentially means supplanting the State Plan programmes by the SCA even in these crucial sectors.

10. The total TSP expenditure during the Sixth Plan comes to Rs.123.29 crores (Rs.98.99 crores under the State Plan and Rs.24.30 crores under the SCA). Since the total TSP expenditure falls short of the State Plan TSP outlay, the State is not eligible for any SCA released during the Sixth Plan and the entire amount of Rs.22.50 crores can be deemed to have remained unspent with them at the end of that Plan.

Bihar

11. The TSP outlay (State Plan) for the Sixth Plan was Rs.625.26 crores which was subsequently increased to Rs.639.34 crores. The State has not so far introduced a separate demand for the TSP in the budget as has been done in many other States. Consequently, the linkages between the provisions in the TSP and the budget and also between allocation and expenditure are rather difficult to find.

12. The scrutiny of outlays and expenditure in the TSP as given in various Plan documents including the Sixth Plan, Annual Plans of that period, Draft Seventh Five Year Plan and Annual Plan for 1986-87 (the first year of the Seventh Plan) shows that they are quite inconsistent. These figures even in the same document may be different at different places. For example, the position shown in the summary and the details in concerned sectoral discussions sometimes significantly vary. There are a number of omissions as well. For details the two statements of Annexure VI may be seen. Even if the most favourable figures presented anywhere in any of the documents with regard to any of the sectoral activities are taken, the total expenditure in the TSP areas of the State amounts to Rs.599.65 crores only which includes an expenditure of Rs.56.27 crores relatable to the SCA. It may be mentioned that while arriving at the State Plan expenditure figures the entire outlay is presumed to have been spent in those cases where expenditure figures have not been shown.

13. The review of sectorwise outlay and expenditure during the Sixth Plan brings out the following picture:

Table 3

		Outlay		Expenditure
		(Rs. in crores)		
(1) Agriculture & Allied Services		63.28		58.80
(2) Rural Development		24.47		30.90
(3) Cooperation		15.21		13.72
(4) Water and Power Development				
(a) Major and Medium Irrigation	197.12		148.99	
(b) Minor Irrigation	66.62	335.97	62.22	255.42
(c) Power	72.23		44.21	

		Outlay		Expenditure
		(Rs. in cores)		
(5) Industries and Minerals				
(a) Village and Small Industry	10.11		10.11	
(b) Large and Medium Industries and Mineral Development	10.59	20.70	9.93	20.04
(6) Transport and Communication				
(a) Rural Roads	26.65		28.64	
(b) Urban Roads, Road Transport, Civil Aviation	6.44	33.09	5.25	33.89
(7) Social and Community Services				
(a) Education	40.10		38.13	
(b) Rural Water Supply	22.50	123.87	22.31	109.77
(c) Health	18.06		13.81	
(d) Others	43.21		35.52	
(8) Miscellaneous		4.68		5.48
Total		621.27		528.02

It may be mentioned that the sectorwise break-up of the State Plan outlay is available for Rs.621.27 crores only while the actual outlay was Rs.639.34 crores. Accordingly on pro rata basis the expenditure against the outlay of Rs.639.34 crores can be taken to be Rs.543.38 crores.

14. It is noteworthy that the TSP (State Plan) included large outlays on Major and Medium Irrigation (Rs.197.12 crores) and on Power (Rs.72.23 crores) which together constituted 42.13% of the State Plan outlay. These outlays do not have much relevance for tribal development since they give rise to the phenomenon of backlash of development. Even the outlays on major industries and mining activities (outlay Rs.10.59 crores) are not unmixed blessings. Besides the large outlays in these sectors the TSP also included many items like Civil Aviation and Police Housing which have nothing to do with tribal development.

15. It is regretted that there are shortfalls in almost all sectors vital for tribal development, viz., Agriculture and Allied Services, Cooperation, Minor Irrigation, Education and Health. The shortfall on Health is particularly large. The only exception is Rural Development (NREP and IRDP). But in view of the fact that the quantification is notional, these figures may also not mean much.

16. In sum, the total expenditure on the TSP (State Plan + SCA) fell short of the total outlay by an amount of Rs.109.04 crores inclusive of a shortfall of Rs.13.08 crores ostensibly relatable to the SCA. Accordingly the eligibility of the State to the SCA is nil. However, if a more liberal interpretation is made and the shorfall on Major Irrigation (Rs.48.13 crores) and Power(Rs.28.02 crores), the two non-essential items, is discounted, the overall shortfall on other items will be Rs.19.81 crores.

Accordingly the eligibility of the State to the SCA will be Rs.36.46 crores which means that Rs.32.89 crores may be deemed to have remained unspent with the State out of the SCA released during the Sixth Plan.

Gujarat

17. The original State Plan (Sixth Plan) was of the order of Rs.3760 crores with flow to the TSP to the tune of Rs.484.40 crores. But subsequently the size of the State Plan was reduced to Rs.3680 crores and that of the TSP to Rs.456 crores. This reduction was disproportionate. On pro rata basis the flow from the State Plan to the TSP could have been reduced at most to Rs.474.09 crores and not Rs.456 crores. The total expenditure on the TSP including Rs.40.81 crores under the SCA comes to Rs.446.62 crores. The shortfall in expenditure compared to the original TSP outlay (State Plan) is thus Rs.37.78 crores and even if pro rata reduction is conceded, the shortfall is Rs.27.47 crores.

18. A review of sectorwise allocation and expenditure shows that certain sectors of little relevance to tribal development have been allocated large outlays. For example, Water Development (Rs.91.28 crores), Power Development (Rs.35.61 crores) and Large and Medium Industries and Mining and Metallurgical Industries (Rs.5.23 crores) together accounted for Rs.132.12 crores or 27.3% of the total State Plan outlay. This only served the purpose of inflating the TSP outlay. The TSP outlay exclusive of these sectors is just Rs.352.28 crores (9.6% of the State Plan outlay instead of 13.2% as shown in the TSP documents).

19. The outlay and expenditure in sectors of special relevance for tribal welfare are as follows:

Table 4	Outlay (Rs. in crores)	Exp.
Agriculture & Allied Services	70.62	69.70
Cooperation	8.57	16.44
Rural Development	37.95	21.75
Education	26.85	12.60
Medical & Public Health	16.00	13.05
Nutrition	9.90	6.85

There are shortfalls in all these sectors except in Cooperation. It is particularly shocking that the expenditure in a vital sector like Education was only 46.9% of the outlay. The irony is that the entire SCA, which is largely allocated for supplementing the State's effort in these activities, is reported to have been spent. The only conclusion is that the assistance has been used for supplanting the State's own effort in these crucial sectors rather than augmenting the same.

20. In sum, the State is not eligible for any SCA during the Sixth Plan and the entire amount of Rs.40.81 crores of the SCA released to the State Government can be treated to have remained unspent with them at the end of that Plan period.

Himachal Pradesh

The flow to the TSP during the Sixth Plan was Rs.47.47 crores out of the State Plan outlay of Rs.560 crores. This worked out to 8.48% of the State Plan outlay. The total expenditure under the TSP during the Sixth Plan was reported to be Rs.63.17 crores (Rs.55.29 crores under the State Plan and Rs.7.88 crores under the SCA). However, the State Plan expenditure includes an excess expenditure of Rs.1.30 crores on Power which is not really relevant for tribal development. However, even after discounting this excess the net TSP expenditure is Rs.61.87 crores which is significantly higher than the original TSP outlay.

22. A review of sectorwise allocation and expenditure shows that a large outlay of Rs.10.26 crores (21.6% of the State Plan outlay) was set apart for Power. If this amount is deleted the TSP outlay would constitute only 6.6% instead of 8.5% of the State Plan. The position with regard to sectors specially relevant for tribal development is as follows:

Table 5

	Outlay	Exp.
	(Rs. in crores)	
Agriculture & Allied Services	6.46	7.29
Rural Development & Special Area Programme	2.91	4.98
Cooperation	0.81	0.75
Minor Irrigation	2.10	4.55
Education	1.53	2.20
Technical Education	0.10	0.05
Health	1.04	1.26

It is heartening to note that the expenditure on most of these items was more than the outlay. There is a marginal shortfall in Cooperation. Special mention may, however, be made of Technical Education for which the outlay was only Rs.10 lakhs, yet the expenditure fell short by 50%. This is incongruous in view of the importance of technical education for human resource development.

23. To conclude, the SCA was fully utilised in Himachal Pradesh. It was a unique case amongst the eight Scheduled Area States in which the expenditure in almost all the sectors was higher than the original outlays.

Madhya Pradesh

24. The agreed TSP outlay in the State Plan was Rs.629.04 crores which was 16.55% of the total State Plan of Rs.3800 crores. However, as the Plan outlays got revised from year to year, the overall outlay for the TSP for the five years came to Rs.650.31 crores. The total amount of the SCA released during this period was Rs.137.72 crores.

25. The sectorwise position of outlay and expenditure in respect of the flow from the State Plan is as follows:

Table 6		Outlay (Rs. in crores)		Exp.
Agriculture & Allied Services		129.14		111.42
Rural Development		85.73		65.66
Irrigation and Flood Control		147.96		146.34
Energy		73.73		109.18
Industry & Mineral		21.04		19.87
Transport		51.19		61.18
General Economic Services		0.89		0.85
Social & Community Services				
(a) Education	30.49		35.98	
(b) Health	25.25	140.44	26.12	154.53
(c) Others	84.69		92.43	
General Services		0.19		0.24
	Total	650.31		669.27

It may be seen that the heaviest outlay was on Irrigation which relates, however, to medium and minor irrigation projects. The outlay on Power (MPEB including Narmada projects) was very high at Rs.73.73 crores and the expenditure was Rs.109.18 crores (Rs.35.45 crores more than the Plan provision). The expenditure on Transport and Communication is also higher by Rs.9.99 crores.

26. It is gratifying to note that the expenditure on Education from the State Plan was significantly higher than the original outlay and the expenditure on Health was also slightly more. It is a matter of concern that there was a heavy shortfall on Agriculture and Rural Development.

27. The State has reported a total expenditure of Rs.145.26 crores relatable to the SCA against the actual release of Rs.137.72 crores. The actual expenditure, as accepted in the Ministry of Welfare in relation to the SCA, is Rs.105.23 crores only which indicates a shortfall of Rs.32.49 crores on this account. This is explained by the fact that there are a number of items which are not eligible for the SCA against which the expenditure is reported to have been made by the State. For example, an amount of Rs.13.04 crores is claimed to have been spent on forestry and wild life out of the SCA which is clearly not authorised. Accordingly the eligible expenditure out of the SCA can be taken to be Rs.105.23 crores for the purposes of determining the overall eligibility of the State.

28. The overall expenditure from the State Plan for the TSP as claimed by the State was higher by Rs.40.24 crores compared to the agreed Plan outlay of Rs.629.04 crores. However, this expenditure includes the extra expenditure compared to the original outlays to the extent of Rs.35.45 crores on Energy and Rs.9.99 crores on Transport and Communication. Energy is not at all eligible for the SCA. The expenditure on Transport and Communication from the SCA is allowed strictly within prescribed limits so that it does not eat into expenditure on other essential items. The statement given above shows that the extra expenditure on these two items was at the cost of other essential items

like Agriculture and Rural Development in the case of which the expenditure from the State Plan was much lower compared to the outlay. But these are the very items which claim a high priority in tribal development being of immediate relevance to the people. Consequently, under the TSP the SCA is used to supplement the State's effort. And it is important to note that the State has claimed to have spent a substantial amount out of the SCA. For example, the State Plan outlay on Agriculture, Horticulture and Agricultural Marketing together was Rs.84.03 crores and credit was taken to the extent of Rs.25.80 crores from the SCA for these items. But the total expenditure reported by the State from the State Plan is only Rs.66.52 crores (Rs.17.51 crores less than the outlay). Nevertheless, the Departments have claimed to have spent Rs.8.71 crores from the SCA. It is thus clear that the expenditure shown against the SCA is by way of supplanting the State's effort and the State cannot claim that the SCA given to them for Agriculture has been utilised.

29. Thus, if the totality of the TSP expenditure is seen, the excess expenditure on items like Energy is met either through additional provision by the State at the stage of revised budget or through diversion from other sectors. Since there is one Budget Demand for the TSP which includes Energy alongwith other items, the extra expenditure on this item is automatically adjusted against the shortfalls in other items and only what may remain uncovered by this method has to be additionally provided. As illustrated above, the SCA can be used for certain sectoral programmes in such a way that it supplants the State's effort in these sectors and the consequent shortfall in these sectors, in its turn, becomes available for supporting the excess expenditure on non-eligible capital intensive items. Thus, the circle becomes complete and the excess expenditure on these items is really supported by the SCA which is meant for supplementing the State's effort in crucial sectors.

30. Accordingly the excess expenditure on Energy and Transport over and above the outlay in the State Plan, which together amounts to Rs.45.44 crores, cannot be taken to be due expenditure under the State Plan as against the agreed outlay for tribal development. The total expenditure from the State Plan exclusive of this excess expenditure, therefore, is Rs.623.84 crores only which is Rs.26.47 crores less than the agreed outlay. Consequently, the eligibility of the State to the SCA gets reduced by a corresponding amount of Rs.26.47 crores. If this is added to the shortfall of expenditure in respect of the SCA (Rs.32.49 crores referred to earlier), the eligibility of the State to the SCA comes to Rs. 78.76 crores only and an amount of Rs.58.96 crores out of the SCA received by the State during the Sixth Plan period can be deemed to have remained unutilised at the end of that period.

Maharashtra

31. The outlay for the TSP of Maharashtra, which covers 16.5% of the State's area and 9.2% of the total population, during the Sixth Plan was Rs.298.85 crores out of Rs.6175 crores or 4.84% of the State Plan outlay. However, according to the State Government only an amount of Rs.1681.92 crores comprised the divisible component of the State Plan out of which 17.76% was earmarked for the TSP. An amount of Rs.33.27 crores was received by the State as the SCA during this period. The total expenditure under the TSP during the Sixth Plan is reported to be Rs.321.48 crores (Rs.287.44 crores under the State Plan and Rs.34.04 crores under the SCA).

32. A sectorwise review of outlays and expenditure does not present a happy picture. A substantial part of even the divisible outlay, i.e., 20.8%, accounted for major and medium irrigation projects and power transmission. This fact was noted by the State Government while preparing the Seventh Plan and they stated that this should be brought down. However, the figures for the Seventh Plan show that the share of these two sectors was brought down only to 18.1%.

33. The sectorwise outlays and expenditure are as given below:

Table 7

	Outlay	Exp.
	(Rs. in crores)	
Agriculture & Allied Services	20.78	21.72
Rural Development	6.08	7.41
Cooperation	6.86	5.81
Irrigation & Flood Control	70.47	85.59
Power Development	16.00	23.32
Industry & Mining	0.31	0.39
Transport & Communication	40.18	49.82
Social and Community Services		
Education	7.75	10.50
Medical & Public Health	10.76	7.29
Nutrition	5.20	4.00
Employment Guarantee Scheme	53.97	46.33
Others	60.35	25.26
	138.03	93.38
Total	298.71	287.44

It is heartening to note that the expenditure on Education, a crucial sector for tribal development, is significantly higher compared to the outlay. The expenditure on Agriculture & Allied Services and Rural Development is also marginally higher. It is, however, regretted that there is a heavy shortfall in the vital sector of Medical and Public Health. The shortfall on Employment Guarantee Scheme is also heavy. The expenditure on Cooperation and Nutrition is also significantly less while that on Minor Irrigation

marginally so.

34. The picture regarding the capital-intensive programmes is different. The expenditure on Irrigation and Flood Control and also Power Development is substantially higher than the outlay which is responsible for accentuating the imbalance in the structure of the Sub-Plan in which these sectors initially claim a higher proportion.

35. It may be noted at this stage that it appears that it is possible for the State to make do with lower outlays on sectors which are important for tribal development because a part of those programmes can be sustained through the SCA. This is against the spirit of the SCA because it must be used for augmenting the State's effort in those crucial areas rather than supplanting the same. The excess expenditure on items like Power and Irrigation is really made good through the use of shortfalls in respect of other sectors because of all these items being included in the same Demand in the budget. (The precise way how this supplanting takes place is discussed in detail in the case of Madhya Pradesh.)

36. The Government of Maharashtra have not followed the general pattern of using the SCA flexibly for adapting the ongoing programmes, reinforcing them wherever necessary and taking up special programmes on a pilot basis. They have identified a few schemes which are fully funded from the SCA which is not in consonance with the general scheme of the SCA.

37. According to the State Government the total expenditure in respect of the State Plan outlay is Rs.287.44 crores as against the outlay of Rs.298.71 crores which means that there was a shortfall only to the extent of Rs.11.27 crores. On the other hand, the expenditure on the SCA is reported to be Rs.34.04 crores against an amount of Rs.33.27 crores released on that account by the Central Government. On these broad figures the eligibility of the State to the SCA is to be reduced by Rs.11.27 crores only. However, if the excess expenditure of Rs.22.44 crores on items for which the SCA cannot be claimed is discounted, because it essentially means supplanting of the State's effort by the SCA, the relevant expenditure from the State Plan outlay against which eligibility of the SCA can be claimed is reduced to Rs.265 crores only. Thus, after taking credit of the expenditure on account of the SCA to the tune of Rs.34.04 crores the relevant level of expenditure is only Rs.299.04 crores which is more than the TSP outlay under the State Plan by Rs.0.19 crore. Hence, the eligibility of the State to the SCA is only Rs.0.19 crore and an amount of Rs.33.08 crores of the SCA (out of the amount of Rs.33.27 crores released to the State Government) can be deemed to have remained unspent with them at the end of the Plan period.

Orissa

38. The TSP outlay for the Sixth Plan period from the State Plan was Rs.533.19 crores. However, the actual outlay

on the TSP on year to year basis appears to have been lower and is reported to be Rs.527.31 crores for the Plan period. This reduction is not justified and hence the original figure of Rs.533.19 crores is taken as the reference level. The total expenditure from the State Plan outlay was Rs.463.46 crores from the State Plan and Rs.66.52 crores relatable to the SCA.

39. The Government of Orissa have not so far adopted the practice of a separate Budget Demand No. for the TSP as has been done in many other States having large tribal areas with the result that the possibility of variance between actual expenditure and what is reported in the Plan document cannot be ruled out. The State also continues to treat the SCA as a distinct stream for flow of funds to the projects. The fact that the expenditure shown for almost all the items for which funds are allotted from the SCA from year to year is exactly the same with no shortfalls whatsoever and no excess expenditure is also indicative of a practice in which transfer of funds may be deemed to be actual expenditure. Therefore, to what an extent the SCA given by the Central Government has been really spent for items indicated cannot be discerned from the documents.

40. The sectorwise outlays and expenditure are as follows:

Table 8

	Outlay	Exp.
	(Rs. in crores)	
Agriculture & Allied Services	25.99	25.58
Cooperation	9.22	5.16
Rural Development	42.08	28.46
Irrigation & Flood Control		
(a) Major and Medium Irrigation	140.12	132.09
(b) Minor Irrigation	20.23	20.95
Power & Energy	209.63	165.32
Industry & Minerals	5.99	12.51
Transport	27.92	21.78
Social & Community Services		
(a) Education 18.91	45.63	18.37 51.11
(b) Health 6.32		8.48
(c) Nutrition 5.40		3.29
(d) Others 15.00		20.97
General Services	0.50	0.50
Total	527.31	463.46

The above statement shows that the allocation from the State Plan for the TSP is more notional than real and does not directly concern the welfare of tribal people. It is surprising that an outlay of Rs.349.75 crores out of Rs.527.31 crores or 66.33% of the total is relatable to Power and Major and Medium Irrigation projects which is the highest amongst all the States having Tribal Sub-Plans. Another noteworthy fact is that in the power portion of

the multipurpose river valley projects an outlay of Rs.151.30 crores representing 72.17% of the State's total outlay has been shown under the TSP which cannot have much significance for tribal welfare.

41. There are shortfalls in crucial areas for which the Centre provides supplementation through the SCA. Thus, there is a shortfall of Rs.4.22 crores on IRDP, Rs.3.04 crores on NREP, Rs.1.19 crores on DPAP, Rs.1.89 crores on Crop Husbandry, Rs.4.05 crores on Cooperation and Rs.4.38 crores on ERRP, making a total of Rs.18.77 crores. The shortfalls in these programmes are against the scheme of the TSP according to which the State's effort in these vital sectors is sought to be supplemented by additional Central funds in the form of the SCA. The programmes under all these schemes are more or less the same notwithstanding different labels. Consequently, the shortfall in programmes under the State Plan schemes and expenditure on similar schemes from the SCA essentially means supplanting the State's own effort for tribal development by Central assistance. To that extent eligibility of the State to the SCA stands reduced. The total expenditure under the TSP (State Plan + SCA) comes to Rs.529.98 (463.46 + 66.52) crores. If the excess expenditure of Rs.5.75 crores on Mining is discounted and the shortfall of Rs.44.31 crores is set off from the outlay, the expenditure against which the State's eligibility for the SCA is to be determined comes to Rs.524.23 crores only against the discounted outlay of Rs.488.88 crores. Thus, the eligibility of the State to the SCA is Rs.35.35 crores and an amount of Rs.31.21 crores out of the SCA released to the State Government during the Sixth Plan can be deemed to have remained unspent with them at the end of that Plan period.

Rajasthan

42. The flow to the TSP during the Sixth Plan was Rs.202.66 crores out of the State Plan outlay of Rs.2025 crores. This worked out to 10% of the State Plan outlay. Subsequently the overall outlay of the State Plan was increased to Rs.2127.50 crores (by 5.1%) but there was no rise in the flow to the TSP. On pro rata basis the flow to the TSP from the State Plan should have been increased from Rs.202.66 crores to Rs.212.92 crores. The State received an amount of Rs.33.05 crores as the SCA during the Plan period. The total expenditure is reported to be Rs.268.24 crores inclusive of Rs.32.07 crores relatable to the SCA.

43. It may be noted here that Rajasthan has not introduced a separate Budget Demand No. for the TSP area and the tribal development schemes are being executed through DRDAs which involves transfer of funds without actual expenditure in many cases. Consequently, the reported expenditure on the TSP may not represent the actual expenditure.

44. The sectorwise outlay and expenditure is as follows:

Table 9

		Outlay (Rs. in crores)	Exp.
Agriculture & Allied Services		12.19	23.73
Rural Development		12.13	
Cooperation		2.40	0.76
Irrigation & Flood Control		68.75	166.55
Power Development		58.23	
Industry & Minerals		10.91	9.99
Transport & Communication		11.65	10.59
General Economic Services		0.09	0.09
Social & Community Services			
Education	10.52		
Health	4.26		
Nutrition	0.23	25.94	24.00
Others	10.93		
General Services		0.37	0.46
	Total	202.66	236.17

45. The above table reveals that the structure of the TSP is highly skewed. The outlay on Irrigation and Power projects in the State Plan amounted to Rs.126.98 crores or 62.66% of the total outlay. Thus, a small proportion of the outlay was left for sectors crucial for tribal development. This distortion is further accentuated as the expenditure on capital intensive programmes tends to be higher than the original outlays. For instance, against the TSP outlays of Rs.68.75 crores under Irrigation & Flood Control and Rs.58.23 crores under Power Development the combined expenditure under these two sectors has been shown as Rs.166.55 crores, i.e., an excess expenditure of Rs.39.57 crores. A part of this excess expenditure has, however, been made good by allowing the expenditure under the TSP to go above the original outlay in the State Plan to the tune of Rs.33.51 crores. But the balance of Rs.6.06 crores is made good through shortfalls in expenditure in other sectors.

46. It may be noted here that the shortfall on vital items for which the Central Government provide the SCA is against the TSP principle. While there are shortfalls on State Sector programmes, more or less similar programmes are supported with the SCA. Therefore, this essentially amounts to supplanting the State Plan effort on these items by investment from the SCA.

47. If the excess expenditure on Irrigation and Power amounting to Rs.39.57 crores is discounted, the eligibility of the State to the SCA with reference to the original outlay of Rs.202.56 crores would be Rs.26.01 crores. However, as stated earlier, with the substantial upward revision of the State Plan the outlay for the TSP should have been raised from Rs.202.66 crores at least to Rs.212.92 crores. The State's eligibility for the SCA with reference

to this figure, therefore, stands reduced by the corresponding figure of Rs.10.26 crores. Thus, the State's eligibility for the SCA is Rs.15.75 crores only as against Rs.33.05 crores released by the Central Government. Therefore, an amount of Rs.17.30 crores of the SCA should be deemed to have remained unspent with them at the end of the Sixth Plan.

48. The following table shows the agreed (original) and revised outlay and expenditure under the State Plane(TSP), the SCA released and spent, the excess/shortfall in expenditure on items for which the use of the SCA is restrictive, the eligibility of the State for the SCA according to the principle of supplementation and the unspent amount of the SCA at the end of the Sixth Plan in the eight States having Scheduled Areas:

Table 10

Outlay and expenditure on TSP during Sixth Plan in States having Scheduled Areas

(Rs.in crores)

S.No.	Name of the State	Outlay shown in Planning Commission document of December 1984		Revised TSP outlay shown in 1985-86 TSP document	SCA released	Total of Cols.4 & 6
		State Plan	Flow to TSP			
1	2	3	4	5	6	7
1.	Andhra Pradesh	3100	139.46	139.46 (105.96)*	22.50	161.96
2.	Bihar	3225	625.26	639.34	69.35	694.61
3.	Gujarat	3680	484.40	474.09 (456.00)*	40.81	525.21
4.	Himachal Pradesh	560	44.91	47.47	7.02	51.93
5.	Madhya Pradesh	3800	629.04	650.31	137.72	766.76
6.	Maharashtra	6175	298.85	298.71	33.27	332.12
7.	Orissa	1500	533.19	533.19 (527.31)*	66.56	599.75
8.	Rajasthan	2025 (2127.50)	202.66 (212.92)	202.66	33.05	235.71 (245.97)
	Total	24065 (24167.50)	2957.77 (2968.03)	2985.23 (2927.76)	410.28	3368.05 (3378.31)

* Reduced outlay as claimed by the State Government which is not acceptable according to the general principles of the TSP.

(Contd.)

S.No.	Expenditure reported			Excess/short-fall in exp. on items for which the use of SCA is restrictive	Eligibility for SCA (10-11-4)	Unspent amount of SCA (6-12)
	State Plan	SCA	Total of Cols.8 & 9			
1	8	9	10	11	12	13
1.	98.99	24.30	123.29	-	Nil	22.50
2.	543.38	56.27	599.65	(-)76.15	36.46	32.89
3.	405.81	40.81	446.62	-	Nil	40.81
4.	55.29	7.88	63.17	1.30	14.40	Nil
5.	669.28	105.23	774.51	45.44	78.76	58.96
6.	287.44	34.04	321.48	22.44	0.19	33.08
7.	463.46	66.52	529.98	(-)38.56	35.35	31.21
8.	236.17	32.07	268.24	39.57	26.01 (15.75)	7.04 (17.30)
	2759.82	367.12	3126.94		191.17 (180.91)	226.49 (236.75)

Note: (1) The Planning Commission document referred to in columns 3 and 4 is the Report of the Working Group on Tribal Development during Seventh Plan 1985-90.

(2) The figures under Col.12 against Bihar, Himachal Pradesh and Madhya Pradesh have been arrived at by subtracting Col.5 from (10-11) because in these States there was an upward revision of the State Plan TSP outlay.

(3) The figure within brackets under Col.13 against Rajasthan has been arrived at by subtracting an amount of Rs.212.92 crores instead of Rs.202.66 crores under Col.4 from (10-11) since the TSP outlay should have been raised to Rs.212.92 crores on pro rata basis consequent upon increase in the overall State Plan.

49. The above table brings out the extent to which the SCA remained unutilised with the State Governments in accordance with the principle of supplementation according to which the SCA is granted to the States. This is notwithstanding the fact that the States in their Plan documents have claimed to have spent the SCA for implementation of certain schemes shown by them in the Plan documents. In view of the overall shortfall in the performance of the concerned sectors the entire programme executed is deemed to have been funded from the State Plan outlay itself and to that extent the SCA remains unutilised and becomes available for investment in the following year over and above the ceilings for the Plan and the Sub-Plan which may be indicated by the Planning Commission. Since the carry over has not been done from year to year this opportunity for purposeful utilisation of the SCA for intensifying the planned effort for tribal development has been lost during the Sixth Plan. The total unutilised amount in these eight States according to the preliminary investigation is of the order of Rs.236.75 crores. This figure is likely to be substantially increased if the eligibility is determined with reference to the performance sectorwise on year to year basis.

50. The overall outlays for the TSP do not indicate the nature of investments in the area which are beneficial to the tribal people. It appears that all the States are not using a common frame notwithstanding the fact that the Sub-Plan exercises are now more than a decade old. Major and medium irrigation projects, power and large industries are the most obvious examples in which more often than not investment results in a severe backlash for tribal people and benefits may accrue partly to the area but not to the people. Power projects may be located in tribal areas but benefits go to the State as a whole. In some States, therefore, major and medium irrigation projects and power are not included in the Tribal Sub-Plan outlays. In some cases a pro rata share of these projects is credited to the Sub-Plan based on the quantum of benefits likely to accrue to the Sub-Plan areas. But in some States no such consideration appears to weigh with them and the entire outlay on such projects is reflected in the Sub-Plan which highly inflates the figure of investments for tribal development without meaning much in real sense or even having adverse effects, as stated earlier.

51. In such a mixed affair the performance based on overall outlays and expenditure is misleading. Moreover, the heavy investment infrastructural programmes involving big contracts prove to be large sponges which absorb whatever comes in their way. The inevitable draw is on vital programmes like education, health and agriculture which are even otherwise difficult to operate and the strain on resources caused by such capital intensive projects becomes a convenient alibi for non-action.

TSP of Central Ministries

Central Sector and Centrally Sponsored Schemes

52. The Central Government wholly finance certain schemes of national importance and these are known as Central Sector Schemes. Besides there are certain Centrally Sponsored Schemes in most of the Plan sectors which are usually common to all the States and which are financed by the Central Government and the State Governments usually in the ratio of 50:50. These schemes are also considered to be of national importance. Most of these schemes are concerned with anti-poverty goal and are based on part-subsidy to be drawn from the State and the Central Plans and part-loan drawn from financial institutions. The proportion between subsidy and loan is generally 50:50. The idea that earmarking of funds also under the Centrally Sponsored Schemes should be done under the TSP was mooted in the Fifth Plan period, but the progress in this regard was not satisfactory. According to available data only six States, viz., Andhra Pradesh, Gujarat, Madhya Pradesh, Orissa, Rajasthan and Tamil Nadu, could quantify Rs.197.49 crores from their Centrally Sponsored Schemes during the Sixth Plan period. Possibly some other States might have also been benefiting the tribal areas from their Centrally Sponsored Schemes but no precise information about the same is available.

53. At the meeting of the Central Coordination Committee for the Welfare of Backward Classes held on 5-8-1978 the Central Ministries were asked to undertake detailed exercise in regard to (a) the percentage of allocation that should go to the tribal areas and (b) adaptation of the Central and Centrally Sponsored Programmes for the tribal areas. The Committee recommended that the Central Ministries should quantify funds to the extent of 10% to 15%. A set of guidelines were issued by the Planning Commission to the Central Ministries who were called upon to take steps on the following lines:

(i) formulate appropriate programmes,

(ii) adapt the ongoing programmes suitably,

(iii) quantify funds for tribal areas, and

(iv) adopt separate budget sub-heads under their respective major heads to reflect flow of funds to tribal areas.

Not much headway was made by the different Ministries in earmarking funds for the tribal areas during the Fifth Plan period when only an amount of Rs.75 crores was invested during 1978-79 and 1979-80. During the Sixth Plan period 14 Central Ministries quantified a total allocation of Rs.911.70 crores. The Sixth Plan outlay and quantification for the TSP and the same for each year during the Sixth Plan as also the programmes of the respective Minis-

tries have been shown in Annexure VII. Seven Ministries, viz.,those of Agriculture & Cooperation, Communications, Education & Culture, Finance (Economic Affairs), Health & Family Welfare, Information & Broadcasting and Irrigation, established special cells to monitor flow of funds and implementation of programmes in the tribal areas. The remaining Ministries should follow suit. Opening of separate budget sub-heads under the respective functional major heads should be considered by those Ministries which have not yet opened these sub-heads.

Institutional Finance

54. The Report of the Working Group on Tribal Development during the Sixth Plan observed that in formulation of programmes specific problems of each area and the target group in terms of family should be clearly defined and schemes directly benefiting the individual tribal family given the highest priority. A tribal family is given 50% subsidy and 50% loan in the field of agriculture. However, the relative percentage of subsidy and loan component may vary from State to State and further in a State from scheme to scheme. In the field of credit-cum-marketing the part to be played by institutional finance is vital. Both production and consumption credit have come to occupy a pivotal position in the promotion of tribal economy. Institutional finance is thus an important ingredient in the entire beneficiary oriented programme. While subsidy element is available from the Central and State funds, the loan component has to flow from financial institutions.

55. Broadly speaking, there are three sources of institutional finance: cooperative sector, commercial banks and corporate sector. Among the three the one which has been most closely connected with various schemes in the field of tribal development has been the cooperative sector. The cooperatives have received specific attention in tribal areas since the Fifth Plan period with the establishment of Large-Sized Multipurpose Cooperative Societies (LAMPS). The presence of commercial banks in tribal areas has been rather scarce, but even where the branches exist their activity has been confined to a rather restricted jurisdiction around. In fact, it is observed that commercial bank branches have been working under constraints of staff, accommodation, mobility, procedures, etc. It is also observed that coordination between the State development agencies and commercial banking authorities has not acquired a reasonable level of effectiveness. So far as the corporate sector is concerned, direct loaning to individual tribals has been limited to one or two Tribal Development Corporations. Investment from institutional finance during the Fifth Plan period was about Rs.150 crores. During the Sixth Plan all the TSP documents did not contain references to the part to be played by the financial institutions. However, it was assumed that around Rs.800 crores would be the contribution of financial institutions in tribal programmes. Thus, on the whole institutional finance has not so far emerged as a strong financial support to tribal development programmes. The reservation in the matter on

the part of the tribal is understandable as he had had the bad experience of moneylenders who charged him exorbitant rates of interest and made him indebted. In many cases alienation of lands and even bondage can be traced back to taking loans from moneylenders. Thus, there is a general reluctance to get entangled in schemes involving a loan element. Till the requisite degree of enlightenment and awareness among tribals is reached we will have to go carefully for those schemes linked with loan element. It will have to be ensured that schemes involving loan component do not deteriorate the economic condition of the tribals.

Physical achievements in selected sectors of development during Sixth Plan

56. Based on the information available physical achievements made in selected sectors/programmes in some of the States during the Sixth Plan have been shown in Annexure VIII. These selected sectors/programmes and the number of States/UTs included in the statement are:

(1)	Area under Minor Irrigation(in hectares)	13 States
(2)	Milch animals (Nos.)	9 States
(3)	Forest plantation (in hectares)	11 States,1 UT
(4)	Water supply (No. of villages)	11 States,1 UT
(5)	Area under high yielding varieties (in hectares)	10 States,1 UT
(6)	Alienated land restored (in hectares)	7 States
(7)	Villages electrified (Nos.)	14 States,1 UT
(8)	Area under Soil Conservation(in hectares)	10 States
(9)	Area under Horticulture (in hectares)	9 States, 1 UT

57. In the context of the New 20-Point Programme 23 lakh Scheduled Tribe families were targeted to be assisted during the Sixth Plan. The targets and achievements in respect of the 19 TSP States/UTs have been shown in Annexure IX. It will be seen therefrom that the number of Scheduled Tribe families assisted during the Sixth Plan was 39.67 lakhs. Allowance has to be given for multiple counting as a number of persons are counted more than once as beneficiaries under different programmes and in the absence of Vikas Patrikas it is not possible to check multiple counting. However, sample evaluation studies undertaken by various organisations have shown that only about 20% of the beneficiaries were able to cross the poverty line and, therefore, the remaining beneficiaries would need a second dose and package of assistance during the Seventh Plan to be able to cross the poverty line.

Monitoring and Evaluation

58. Increasing investments in tribal areas of the country

should show worthwhile results for the population, particularly the target group. At the Centre the Directorate of Research, Monitoring and Evaluation in the Ministry of Home Affairs (now Ministry of Welfare) is reported to be engaged in monitoring of tribal development programmes. This Directorate was sanctioned by the Government of India in lieu of a Central Tribal Research Institute which had been proposed for quite some time. It is worthwhile to mention here that the Directorate has not been able to function effectively as the post of Director was never filled up on a regular basis. It is strongly felt that the Ministry should strengthen this set-up. Sound monitoring system at the Centre would enable the Ministry to have proper feedback from the States. During the Sixth Plan the Tribal Development Division of the Ministry of Welfare also sanctioned grants to some Universities, research institutions and other organisations for conducting research and evaluation studies as per Annexure X. It is not known if and what benefit the Ministry of Welfare have derived from the results of these studies. The credentials of some of the organisations which were sanctioned grants for this purpose also are unknown.

59. In the States there are monitoring arrangements at different levels details of which may be seen in Annexure XI. Some of the State Governments got evaluation studies of the ITDPs done through Universities and other independent research organisations, besides a few studies done by their own Tribal Research Institutes. The Ministry of Welfare should bring out an All India Report on the basis of the evaluation studies done by the various organisations.

Shortcomings in the implementation of the TSP during the Sixth Plan period

60. Some of the shortcomings observed in the implementation of the tribal development programmes during the Sixth Plan are mentioned below:

(1) Too much emphasis was laid on targets and concerted efforts were not made nor necessary follow-up action taken to ensure that the families which were economically assisted were actually able to cross the poverty line. Unless this is done there will always be the risk of the assisted families further sliding down the poverty line. In some cases, on account of the loan component and the inability of the beneficiary to repay the loan, the economic condition of the beneficiary is reported to have worsened as compared to the pre-assistance period, as in Jhabua District of Madhya Pradesh.

(2) In the protective sphere legislations have been enacted or made more effective by plugging of loopholes in several States. But an ardent approach to institution, detection and disposal of cases is needed in several areas. The result has been that there is only marginal abatement of the problem, particularly in land alienation, money-lending and debt bondage in some areas. Even where implementation of the measures has been pursued, it has stopped short of the final and conclusive step like restoring the alienated land or freeing the tribal debtor from the bond. Elimination of exploitation in sale and marketing of tribal produce is yet to be achieved in an appreciable degree on account of the weaknesses of the LAMPS and tribal area marketing cooperatives in the absence of a national level tribal marketing organisation.(It is satisfying to note that a national level organisation called the Tribal Cooperative Marketing Development Federation of India Ltd. has since been registered on 6-8-87. It is hoped that it would explore new markets to improve the marketing of tribal produce, eliminate intermediaries and would obtain better value for tribal produce.)

(3) There is a feeling that the Tribal Sub-Plan is merely an agglomeration of the State Plan schemes taken up in the tribal areas. There is little attempt to formulate need-based schemes in an integrated manner. Quantification from the State Plan outlay for the TSP is still notional in quite a few cases. Detailed exercise to do realistic quantification is seldom undertaken by the concerned development Departments.

(4) Pooling of funds as required under the basic guidelines of the TSP is not done except in a few States.

(5) The single line administration was not introduced in the ITDPs and this was a major cause for shortcomings in implementation of the programmes.

(6) Certain sections of tribal population like shifting cultivators and forest villagers have not received adequate attention under the Plan programmes. It is desirable to formulate specific schemes for their rehabilitation and resettlement. No less serious is the problem of tribals displaced by projects arising mainly from the absence of a rehabilitation policy at the national level.

(7) Monitoring system in the States was not quite effective. The nodal Department had little say in this matter in relation to the other Departments and was obliged to accept whatever reports were furnished by the latter. There was not much evidence about the improvement brought about in the quality of implementation of the programmes as a result of monitoring.

(8) The primitive tribes forming the most backward section of the Scheduled Tribe population did not receive adequate attention for planned development keeping in view the level of economic and cultural development and the needs of each of these groups. Since most of these groups are small, it should be possible to adopt a 'saturation approach' to their economic development by including within the programme-fold all the families in a group or a substantial number of such families in case of bigger groups.

SEVENTH FIVE YEAR PLAN

61. The following are the main objectives under the TSP strategy during the Seventh Plan:

(i) taking up family beneficiary oriented programmes through raising productivity levels of the beneficiary families in the fields of agriculture, horticulture, animal husbandry, small industries, etc.;

(ii) elimination of exploitation of tribals in the sphere of alienation of land, money-lending, debt bondage, forest, etc.;

(iii) human resources development through education and training programmes;

(iv) infrastructure development;

(v) development of vulnerable tribal areas and groups like forest villagers, shifting cultivators, displaced and migrant tribals including tribal women; and

(vi) upgradation of environment of tribal areas.

62. The Working Group has suggested the following levels of investment during the Seventh Plan:

(a)	State Plan Sector	Rs. 7,500 crores(3,550)
(b)	Central Plan and Centrally Sponsored Schemes	Rs. 1,750 crores (900)
(c)	Special Central Assistance	Rs. 1,500 crores(485.5)
(d)	Institutional Finance	Rs. 2,250 crores (800)
	Total	Rs.13,000 crores(5,735.5)

The figures in the brackets indicate investment during the Sixth Plan. While the total Seventh Plan size is estimated to be of the order of Rs.1,80,000 crores, the approved size of the TSP is Rs.6955.63 crores (Rs.6199.63 crores under State Plans and Rs.756 crores under the SCA).

Change in the TSP strategy

63. There has been a change in the strategy of the TSP

during the Seventh Plan. Upto the Sixth Plan the ITDPs, the MADA pockets and the projects for the primitive tribal groups constituted the TSP. During the Seventh Plan clusters outside the TSP area were to be identified to further increase the coverage of the Scheduled Tribe population. The Ministry of Welfare clarified in their circular letter No.11036/7/85-TD(R) dated 17-2-86 that the TSP would cover the entire tribal population in a State, that is:

(a) tribals coming within area specific projects like ITDPs, MADA pockets, Primitive Tribe Projects and identified cluster areas, and

(b) tribals living outside such areas/projects, wherever they be, in the State.

The Ministry further clarified that one of the objectives during the Seventh Plan was to cover vulnerable tribal groups living within the areas of industrial influence and hence tribals living within the urban areas would also come within the scope of assistance. However, the following principles were to be borne in mind while allocating funds under family oriented programmes and infrastructure development relevant to the Scheduled Tribes:

Family oriented programmes

(a) While allocating the SCA care should be taken to earmark beneficiaries and amounts to be utilised for the Scheduled Tribes within the identified tribal area units like ITDPs, MADA pockets, Primitive Tribe Projects and clusters on the one hand and the rest of the scattered tribal population on the other.

(b) For Family oriented schemes under the State Plan funds including IRDP, NREP, sectoral allocations under State Plan schemes of different sectoral Departments, the above pattern of earmarking of funds and beneficiaries must also be kept in view.

Infrastructure programmes

64. For quantification or specific exhibition of funds flowing to infrastructure development in the tribal areas the concept would, however, continue to hold its relevance. The funds for infrastructure both under the SCA and the State Plan should be shown as flow to the TSP when earmarked only for the identified areas (ITDPs, MADA pockets, Primitive Tribe Project areas and clusters). Funds under infrastructure items shown as flow to the TSP should be utilised for these specific areas only. The infrastructure expenditure for scattered tribal population must necessarily be taken care of as a part of general infrastructure development programme and should not be quantified as flow to the TSP.

65. One State Government opposed this shift in the TSP strategy and wrote to the Government of India in June 1986 that the modifications made virtually amounted to giving up of the Sub-Plan concept. They considered that the clarifications issued by the Government of India on 17-2-86 had diluted the entire concept of the TSP and represented a complete departure from the principles in regard to tribal development. These modifications would jeopardise the interests particularly of the aboriginal tribal population and hill tribes living in backward areas under severe socio-economic constraints. Since there were special provisions under the Fifth and Sixth Schedules to the Constitution in regard to the administration of the Scheduled Areas and the Tribal Areas, the areas of tribal concentration had to be treated as distinct areas for which special provisions, special laws and regulations and special pattern of administration were to be adopted. In other words, a clear distinction had been drawn between tribals who lived within these concentrations known as the Scheduled Areas and tribals who were outside the Scheduled Areas. The former were recognised to be more backward and requiring special attention from Government. The Integrated Tribal Development Programme represented the total Plan development efforts in the project area and was supposed to ensure integration in all its aspects, i.e., synchronisation of programmes, synchronisation of areas, integration of sectoral outlays and organisational integration. Outside the Sub-Plan area the four-fold synchronisation was not possible. The strategy and approach for the development of dispersed tribals was distinct from that evolved as the TSP for predominantly tribal areas. Any dilution of the Sub-Plan strategy by extending it to scattered tribal population would not only be incorrect but would also result in dissipation of limited resources available under the TSP. The resultant danger was that the tribals living in areas of tribal concentration would stand to lose while the beneficiaries would be those in plains areas including non-tribals. According to the State Government the basic concept of the TSP should not be diluted or modified and the SCA should be utilised only for the Sub-Plan area. It appears that the Government of India in their reply to the State Government merely reiterated the contents of their earlier letter instead of discussing the basic issues raised by the State Government.

66. While the decision of the Government of India to bring dispersed tribals under intensive tribal development programmes during the Seventh Plan is welcome, it will be necessary to ensure that the scheme of financing tribal development evolved keeping in view the Constitutional provisions is fully adhered to and suitable mechanism is provided to that effect. Alongwith his D.O. letter No. 34/22/86-RU II dated 25-7-86 to the Minister of State for Welfare the Commissioner for Scheduled Castes and Scheduled Tribes sent 'A note on operationalisation of Constitutional provisions for financing tribal development and raising the level of administration of the Scheduled Areas' which has been reproduced at Annexure XII. The following important points have come into focus in that

note:

(i) It appears that the rise in the Special Central Assistance has been lower than the general rise in National Plan outlay and that the extended coverage of tribal population in the concerned States from about [illegible] to 100% has also not been taken into account in determining the quantum of the Special Central Assistance. If full consideration had been given to both these factors, the Special Central Assistance during the Seventh Plan should have been of the order of Rs.1,700 crores compared to a bare Rs.756 crores which in effect means a short allocation by about 55%.

(ii) The principle of supplementation of the Special Central Assistance on the basic investment from the State Plan which has been fully operationalised under the Tribal Sub-Plans needs to be extended to the programmes for dispersed tribals as well on lines similar to those adopted for the Special Central Assistance under the Special Component Plan for the Scheduled Castes.

(iii) While the principles of allocation of the Special Central Assistance for primitive tribal groups and the Tribal Sub-Plan areas and MADA pockets have been worked out, no principle has been evolved for allocation of the Special Central Assistance for dispersed tribals. It is necessary that objective criteria are worked out in this regard.

67. In the light of the progress made during the Sixth Plan the Ministry of Home Affairs reviewed the schemes to be funded out of the SCA. It was felt necessary to include certain new items like family oriented schemes for tribals displaced by development projects, tribals living in areas of industrial influence, tribal craft improvement, family oriented schemes for tribal women, improvement of ecology and environment, etc. An illustrative list of items under various development sectors which could be funded from the SCA was circulated by the Ministry of Welfare to the State Governments on 18-9-1985 (Annexure XIII).

Tribal Sub-Plan of 1985-86 and 1986-87

68. The information regarding the Seventh Plan outlay and flow to the TSP under the State Plan, the SCA outlay during the Seventh Plan, the flow from the State Plan to the TSP and the expenditure incurred during 1985-86 and 1986-87 as well as the SCA released and spent during 1985-86 and 1986-87 in 19 States/UTs has been given in Annexure XIV. It will be seen therefrom that the allocation under the TSP (State Plans) during 1985-86 and 1986-87 for these 19 States/UTs was Rs.1045.96 crores and Rs.1225.67 crores respectively. Against these allocations the expenditure incurred by these States/UTs during these years was Rs.997.11 crores and Rs.1187.90 crores respectively

So far as the SCA is concerned the amounts released during 1985-86 and 1986-87 were Rs.140 crores and Rs.155 crores but the expenditure was only Rs.130.54 crores and Rs.151.41 crores respectively.

[illegible] of Central Ministries during 1985-86 and 1986-87

69. During the years 1985-86 and 1986-87 the office of the Commissioner for SC & ST addressed letters to all the developmental Ministries to let us know about the programmes taken up for the welfare of the Scheduled Tribes by each such Ministry/Department. Each concerned Ministry was required by the Ministry of Welfare to work out the programmes for development of the Scheduled Tribes within the Central outlays and quantify the investment and assess the flow of benefits from their programmes to the tribal areas. Such programmes were intended to improve the economic condition of individual tribal families and were to form part of the TSP. The Ministries/Departments were required to prepare specific programmes for the Scheduled Tribes and tribal areas and indicate the tribal component of their normal programmes in separate documents. In most of the cases it was observed that the Project Officers in ITDPs had no clear idea of the programmes implemented by the Central Ministries. Once the tribal component of the Central Sector/Centrally Sponsored Programmes of each Ministry/ Department was prepared and sent to the Ministry of Welfare and the State Governments concerned, it would be easier for the field units to have a clearer picture of these programmes enabling a more viable area development plan. During the years 1985-86 and 1986-87 scanty information was received from the concerned Ministries/Departments. Information in respect of funds quantified by the Central Ministries for the TSP areas was available in respect of eight Ministries details of which are given below:

Table 11

(Rs. in crores)

S.No.	Ministry	Sector/ Programme	Funds quantified 1985-86	Funds quantified 1986-87
1	2	3	4	5
1.	Ministry of Agriculture	(a) Agriculture and Cooperation	26.50	27.18
		(b) Rural Development		
		(i) NREP	-	-
		(ii) RLEGP (Indira Awas Yojana)	99.00	124.00
2.	Ministry of Commerce	-	127.47	-
3.	Ministry of Communication	(a) Posts	0.24	0.50
		(b) Telecommunications	9.81	14.46

1	2	3	4	5
4.	Ministry of Food & Civil Supplies	Department of Food	5.69	3.17
5.	Ministry of Health & Family Welfare	-	12.465	10.191
6.	Ministry of Human Resource Development	Dept. of Education	15.68	13.35
7.	Ministry of Industry	Small Scale Industries	2.23	2.23
8.	Ministry of Labour	Labour	0.98	0.98

Grants-in-aid under Article 275(1)

70. In accordance with the first proviso to Article 275(1) of the Constitution the Government of India are required to pay "out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State". Although the Government of India had been sanctioning grants to the State Governments under the framework of Five Year Plans, the intention behind this Constitutional provision is that grants could also be given outside the Plan for the purposes cited above. It was observed that the Central and the State Governments were not paying adequate attention to the matter of raising the level of administration in the Scheduled Areas and this Constitutional provision remained largely unimplemented.

71. The Ministry of Home Affairs in the Tribal Development Division had submitted a detailed memorandum to the Seventh Finance Commission indicating the schemes for which special grants-in-aid should be sanctioned to the State Governments under this Constitutional provision. The Seventh Finance Commission made an award in favour of 13 States of Rs.30.71 crores for payment of compensatory allowance to transferable Government servants working in tribal areas and of Rs.11.92 crores for construction of residential accommodation for Government servants posted in tribal areas during

the period 1979-84. The amounts actually released for these purposes were Rs.19.76 crores and Rs.22.55 crores respectively. However, the expenditure incurred under the first scheme was Rs.14.79 crores only and that under the second scheme Rs.24.73 crores. Similarly the Eighth Finance Commission recommended an amount of Rs.97.19 crores for the period 1984-89 (5 years) but the Government of India made a provision of Rs.88.70 crores for the period 1985-89(4 years) in favour of 13 States. The break-up of this provision was Rs.19.27 crores for compensatory allowance, Rs.30.97 crores for 7,675 residential quarters and Rs.38.45 crores for infrastructure development of 769 tribal villages. The progress of implementation of the Eighth Finance Commission's award for upgradation of tribal administration is given in Annexure XV.

Role and working of LAMPS

72. There has been some cooperative structure in the tribal areas since the First Five Year Plan. It was in the form of Grain Gola Cooperatives, Forest Labourers Cooperatives, Multipurpose Cooperative Societies, etc. This cooperative structure did not have significant impact on the tribal economy. In June 1961 the Government of India in the Ministry of Home Affairs set up a Special Working Group on Cooperation for Backward Classes under the chairmanship of Shri M.P.Bhargava to identify the factors responsible for the poor performance of cooperatives in tribal areas and to study progress of backward classes, particularly the Scheduled Tribes, and to suggest measures for accelerating the progress. This Group came out with the conclusion that there were structural weaknesses, operational defects, management problems, faulty procedures and adoption of all types of business methods and practices which were not suitable for the tribals. It suggested a separate organisational set-up for the promotion of cooperative movement among the tribals so as to provide such services as were being rendered by traders or money-lenders.

73. The Government of India appointed a Study Team under the chairmanship of Shri K.S.Bawa in December 1971 to examine the working of cooperative organisation in the project areas of Tribal Development Agencies(TDAs) to give recommendations for strengthening the cooperative structure in these project areas. This Study Team recommended organisation of Large-Sized Multi-purpose Cooperative Societies (LAMPS) in tribal areas to provide to the tribal members production as well as consumption credit and to undertake marketing of agriculture and minor forest produce and to distribute agricultural inputs and consumer goods so that the tribal got all the facilities from one source and was not required to approach too many institutions for his needs. Although the recommendations of the Bawa Committee were intended for the eight TDAs, the Government of India decided to adopt this approach as a general approach under the Tribal Sub-Plan during the Fifth Plan. LAMPS were to be organised in tribal areas with the object

of (i) providing under a single roof all types of credit including those for meeting social obligations and consumer requisites; (ii) technical guidance in the intensification and modernisation of agriculture and (iii) arranging for the marketing of agricultural and minor forest produce, besides the products of other subsidiary occupations of tribals. In pursuance of the above decision the State Governments initiated steps to organise integrated credit cum-marketing cooperatives at the primary level to cater to the credit as well as other economic needs of the tribal population. LAMPS were set up either by converting the existing working primary agricultural societies or by organising new ones at the Block level or below. Each such society was expected to cover a population of 10,000 to 20,000 in a compact group of villages and was to set up 3 to 5 branches to effectively cover its area.

74. According to the Economic Review 1986-87(Volume I) published by the Reserve Bank of India, LAMPS operated mainly in backward regions, viz., hilly and tribal areas. As on 30-6-1986 the number of LAMPS stood at 2,961 with Madhya Pradesh(1,053), Bihar(474), Maharashtra(275), Rajasthan(268) and Orissa(223) together accounting for 77.4% of the total. These societies had a total membership of 43.18 lakhs of which the Scheduled Castes and Scheduled Tribes accounted for 6.72 lakhs and 26.25 lakhs respectively. The paid-up capital of LAMPS stood at Rs.49.76 crores, the Government's contribution being Rs.18.07 crores. The overdues of LAMPS at Rs.85.78 crores formed 53.1% of their outstanding loans at the end of June 1986.

75. Organisations like NABARD and Vaikunth Mehta National Institute of Cooperative Management had undertaken appraisal of the performance of LAMPS in the past. The Reserve Bank Committee to Review Arrangements for Institutional Credit for Agriculture and Rural Development (CRAFICARD) under the chairmanship of Shri B.Sivaraman reviewed the working of LAMPS and submitted its Report in 1981. Another important body which studied the working of LAMPS alongwith other tribal development programmes was the National Committee on the Development of Backward Areas appointed by the Planning Commission under the chairmanship of Shri B.Sivaraman. The Committee submitted its Report in June 1981. It includes 42 recommendations on cooperatives in tribal areas. Some of the important observations of this Committee are:

(i) Although LAMPS have emerged at the primary level, non-LAMPS Primary Societies (old or new) still continue to exist alongside LAMPS creating confusion. This has defeated the very purpose of LAMPS in tribal areas.

(ii) Performance of LAMPS lags very much behind the service cooperatives functioning in the non-tribal areas. In Orissa loans advanced during 1977-78 through LAMPS represent 15% of the total lending in the State during the year whereas the population of the Tribal Sub-Plan area represents about 50% of the total population.

Coverage of tribal members is still inadequate.

(iii) Against an average working capital of Rs.2 lakhs as per norms per LAMPS the average working capital was very low in the States of Karnataka(Rs.0.21 lakh), Kerala(Rs.0.13 lakh) and Uttar Pradesh(Rs.0.13 lakh).

LAMPS have still to go a long way in discharging their manifold functioning and the States should earnestly implement the recommendations made in the above mentioned Reports. The Report of the Working Group on Development of Scheduled Tribes during Seventh Five Year Plan(1985-90) also contains 13 recommendations for improving adequacy of cooperative credit and marketing in the tribal areas.

Primitive Tribes and their problems

76. Among the Scheduled Tribes there are communities which live more or less in isolation having a different life style which shows little change from time immemorial. For identifying the primitive groups the criteria generally followed are (i) pre-agriculture level of technology, (ii) low level of literacy and (iii) stagnant and diminishing population. During the Fifth Plan period the Ministry of Home Affairs identified 52 tribal groups as primitive, their estimated population being 10 lakhs. During the Sixth Plan period 20 tribal groups were added, raising the number of the PTGs(primitive tribal groups) to 72 with an estimated population of 14 lakhs. During the first two years of the Seventh Plan another community was added, raising the number to 73. The Government of India have been making available to the State Governments financial allocations on 100% basis for development of these groups since 1975-76. During the period 1975-76 to 1984-85 a total sum of Rs.22.93 crores had been transferred from the Government of India to the States for the development of these groups. Annexure XVI gives the details of financial allocations made to 14 States and 1 Union Territory during the Sixth Plan, 1985-86 and 1986-87 for these groups under the SCA.

77. Some of these primitive groups have special health problems and genetic abnormality like sickle-cell, anaemia and sexually transmitted diseases were prevalent among some of them. Insanitary conditions, lack of personal hygiene, health education and ignorance are the main factors responsible for their ill health. During the Sixth Plan period it was suggested to the States concerned that high priority should be given to the programmes for the primitive groups and the project reports should, inter alia, incorporate the following essential features:

(a) There should be a unique programme for each group.

(b) The programmes must specially take into consideration the eco-system:

(c) The first phase of development should aim conservation and reorganisation of traditional skills of the group.

(d) The second phase should spell out the development programme.

78. Till the end of the Sixth Plan the share of each State in the SCA was determined on ad hoc basis. From the Seventh Plan the share of each State in the SCA for the development of the PTGs is determined on the basis of the following formula:

(a) 40% of the funds on numerical size of the community,

(b) 30% according to population dependent on different occupations, viz.,(i) food gathering or hunting, (ii) shifting cultivation, (iii) settled cultivation and (iv) others, with weightage accorded in the ratio 5:3:1:1,

(c) 15% according to the number of the PTGs in the State/UT (to meet establishment cost), and

(d) 15% in inverse proportion of per capita State Domestic Product with weightage to primitive tribal population.

79. The Working Group on Development of Scheduled Tribes during the Seventh Five Year Plan (1985-90) made certain useful recommendations for the development of the PTGs. The State Governments have been advised that the SCA should be supplemented by resources from State Plan funds. It is observed that comprehensive project reports based on the guidelines issued by the Government of India from time to time had not been prepared in some cases and where prepared they had not been revised and updated with reference to the experience from the development programmes undertaken. No comprehensive review of the programmes was made by the Ministry of Welfare till the end of the year under report, though these are discussed generally in the annual TSP meetings.

Rehabilitation of tribals displaced on account of major projects

80. A large number of projects have been taken up in the country since the First Five Year Plan with a view to exploiting the resource potential for accelerated development of the country. All projects or works undertaken by the Central/State Governments requiring some lands for setting up of these major projects result in loss of livelihood and uprooting of people from their traditional homes. People displaced by these projects are forced to relinquish rights to various immovable assets. A rough assessment shows that about 17 lakh persons have been displaced with the execution of nearly 119 projects.

Out of this an estimated 8.1 lakh oustees are tribals.

81. In the case of the Sardar Sarovar Project in Gujarat the displaced population is estimated as 67,000 from the three States of Gujarat, Madhya Pradesh and Maharashtra. The estimated cost of the Sardar Sarovar Project was Rs. 4,240 crores as approved by the Technical Advisory Committee in 1983 which was revised by the Government of Gujarat to Rs.5,800 crores. Tentative estimated cost of land acquisition and rehabilitation would be Rs.71.65 crores. In the case of the Narmada Sagar Project in Madhya Pradesh the total number of oustees would be about 90,000. In the case of Bansagar Project which is an inter-State project of Uttar Pradesh, Madhya Pradesh and Bihar 258 villages are expected to be submerged in the reservoir involving 35,534 hectares of private land, 14777 hectares of Government land and 4478 hectares of forest land. About a lakh of people will have to be shifted from the submerged area. The total cost of the project is estimated at Rs.371.39 crores out of which the cost of land acquisition and rehabilitation would be Rs.185 crores(at 1984 price level) for Unit 1 alone.

82. The Land Acquisition Act, 1894, is the basic law in the country on acquisition of land for public purposes. This Act provides for compulsory acquisition of land which includes vacant as well as built-up properties. Under the Constitution of India acquisition and requisition of property is a concurrent subject vide entry No.42 in List III of the Seventh Schedule. Consequently, the parent Act has been substantially modifed in different States to adjust to the local conditions. Under the existing provisions of the Act cash compensation is the only relief contemplated to be given and that too to the people with legal ownership rights over the land and homesteads. The Act does not take note of the landless category of people who generally constitute the majority amongst the oustees. In the absence of any provision laying down resettlement, it was left in the past entirely to the oustees to fend for themselves with the cash compensation paid to them. It invariably resulted in a sense of dissatisfaction amongst the displaced persons for two reasons:

(a) The compensation paid was highly inadequate and delayed, and

(b) Being ignorant of the possible investments for productive purposes they tended to consume the cash compensation for meeting social needs or settling dues of the moneylenders, banks, etc., leaving them with nothing to replace their lost income generating assets and opportunities.

83. With a view to emphasising the need for evolving satisfactory solutions by the State Governments the Ministry of Irrigation in May 1980 addressed the Irrigation Secretaries of the State Governments on the subject of suitable rehabilitation measures for persons displaced

due to the reservoir projects. It was suggested, inter alia, that wastelands and Government lands in the command area might be assigned to displaced persons. In October 1984 a Committee of Secretaries headed by the Secretary(Expenditure) with Secretaries of Labour, Irrigation, Coal, Rural Development and Power Ministries/Departments and the Inspector General of Forests and Additional Secretary to the Prime Minister was constituted to spell out in concrete terms specific steps that should be taken by different agencies on compensation and rehabilitation of families whose lands were required for irrigation, industrial and other projects. Based on the deliberations in the Committee of Secretaries, the Bureau of Public Enterprises issued in February 1986 certain guidelines to various Central Ministries/Departments touching broadly upon the issues of land acquisition, compensation and rehabilitation in major projects.

84. Although a number of Committees have gone into the issue of resettlement of oustees in the past, there is still lack of uniformity in approach to the problem. A national policy on rehabilitation is overdue. In respect of the projects undertaken in the Scheduled Areas special Regulations are also called for to protect the interests of the tribals residing therein. The policy must aim at the socio-economic and cultural rehabilitation of oustees, meet the needs of settlers and seek their active participation in the process of resettlement. This has acquired urgency in view of the growing unrest in the tribal areas for which the unsatisfactory rehabilitation of the displaced people is a major factor.

FIELD STUDIES

Study of the working of ITDP, Simdega (Bihar)

85. This office conducted a field study of some important schemes in the ITDP, Simdega, District Ranchi (Bihar), in June 1984. The project came into operation in 1976. The main observations of the study team are given below:

(1) There was lack of coordination among different technical heads and the administration at the level of the SDO and the Project Officer. The Project Officer stated that he was one of the senior officers in the Sub-Division but the SDO who was junior to him was holding all the administrative control of the schemes in the Sub-Division. Out of nine sanctioned posts two were lying vacant. There was no correlation between the formulation of the schemes and the actual allotment and implementation thereof through various Departments.

(2) The prestigious Indo-German Project was launched in village Burhi-Kutang on the Palmar river in Simdega Block in 1968. It was helpful in changing the socio-economic conditions of the tribals living in the area. Till 1971-72 gross irrigated area in the project was merely 0.9% of the total cultivable area. After

1971-72 a large number of big diameter wells were constructed. Efforts were also made to irrigate fields by lifting water from the river in Burhi-Kutang, Naditoli Parsa Bera and Bangroo villages, leading to irrigation of 2,210 acres in the command area. Out of 306 families benefited 247 families belonged to the Scheduled Tribes and 27 to the Scheduled Castes. The project also provided pumping sets, repaired reservoirs/dams and distributed fertilizers and improved seeds. On the bank of the river a pukka well and a hall had been constructed where three electric motors of 75 HP each were installed. These motors were getting rusted and hundreds of unused aluminium pipes were dumped in a corner of the village. Similarly 5 big diameter wells in village Tamra in Simdega Block were not being used for want of motor pumps. The scheme had been abandoned for want of funds from the project authorities. The assets worth several lakhs of rupees provided by the Indo-German Project in the Block should be properly utilised and the lift irrigation scheme taken over either by the Bihar Hill Area Lift Irrigation Corporation or the State Minor Irrigation Department.

(3) The beneficiaries of Simdega and Thethaitangar Blocks who were comparatively more literate, vocal and dominant (Kharias, Mundas and Oraons) than the other sections of the tribals were deriving maximum benefit from the IRDP and other programmes. Some device would have to be evolved so that members of the poorer and smaller tribes like Chik Baraik, Gond, Lohra and Binjhia also get their due share in the developmental schemes.

(4) Even the basic minimum needs of the released bonded labourers had not been met. Mere giving of buffaloes, bullocks and cows would not help them. Fodder and other inputs should be provided and adequate arrangement for marketing of milk made.

(5) The Forest Development Corporation should procure MFP through LAMPS only and not from individual agencies as the poor tribals were being cheated by them.

(6) There was lack of warehouses and transport facilities with the result that essential consumer articles could not be supplied to LAMPS in the remote areas.

(7) For efficient working of LAMPS one Assistant may be provided to help the Member-Secretary.

(8) The main procurement activities were still being handled by moneylenders-cum-traders. Substantial marketing activity should be undertaken by LAMPS themselves. The share contribution of the Government should be suitably increased.

(9) Birhors, a primitive tribal group, are living in Simdega Block. During 1976-77 to 1982-83 an amount of Rs.39,891 only was received for the development of this primitive tribe in this Block and the expenditure on the different schemes for their welfare and development was a paltry sum of Rs.19,600. The school going children were not being sent to the school and facilities like drinking water and housing had not been provided to them.

Study of the working of ITDP, Banswara (Rajasthan)

86. This office conducted a field study of some important schemes in the ITDP, Banswara (Rajasthan), in September 1985. Out of the 8 Panchayat Samitis in the ITDP 2 Panchayat Samitis, viz., Garhi and Anandpuri, were selected. The sample for the study consisted of 33 tribal beneficiaries from 11 villages. Due to severe drought condition in the district a good number of tribals had migrated to the neighbouring States and so a larger number of villages than originally intended had to be covered to contact the tribal beneficiaries. Some of the important findings are given below:

(1) The Project Officer and the Deputy Project Officer of the ITDP had been put under the control of the DRDA. But the post of the Project Officer was lying vacant. The Project Officer should be a senior officer and should have an independent office. He should not be under the administrative control of the Project Director, DRDA. The BDOs and the Block level officials should be placed under the direct control of the Project Officer.

(2) Immediate steps were necessary to ensure that the funds available under the awards of the Seventh Finance Commission and the Eighth Finance Commission were utilised on priority basis in those areas where they were mostly needed.

(3) In 1981 the literacy rate of Banswara District was only 16.85% against 24.38% for the State as a whole. Among the beneficiaries surveyed 12.37% were illiterate, 24.24% could read and write, 15.15% had read upto primary level, 33.33% upto middle level and 15.15% upto secondary level. In the families of the respondents 65.9% male children and 90.5% female children were illiterate.

(4) The eleven villages surveyed presented a dismal picture. In these villages there was no agricultural demonstration farm or horticulture farm or godown. There was not even a weekly market or surprisingly even a fair price shop. While 18.2% respondents were landless, 63.2% owned lands from 2.5 to 12 Bighas and only 3% owned lands above 25 Bighas. Majority of the tribals were small marginal farmers who did not have sufficient produce from their lands. Most

of the able bodied tribals had migrated to the neighbouring States to work as labourers and there too they were reported to be exposed to exploitation.

(5) Wells and tanks were the major source for irrigation and drinking purposes. Only two villages, Samalia and Madalda, had piped water supply and that too for an hour or so. In the surveyed villages there were 20 public wells and 20 private wells. Out of these 22 wells were without water. Only three villages had 5 public tanks out of which 3 were dry. Boring of wells with the help of rigs and deepening of wells should be undertaken on priority basis in those villages where they are urgently needed. A detailed survey of the existing sources of irrigation and drinking water facilities should be undertaken urgently.

(6) The general condition of the livestock in the district was very poor on account of recurrent drought. There were only 25 milch cattle, 36 bullocks and 16 goats with the respondents. Fodder centres should be established in each Block in the drought hit areas on priority basis.

(7) The team studied the progress of various schemes taken up under the IRDP during 1984-85. The coverage of Scheduled Tribe beneficiaries under agricultural schemes was 88.2% and 100% in Garhi and Anandpuri Panchayat Samitis respectively and under animal husbandry schemes it was 55.3% and 84.9% respectively. In other schemes the coverage of Scheduled Tribe beneficiaries was less than their proportion in the population of the district. In order to check the migration of tribals to neighbouring States in this drought prone area there was urgent need to set up small scale or cottage industries and create adequate employment opportunities. Under the IRDP 36% beneficiaries had received buffaloes and 22% electric pumps/motors but in almost all the cases it was observed that the additional income generated was not enough and lasting to raise them above the poverty line.

(8) Due to inadequate generation of additional income out of the total loan of Rs.71195.50 taken by the 33 families only 11.7% could be repaid. None of the beneficiaries had been issued a 'Vikas Patrika' or a bank pass book.

(9) Information was collected in respect of the families displaced on account of the Mahi Bajaj Sagar reservoir. It was gathered that 9,675 families including 5,321 tribal families had been displaced due to the construction of this dam. Information as on 9-8-84 indicated that 5,576 non-tribal and 4,076 tribal families had been rehabilitated. Out of them

1,107 non-tribal and 348 tribal families had taken possession of the land on which they were resettled. The number of those who had not taken possession of the land was 3,117 and 2,627 respectively. The State Government had approved the norms during 1974 for payment of compensation and rehabilitation of the oustees of the dam. But even though more than a decade had since elapsed, full rehabilitation had not yet been accomplished. Out of the total number of oustees 3,913 families had been rehabilitated in 36 resettlement colonies in Banswara District. An indepth study of the problem of rehabilitation and resettlement was called for.

ANNEXURE I

Flow from State Plans to Tribal Sub-Plan areas during 1980-85

(Rs. in crores)

S.No.	State/U.T. (with %age of ST population 1971 Census)	State Plan outlay	Flow to TSP	%age	Expenditure	
					As reported in State TSP documents of 1985-86 and 1986-87	As reported in Ministry of Welfare Budget Brief 1988-89
1	2	3	4	5	6	7
1.	Andhra Pradesh (5.12)	3100.00	139.46	4.50	98.99	107.90
2.	Assam (10.99)	1115.00	120.15	10.78	124.53	134.48
3.	Bihar (8.75)	3225.00	625.26	19.39	543.38	532.12
4.	Gujarat (14.07)	3680.00	484.40	13.16	405.81	425.07
5.	Himachal Pradesh (4.10)	560.00	44.91	8.48	55.29	54.15
6.	Karnataka (0.89)	2265.00	23.80	1.05	16.85	18.42
7.	Kerala (0.90)	1550.00	19.35	1.25	25.27*	23.73
8.	Madhya Pradesh (23.56)	3800.00	629.04	16.55	669.28	669.29
9.	Maharashtra (7.62)	6175.00	298.85	4.84	287.44	381.22
10.	Manipur (31.13)	240.00	76.37	31.82	87.37	86.82
11.	Orissa (23.13)	1500.00	533.19	35.55	463.46	508.64
12.	Rajasthan (12.17)	2025.00	202.66	10.01	236.17	229.49
13.	Sikkim (24.53)	122.00	15.06	12.34	2.94+	12.65
14.	Tamil Nadu (1.09)	3150.00	16.98	0.54	19.36	20.25
15.	Tripura (28.98)	245.00	65.23	28.40	85.91	78.72

(Contd.)

(Rs. in crores)

1	2	3	4	5	6	7
16.	Uttar Pradesh (0.23)	5850.00	3.49	0.06	2.52@	2.52
17.	West Bengal (5.87)	3500.00	180.33	5.15	80.79	87.62
	Union Territories					
18.	A & N Islands (15.65)	96.80	15.48	16.02	13.85	13.85
19.	Goa, Daman & Diu (0.82)	192.00	1.23	0.64	0.63	0.95
	Total (7.58)	42390.80	3495.24	8.25	3219.84	3387.89

* Includes anticipated expenditure of Rs.6.45 crores during 1984-85. The total expenditure in the Sixth Plan period shown here is against a Plan outlay of Rs.23.73 crores. But the agreed TSP outlay has been shown by the Govt. of India as Rs.19.35 crores.

+ Based on the TSP documents of Sikkim for 1985-86 and 1986-87 which contain incomplete figures.

@ The figures under Cols.3, 5 and 6 relate only to the Plain Region (Kheri and Gonda).

ANNEXURE II

Statement showing the position in the various States regarding creation of a separate Budget Demand for Tribal Sub-Plan allocations

Name of State	Whether separate Demand created	Whether Major/ Minor Head created	Remarks
1	2	3	4
1. Andhra Pradesh	Yes	-	In the meeting on tribal development held by the Chief Minister on 14-6-86 it was decided that funds for the TSP should be pooled together and planned to be utilised for the total development of the Scheduled Tribes by the Commissioner of Tribal Welfare. It was decided that the provision for the Sub-Plan would be exhibited under a single Demand in the budget for 1987-88.
2. Assam	No	-	Has no separate Demand exclusively for TSP State Plan allocation and Special Central Assistance are shown by the diferent Departments under two separate Major Heads of Accounts.
3. Bihar	No	Major Head	There is a separate Major Head for Tribal Sub-Plan in each Department.
4. Gujarat	Yes	-	State Budget for TASP is being sanctioned under separate single Demand. Allocation of SCA to different sectors of development is controlled by the Tribal Development Department.
5. Himachal Pradesh	Yes	-	A separate Demand (No.35) for the Tribal Sub-Plan Areas has been created from 1981-82.
6. Karnataka	No	Head	A separate budget head opened for State Plan funds and SCA. Social Welfare and Labour Department allots funds to the concerned Development Departments for the implementation of programmes.

(Contd.)

1	2	3	4
7. Kerala	No	Minor Head	No separate Demand for TSP. Flow from State Plan to the Tribal Sub-Plan is shown under Minor Sub-Heads of accounts in the respective Demands of concerned Departments. SCA is shown under a Minor Head of the Tribal Welfare Department.
8. Madhya Pradesh	Yes	-	In the State Budget separate Demands 41,42 and 67 have been instituted. Under Demand No.41 provisions of all concerned Deptts. except PWD are included. Under Demand Nos.42 and 67 provisions of roads and buildings respectively taken up through PWD are included.
9. Maharashtra	No	Minor Head	One single Demand number given for different Major Heads under (1) Revenue Account, (2) Capital Account and (3) Debt Account under TASP and also a separate Minor Head "Tribal Area Sub-Plan" has been opened under each functional Major Head.
10. Manipur	No	-	No separate Demand for TSP. Special Central Assistance is kept under one separate Demand. From 1977-78 onwards the SCA schemes are pooled under one Demand and schemes are implemented by Tribal Development Department.
11. Orissa	No	Minor	Each Department has a Minor Head in its respective Demand styled "Tribal Area Sub-Plan". SCA and flow from State Plan are shown under separate Sub-Heads under the respective Minor Heads.
12. Rajasthan	Yes	-	Combined provisions for SCA and flow from State Plan are exhibited by the State under grant No.30.
13. Sikkim	No	-	
14. Tamil Nadu	No	Head	Separate Head has been opened under the Major Functional Head of the respective Heads of the Departments.

(Contd.)

1	2	3	4
15. Tripura	No	Minor Head	No separate Demand for TSP, but there is a separate Minor Head under each sectoral head for quantifying funds for Tribal Sub-Plan. SCA is also provided under the budget of the Tribal Welfare Department under a separate Minor Head and provided to different Departments.
16. Uttar Pradesh	No	Sub-Head	A separate Sub-Head has been created for TSP and no allocation of SCA to different Departments is made in the State. SCA is utilised by the ITDPs only.
17. West Bengal	Yes	-	TSP outlays of different sectoral Departments for the SCA are being grouped in one single Demand Head.
18. A & N Islands	-	-	Funds are provided in Demand No.54 of the Home Ministry. The provision for TASP is being exhibited under different Major Heads coming under this Demand. Funds under SCA are placed at the disposal of different Departments.
19. Goa,Daman & Diu	No	-	No separate Demand for TSP opened. However, a separate unit of Appropriation under Major Head "288"-Social Security is opened.

ANNEXURE III

Comparative investment in Tribal Sub-Plan during 1980-85: Family Oriented, Infrastructure, Social Service and Other Sectors-Percentage to total

S.No.	States/UTs	Family beneficiary oriented sectors (A)	Infrastructure sectors (B)	Social services sectors (C)	Other sectors
1	2	3	4	5	6
1.	Andhra Pradesh	6.09	27.21	39.67	27.03
2.	Assam	31.88	32.16	26.78	9.18
3.	Bihar	18.26	47.07	21.60	13.07
4.	Gujarat	19.60	35.48	22.67	22.25
5.	Himachal Pradesh	17.50	40.41	19.25	22.84
6.	Karnataka	47.64	9.40	26.17	16.79
7.	Kerala	17.46	20.06	40.45	22.03
8.	Madhya Pradesh	21.38	29.98	18.60	30.04
9.	Maharashtra	12.74	41.38	44.79	1.09
10.	Manipur	16.11	41.18	29.82	12.89
11.	Orissa	9.49	43.88	9.63	37.00
12.	Rajasthan	5.80	69.57	11.42	13.21
13.	Sikkim	12.55	27.14	—	60.31
14.	Tamil Nadu	30.30	26.92	22.49	20.29
15.	Tripura	18.56	23.25	41.31	16.88
16.	Uttar Pradesh	32.70	13.40	16.25	37.65
17.	West Bengal	15.04	40.57	14.08	30.31
18.	A & N Islands	4.82	71.16	14.00	10.02
19	Goa, Daman & Diu	20.57	16.33	17.26	45.84
	GRAND TOTAL	16.69	39.44	21.96	21.91

(A)
1. Agriculture
2. Horticulture
3. Minor irrigation
4. Veterinary and Animal Husbandry
5. Fisheries
6. Cooperatives
7. Cottage Industries
8. Sericulture

(B)
1. Large and Medium Industry
2. Irrigation and Power
3. Mining
4. Roads

(C)
1. Drinking Water
2. Education
3. Health
4. Labour
5. Other sectors under Social Services

ANNEXURE IV

Statement showing the amount released as Special Central Assistance for Tribal Sub-Plan and expenditure reported by the State Governments during the Sixth Plan period (As on 15-5-1987)

(Rs. in lakhs)

State/UT	1980-81		1981-82		1982-83		1983-84		1984-85		Total	
	Released	Expenditure	Released	Expenditure	Released	Expenditure	Released	Expenditure	Released	Expenditure	Released	Expenditure
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Andhra Pradesh	337.22	305.75	383.00	422.58	428.41	472.15	511.52	607.44	589.40	622.18	2249.55	2430.10
2. Assam	319.01	250.38	367.00	275.90	411.00	337.31	477.33	445.78	539.58	809.33	2113.92	2118.70
3. Bihar	973.98	821.84	1212.28	966.05	1349.28	1127.82	1566.89	1223.85	1832.47	1487.25	6934.90	5626.81
4. Gujarat	568.64	568.64	718.26	718.26	798.26	798.26	908.26	908.26	1087.62*	1087.62	4081.04	4081.04
5. Himachal Pradesh	81.22	119.21	121.94	99.82	140.20	143.22	158.27	133.58	200.51	292.51	702 .14	788.34
6. Karnataka	17.17	19.48	61.00	41.06	68.00	43.58	77.98	54.78	122.61	110.53	346.76	269.43
7. Kerala	57.00	65.11	48.00	52.36	56.00	47.59	62.51	67.24	64.01	66.67	287.52	298.97
8. Madhya Pradesh	1923.51	1770.41	2412.83	1463.99	2677.83	1625.44	3104.95	1522.46	3652.52	4140.40*	13771.64	10522.70
9. Maharashtra	544.16	544.16	578.67	578.67	646.00	721.23	758.75	758.75	799.33	801.57	3326.91	3404.38
10. Manipur	112.05	130.68	150.00	149.34	171.00	176.36	197.09	196.79	238.94	238.79	869.08	891.96
11. Orissa	886.45	885.89	1166.42	1164.44	1344.42	1344.32	1495.89	1494.81	1763.19	1762.30	6656.37	6651.76
12. Rajasthan	516.49	501.01	590.79	514.23	636.79	630.50	722.11	697.20	839.30	863.79	3305.48	3206.73
13. Sikkim	10.00	10.00	22.00	22.01	25.00	8.50	29.18	32.04	37.17	36.17	123.35	108.72
14. Tamil Nadu	80.87	80.87	95.00	95.60	105.00	105.00	121.88	121.88	135.41	135.41	538.16	538.76
15. Tripura	130.58	119.29	142.00	145.91	159.00	156.95	181.92	181.38	199.34	200.62	812.84	804.15
16. Uttar Pradesh	19.07	9.22	14.81	24.67	17.81	18.81	24.39	20.22	26.00	18.81*	102.08	91.73
17. West Bengal	364.58	366.16	376.00	375.89	421.00	418.17	500.08	527.04	524.60*	493.15	2186.26	2180.41
18. A & N Islands	14.00	9.50	16.53	14.82	40.00	26.20	95.00	25.21	3.00	23.38	168.53	99.11
19. Goa, Daman & Diu	12.81	11.60	4.00	5.88	5.00	6.50	6.00	5.99	7.00	6.97	34.81	36.94
Total	6968.81	6589.20	8480.53	7131.48	9500.00	8207.91	11000.00	9024.70	12662.00	13197.45	48611.34	44150.74

* Provisional

ANNEXURE V

Special Central Assistance under TSP during Sixth Plan : Comparative investment in family beneficiary oriented, infrastructure development, social service and other sectors - Percentage to total

(Rs. in lakhs)

S.No.	State/UT	Family beneficiary oriented sectors	Infrastructure sectors	Social service sectors	Other sectors	Total
1	2	3	4	5	6	7
1.	Andhra Pradesh	1548.58 (84.04)	3.21 (0.18)	143.89 (7.80)	146.86 (7.98)	1842.54 (100.00)
2.	Assam	894.87 (63.26)	-	196.00 (13.85)	323.99 (22.89)	1414.86 (100.00)
3.	Bihar	3580.28 (61.33)	304.66 (5.24)	1067.12 (18.28)	884.82 (15.15)	5836.88 (100.00)
4.	Gujarat	1435.43 (37.62)	9.31 (0.24)	375.00 (9.82)	1995.26 (52.32)	3815.00 (100.00)
5.	Himachal Pradesh	313.31 (44.20)	5.01 (0.70)	183.31 (25.88)	207.14 (29.22)	708.77 (100.00)
6.	Karnataka	214.17 (70.42)	-	24.00 (7.89)	66.00 (21.69)	304.17 (100.00)
7.	Kerala	139.33 (36.03)	17.18 (4.44)	188.03 (48.59)	42.36 (10.94)	386.90 (100.00)
8.	Madhya Pradesh	6496.12 (37.06)	725.74 (4.14)	7293.29 (41.61)	3010.18 (17.19)	17525.33 (100.00)
9.	Maharashtra	271.53 (8.64)	547.35 (17.44)	2272.97 (72.34)	49.87 (1.58)	3141.72 (100.00)
10.	Manipur	168.98 (19.63)	77.94 (9.05)	437.08 (50.78)	176.68 (20.54)	860.68 (100.00)

(Contd.)

1	2	3	4	5	6	7
11.	Orissa	2979.11 (53.03)	171.67 (3.05)	1163.20 (20.72)	1303.30 (23.20)	5617.28 (100.00)
12.	Rajasthan	618.78 (30.75)	10.60 (0.52)	778.05 (38.57)	604.23 (30.06)	2011.66 (100.00)
13.	Sikkim	64.20 (56.86)	-	30.71 (27.20)	18.00 (15.94)	112.91 (100.00)
14.	Tamil Nadu	338.20 (64.29)	4.00 (0.76)	102.85 (19.55)	81.00 (15.40)	526.05 (100.00)
15.	Tripura	262.09 (35.86)	5.49 (0.76)	453.43 (62.04)	9.80 (1.34)	730.80 (100.00)
16.	Uttar Pradesh	26.05 (41.17)	-	3.39 (5.36)	33.84 (53.47)	63.28 (100.00)
17.	West Bengal	1138.68 (47.59)	95.52 (3.99)	116.80 (4.88)	1041.26 (43.54)	2392.36 (100.00)
18.	A & N Islands	8.17 (18.31)	0.80 (1.79)	35.66 (79.90)	-	44.63 (100.00)
19.	Goa, Daman & Diu	15.73 (39.19)	15.43 (38.44)	7.37 (18.36)	1.61 (4.01)	40.14 (100.00)
	Total	20513.61 (43.30)	1993.91 (4.21)	14872.14 (31.39)	9996.20 (21.10)	47375.86 (100.00)

Note.1.The above excludes expenditure on Primitive Tribes programmes majority of which are considered under beneficiary oriented or social service sectors. The total SCA for Primitive Tribes programmes during the Sixth Plan was Rs.1850 lakhs.

2.Figures within brackets indicate percentage to total.

ANNEXURE VI

Statement No.1

Statement showing outlay and expenditure under TSP (State Plan) during Sixth Plan period in Bihar

(Rs. in lakhs)

S.No.	Sector	As in Chapter II (Review of Progress) of TSP document for 1985-86			As in respective Chapters of TSP document for 1985-86			
		Page No.	Outlay	Exp.	Chapter No.	Page No.	Outlay	Exp.
1	2	3	4	5	6	7	8	9
I	Agriculture & Allied Services							
	(1) Crop Husbandry	xxiii	915.00	856.90	VIII	26	915.00	856.90
	(2) Soil Conservation	xxviii	953.80	951.40	XIX	112	643.00	506.71
	(3) Animal Husbandry	xxviii	952.06	850.43	XX	122	952.06	850.43
	(4) Fisheries	xxix	185.00	154.53	XXII	156	212.00	148.40
	(5) Dairy Development	xxix	307.00	308.25	XXI	143	119.00	119.00
	(6) Agricultre Marketing	xxx	454.00	445.50	X	57	485.00	367.88
	(7) Forests	xxx	1391.00	1361.93	XXIII	165	1280.00	1272.00
	Sub-total I		5157.66	4928.94			4806.86	4121.32
II	Rural Development							
	(1) NREP	xxxiv	1761.11	1447.44	XIII	77	1275.00	1447.44
	(2) IRDP	xxxiv	1747.00	1643.06	XIV	79	1172.00	1643.00
	Sub-total II		3508.11	3090.50			2447.00	3090.44
III	Cooperation	xxxi	1520.50	1372.34	XXV		1520.50	1372.34

(Contd.)

1	2	3	4	5	6	7	8	9
IV	Water and Power Development							
	(1) Major and Medium Irrigation	xxvi	19711.80	14898.66	XXVI	235	19711.80	14898.66
	(2) Minor Irrigation	xxvii	7092.00	6271.50	XVIII	98	6662.00	6222.05
	(3) Power	NA	7223.00	4420.91	XXVII	244	7223.00	4420.91
	Sub-total IV		34026.80	25591.07			33596.80	25541.62
V	Industries and Minerals							
	Village and Small Industry	xxxiv	2015.00	1941.23	XXIX	277	1011.00	1011.00
VI	Transport and Communication							
	Rural Roads	xxxii	2939.00	3087.55	XXXI	312	2665.00	2864.00
VII	Social and Community Services							
	(1) Education	xxxiii	4578.95	3973.17	XXXV	325	4010.00	3813.00
	(2) Rural Water Supply	xxxiv	2397.50	2395.50	XXXVIII	362	2250.00	2230.50
	(3) Health	xxxii	2353.94	2266.56	XXXIX	368	1806.00	1381.00
	Sub-total VII		9330.39	8635.23			8066.00	7424.50
	Grand total		58497.46	48646.86			53912.96	45425.22

Source: Draft Sub-Plan for Seventh Five Year Plan and Annual Plan 1985-86

Note: (1) The expenditure figures under columns 5 and 9 include the actual expenditure for the first four years of the Sixth Plan period and anticipated expenditure during 1984-85. The TSP document for 1986-87 gives a total Sixth Plan expenditure under the State Plan(TSP) as Rs.569.34 crores but the sectorwise break-up is missing therein.

(Contd.)

(2) The document does not give at one place complete and correct information about all the sectors. The total outlay as given in Chapter II (Review of Progress) comes to Rs.584.97 crores whereas the total outlay was actually Rs.639.34 crores. Even in respect of some of these very sectors different figures of outlay have been given in the respective chapters as shown in Col.8. The total under Col.8 comes to Rs.523.92 crores excluding the outlay on Cooperation which is not shown in the relevant chapter. However, for the purpose of analysis the figures under Cols. 8 and 9 have been taken.

(3) In the chapter on Cooperation the outlay and expenditure were not shown. Therefore, the figures under Cols.4 and 5 have been repeated in Cols.8 and 9 respectively.

(4) Expenditure figures were not shown in the respective chapters against Dairy Development and Village and Small Industry. Therefore, the figures under Col.8 have been repeated in Col.9.

(5) Besides the total outlay shown under Col.4 TSP outlays have also been shown in some sectors/programmes in the respective chapters and their total comes to Rs.82.13 crores. But these sectors/programmes have not been shown in Chapter II (Review of Progress). The expenditure figures are not shown against certain programmes in the respective chapters and the expenditure figures total to Rs.73.76 crores. However, for the analysis these outlay/expenditure figures, which have not been included in Chapter II, have been taken. For details Statement No.2 of this Annexure may be seen.

ANNEXURE VI
Statement No.2

Bihar Draft Sub-Plan for VII FYP and Annual Plan 1985-86 Sectors/programmes in the State Plan not included in Chapter II relating to 'Review of Progress' but shown in other Chapters relating to different sectors

(Rs. in lakhs)

Chapter	Page No.		Sector/Programme	Outlay	Expenditure
1	2		3	4	5
			Agriculture & Allied Services		
VII	1	(i)	Agriculture Education & Research	336.50	344.50
IX	55	(ii)	Lac Development	40.00	24.15
XI	68	(iii)	Storage and Warehousing	2.00	2.00
XII	70	(iv)	DPAP	270.00	305.00
XV	84	(v)	Community Development	302.00	327.00
XVI	87	(vi)	Panchayats	65.00	50.00
XVII	92	(vii)	Land Reforms	706.00	706.00
				1721.50	1758.65
			Industries and Minerals		
XXVIII	263	(i)	Large and Medium Industries	747.00	747.00
XXX	301	(ii)	Mineral Development	312.00	245.58
				1059.00	992.58
			Transport and Communication		
XXXI	314	(i)	Urban Roads	109.00	97.00
XXXII	316	(ii)	Road Transport	495.00	393.72
XXXIII	317	(iii)	Civil Aviation	40.00	34.13
				644.00	524.85
			Social and Community Services		
XXXVI	345	(i)	Art and Culture	30.00	20.00
XXXVII	348	(ii)	Science and Technology	205.00	166.00
XXXVIII	357	(iii)	Urban Water Supply and Sewerage	734.00	511.00
XL	391	(iv)	Housing	414.00	414.00
XLI	394	(v)	Police Housing	100.00	93.00
XLII	395-97	(vi)	Urban Development	223.00	223.00
XLIII	399	(vii)	Information & Publicity	14.00	14.00
XLIV		(viii)	Labour and Labour Welfare		
	403-407		Labour and Labour Administration	17.76	17.76
	409-413		Craftsmen and Apprenticeship Trg.	194.39	135.42
	415-418		Employment Service	11.65	12.61

(Contd.)

1	2		3	4	5
XLV	421	(ix)	Welfare of Backward Classes	1719.71	1430.89
XLVI	447	(x)	Social Welfare	75.00	51.50
XLVII	453	(xi)	Nutrition	582.00	463.00
				7745.01	6828.26
			Miscellaneous		
XLVIII	456	(i)	Environmental Protection and Development	3.00	3.00
XLIX	459	(ii)	Evaluation	2.50	3.15
L	460	(iii)	Statistics	18.00	9.11
LI	463	(iv)	Manpower Training	10.00	10.00
LII	465	(v)	Planning Machinery	14.00	13.80
LIII	468	(vi)	Buildings	90.70	95.78
LIV	469	(vii)	Printing Press	21.55	21.55
LV	471	(viii)	Autonomous Development Authority	178.80	202.80
LVI	475	(ix)	Project Administration	125.00	185.00
LVII	481	(x)	Monitoring of 20-Point Programme	4.00	4.00
				467.55	548.19
	Total			8212.56	7376.45

Note: (1) In the document outlay against Housing was not shown. The expenditure has been shown here as outlay as well.

(2) Expenditure figures were not shown in the document against 5 sectors/programmes. In those cases the respective outlays have been shown here as expenditure. These 5 sectors/programmes are (i) Storage and Warehousing, (ii) Large and Medium Industries, (iii) Urban Development, (iv) Labour and Labour Administration and (v) Environmental Protection and Development.

(3) Some of the sectors/programmes shown in this statement are not eligible for inclusion in the TSP, e.g., Civil Aviation, Police Housing, Printing Press, etc.

ANNEXURE VII

Quantification for Tribal Sub-Plan Areas by Central Ministries during Sixth Plan

(Rs. in lakhs)

Name of the Ministry/ Department	Sixth Plan 1980-85		1980-81		1981-82	
	Total outlay	Quantification for TSP	Total outlay	Quantification for TSP	Total outlay	Quantification for TSP
1	2	3	4	5	6	7
1. Ministry of Agriculture and Cooperation	83095.10	8069.10 (9.07)	15326.74	266.16 (1.73)	17779.52	754.33 (4.24)
2. Ministry of Commerce	-	-	-	-	-	90.39
3. Ministry of Communi-cations	281000.00	16000.00 (5.70)	41842.37	2487.63 (5.94)	47088.57	3051.15 (6.47)
4. Ministry of Education and Culture	55872.00	3662.26 (6.55)	NA	127.00	8436.50	463.43 (5.49)
5. Ministry of Food and Civil Supplies						
(i) Department of Food	-	-	-	-	-	-
(ii) Department of Civil Supplies	3500.00	500.00 (5.71)	-	-	600.00	41.45 (6.90)
6. Ministry of Health and Family Welfare	36695.21	3745.48 (10.20)	8284.55	1009.44 (12.18)	10587.84	907.81 (8.57)
7. Ministry of Industrial Development	11600.00	930.00 (8.00)	NA	131.10	NA	133.10
8. Ministry of Information and Broadcasting @	24033.00	2028.69 (8.44)	-	57.76	-	94.07

(Contd.)

1	2	3	4	5	6	7
9. Ministry of Irrigation	-	-	NA	16.70	NA	89.00
10. Ministry of Labour	200.00	9.45 (4.8)	20.50	1.00 (4.87)	30.00	1.47 (4.90)
11. Department of Rehabilitation	-	-	-	-	-	-
12. Department of Rural Development	176000.00	33800.00 (+) (19.20)	44498.00	6713.00 (+) (15.08)	32797.00	6337.00 (+) (19.32)
13. Ministry of Shipping and Transport	78850.00	12303.00 (9.50)	11400.00	1350.00 (11.84)	11940.00	1280.00 (10.72)
14. Ministry of Social Welfare						
(1) ICDS (For predominantly tribal areas)	NA	9885.00	NA	544.00	NA	767.00
(2) FLAW* (For predominantly tribal areas)	NA	237.00	NA	237.00	NA	300.00
Total	750845.31	91169.98 (12.10)	121372.16	12940.79 (10.66)	129259.43	14310.20 (11.06)

(Figures in brackets indicate percentages of TSP quantification to total outlay)

@ Not strictly for TSP areas but also includes tribal majority areas of North-Eastern States.

(+) Includes combined figures for SC & ST.

* Functional Literacy for Adult Women

(Contd.)

S.No.	1982-83 Total Outlay	1982-83 Quantification for TSP	1983-84 Total outlay	1983-84 Quantification for TSP	1984-85 Total outlay	1984-85 Quantification for TSP	Remarks
	8	9	10	11	12	13	14
1.	20141.05	1143.54 (5.67)	21069.35	1289.55 (6.12)	27185.21	1765.97 (6.5)	Crop oriented programmes, Soil and Water Conservation, Animal Husbandry, Dairy Development, Fisheries, Forestry, Cooperation
2.	-	74.19	-	-	-	-	Cardamom nurseries in tribal areas, supply of seedlings, plant.protection, equipments and expansion of coffee cultivation in backward hilly tracts
3.	49722.61	3068.39 (6.21)	76000.00	4140.00 (5.45)	84550.00	4640.00 (5.49)	Opening of new post offices, construction of post office buildings and quarters in tribal areas
4.	10360.90	1104.55 (10.66)	9155.00	1222.75 (13.35)	13983.54	1533.40 (10.97)	School Education, University & Higher Education, Technical Education, Adult Education, Art & Culture
5.(1)	-	-	-	-	5500.00	345.00 (6.3)	
(2)	485.00	71.00 (14.63)	715.00	123.00 (17.20)	680.00	150.00 (22.10)	Development of oilseeds and oils of tree and forest origin, margin money to cooperative societies for distribution of consumer articles in rural/tribal areas
6.	12430.32	1109.89 (8.92)	9993.58	977.71 (9.78)	13854.50	1160.93 (8.37)	Malaria, leprosy, blindness and T.B. control schemes; Medical Research for tribals; CCR in Ayurvedic, Siddha and Unani Medicine
7.	NA	172.60	2394.00	193.50 (8.0)	16900.50	2813.70 (16.65)	District Industries Centres, Testing Centres & Field Testing Centres, Product and Process Development Centres, EDP Management & Training

(Contd.)

	8	9	10	11	12	13	14
8.	-	20244.00	5000.00	482.00 (9.64)	9640.00	541.59 (5.44)	All India Radio, Doordarshan, Field Publicity, Drama
9.	-	-	-	-	-	-	Exploitation for ground water
10.	45.00	1.86 (4.13)	50.00	2.40 (4.8)	70.00	14.91 (21.3)	Workers' Education
11.	-	3.73*	-	5.00	-	-	Assistance for the settlement of tribal families
12.	38197.00	7757.00(+) (20.30)	41550.00	8613.00(+) (20.72)	-	-	IRDP, NREP, SLPP (Special Livestock Production Programme)
13.	13100.00	1364.00 (10.41)	15539.00	2041.00 (13.13)	18250.00	2334.00 (12.78)	Construction of roads in tribal areas
14.(1)	-	1110.00	-	2750.00	-	3600.00	Schemes/Projects in predominantly tribal areas
(2)	-	460.00	-	535.00	-	540.00	
	144481.88	17663.19 (12.23)	181457.93	22474.91 (12.38)	190613.75	19439.50 (10.20)	

* Combined for 1981-82 and 1982-83

(+)Includes combined figures for SC & ST.

ANNEXURE VIII

Physical achievements in selected sectors of Tribal Sub-Plan during Sixth Plan

S.No.	States/Programmes	Target	Physical achievements
1	2	3	4
I.	Area under Minor Irrigation (in hectares)		
1.	Andhra Pradesh	-	2772
2.	Assam	-	13800
3.	Gujarat	13990	14690
4.	Himachal Pradesh	1500	1772
5.	Madhya Pradesh	-	1107503
6.	Maharashtra	12720	12680
7.	Manipur	-	2710
8.	Orissa	30512	39814
9.	Rajasthan	3876	1761
10.	Tamil Nadu	325	575
11.	Tripura	4730	3082
12.	Uttar Pradesh	-	937
13.	West Bengal	-	2287
II.	Milch animals (Nos.)		
1.	Andhra Pradesh	-	5791
2.	Assam	1434	723
3.	Gujarat	32270	43057
4.	Himachal Pradesh	-	3600
5.	Karnataka	616	1153
6.	Maharashtra	3436	1765
7.	Tamil Nadu	15473	6736
8.	Tripura	1600	12800
9.	Uttar Pradesh	100	210
III.	Forest plantation (in hectares)		
1.	Andhra Pradesh	-	18504
2.	Assam	522	2480
3.	Bihar	-	27014
4.	Gujarat	65416	55050
5.	Himachal Pradesh	7660	3750

(Contd.)

1	2	3	4
6.	Manipur	-	9915
7.	Orissa	22500	24216
8.	Tamil Nadu	8500	3909
9.	Tripura	13382	12450
10.	Uttar Pradesh	25	41
11.	West Bengal	-	75777
12.	A & N Islands	308	216
IV.	Water supply (No.of villages)		
1.	Andhra Pradesh	-	396
2.	Assam	2636	988
3.	Gujarat	2210	1325
4.	Himachal Pradesh	139	115
5.	Madhya Pradesh	21257	20101
6.	Manipur	-	370
7.	Orissa	7394	7394
8.	Rajasthan	1650	2202
9.	Tamil Nadu	610	370
10.	Tripura	1275	1239
11.	Uttar Pradesh	25	45
12.	A & N Islands	46	33
V.	Area under high yielding varieties (in hectares)		
1.	Andhra Pradesh	-	35345
2.	Assam	405000	258900
3.	Bihar	-	700000
4.	Himachal Pradesh	39000	41800
5.	Manipur	-	11400
6.	Orissa	461200	492100
7.	Rajasthan	115150	73360
8.	Tamil Nadu	6932	7032
9.	Tripura	-	22000
10.	Uttar Pradesh	-	877
11.	A & N Islands	5610	3229

(Contd.)

1	2	3	4
VI.	Alienated land restored (in hectares)		
1.	Andhra Pradesh	-	23055
2.	Bihar	-	10313
3.	Gujarat	-	8893
4.	Madhya Pradesh	-	487
5.	Orissa	-	2920
6.	Tamil Nadu	-	536
7.	Tripura	-	1391.50
VII.	Villages electrified (Nos.)		
1.	Andhra Pradesh	-	1025
2.	Assam	739	651
3.	Bihar	-	2161
4.	Gujarat	811	519
5.	Himachal Pradesh	145	141
6.	Karnataka	185	114
7.	Maharashtra	-	4455
8.	Manipur	-	87
9.	Orissa	6444	1971
10.	Rajasthan	520	1261
11.	Tamil Nadu	101	64
12.	Tripura	250	222
13.	Uttar Pradesh	7	23
14.	West Bengal	-	813
15.	A & N Islands	31	22
VIII.	Area under Soil Conservation (in hectares)		
1.	Andhra Pradesh	-	24269.29
2.	Assam	24200	15569
3.	Himachal Pradesh	1500	1300
4.	Karnataka	5186	2797.61
5.	Manipur	-	11340
6.	Orissa	80000	73000
7.	Rajasthan	10650	7555
8.	Tripura	14500	14282
9.	Tamil Nadu	1885	1206
10.	West Bengal	-	3875

(Contd.,

1	2	3	4
IX.	Area under Horticulture (in hectares)		
1.	Andhra Pradesh	-	11129
2.	Assam	42500	28300
3.	Himachal Pradesh	2000	2683
4.	Manipur	-	1040
5.	Orissa	16073.21	7307.30
6.	Rajasthan	1160	1158
7.	Tamil Nadu	6932	8247
8.	Tripura	3940	622
9.	Uttar Pradesh	4	1.5
10.	A & N Islands	565	471

ANNEXURE IX

Statement showing Sixth Five Year Plan (1980-85) targets and achievements regarding economic assistance to Scheduled Tribe families below poverty line under item 7(b) of the 20-Point Programme

S.No.	States/UTs	Target (1980-85)	Achievement during					
			1980-81	1981-82	1982-83	1983-84	1984-85	1980-85 (Total)
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	118000	9227	13092	56214	52166	69865	200564
2.	Assam	200429	16519	48605	54619	71857	75954	267554
3.	Bihar	200000	*	*	109557*	123370	166548	399475
4.	Gujarat	350000	74784	76580	89048	85779	78904	405095
5.	Himachal Pradesh	43749	4046	4737	16423	5372	5218	35796
6.	Karnataka	15500	3392	3397	5596	3299	9113	24797
7.	Kerala	16000	2545	2545	4969	7091	6157	23307
8.	Madhya Pradesh	618000	@	240747@	94515	254563	254515	844340
9.	Maharashtra	497332	*	*	484039*	79601	93269	656909
10.	Manipur	22915+	*	*	7143*	13584	10429	31156
11.	Orissa	514794	57285	83700	97673	118066	134239	490963
12.	Rajasthan	50000	11000	12662	53588	61081	67372	205703
13.	Sikkim	4400+	@	1060@	2561	2400	1938	7959
14.	Tamil Nadu	19000	3000	3050	5621	5978	11235	28884
15.	Tripura	36338+	*	*	14335*	10738	18750	43823
16.	Uttar Pradesh	3100	500	650	4129	2598	3155	11032
17.	West Bengal	108275	@	41447@	91364	72867	72555	278233
18.	A & N Islands	3700	*	*	6087*	810	896	7793
19.	Goa, Daman & Diu	1500	150	272	931	897	976	3226
	Total	2823032	182448	532544	1198412	972117	1081088	3966609

Percentage achievement = 140.51%

* Combined achievement for 1980-81, 1981-82 and 1982-83

@ Combined achievement for 1980-81 and 1981-82

\+ Targets for 1982-83, 1983-84 and 1984-85

ANNEXURE X

Research/Evaluation studies sponsored by the Tribal Development Division of the Ministry of Home Affairs during Sixth Plan (as reported in December 1984)

S.No.	Name of the organisation	Title of the project
1.	Indian Institute of Public Administration, New Delhi	Evaluation study of administrative structure of ITDPs
2.	Vaikunth Mehta National Institute of Cooperative Management, Pune	Evaluation study of LAMPS in Bihar, Gujarat, M.P., Orissa and Rajasthan
3.	Department of Anthropology, Ranchi University, Ranchi	*Impact of industrialisation on tribes of Middle India
4.	Centre for Social Studies, South Gujarat University Campus, Surat	Non-enrolment, absenteeism, wastage and stagnation in tribal education-An inter-State study
5.	Jigyansu Tribal Research Centre, J-21, Hauz Khas, New Delhi	Socio-cultural impact of development: Exposure on the Saora tribe of Orissa
6.	Institute of Social Research and Applied Anthropology, Calcutta	The Chenchus of the forests and plateau — Development and progress among a food gathering tribe
7.	Department of Anthropology, Ranchi University, Ranchi	University education and tribal society — A relative view
8.	Progressive Agro-Industrial Consultants, Chittaranjan Park, New Delhi	Appropriate strategies for tribal development in selected areas belonging to the transitional stage of development in Orissa
9.	National Council of Applied Economic Research, New Delhi	Development of tribal population through sericulture
10.	Department of Anthropology, Ravishankar University, Raipur	@Impact of industrialisation in south-eastern districts of Madhya Pradesh
11.	Indian Institute of Economics, Hyderabad	Evaluation of Integrated Tribal Development Programme
12.	Faculty of Home Science College, Baroda	A study of utilisation of programmes and services planned for the tribals by Government and voluntary agencies with special reference to infants and pre-schools (in Gujarat)
13.	Jigyansu Tribal Research Centre, New Delhi	Study of migrant labourers(Bihar and Orissa)
14.	Association for Social Research and Action, New Delhi	*Identification of viable trade crafts
15.	University of North Bengal, Raja Rammohanpur, Darjeeling	*Tribal Crafts — A study on problems and prospects of their development for economic development of the tribals
16.	Institute of Himalayan Environmental Research and Education, Almora	*Economics of cottage industries of Bhotias

* Report not received

@ Part report received

ANNEXURE XI

Monitoring arrangements in the States/UTs for tribal development projects

State/UT	Monitoring arrangements
1. Andhra Pradesh	The State level committee for Tribal Development under the chairmanship of Chief Secretary reviews the implementation of tribal welfare programmes periodically. The Chief Minister makes periodical reviews of the progress under general sector programmes including tribal welfare programmes. The Director of Tribal Welfare reviews monthly the progress of tribal development programmes in the districts by holding meetings at district level. The achievements under 20-Point Programme are monitored by the Planning Department. The Director of Tribal Welfare also reviews the progress of 20-Point Programme to the extent funds are provided by the Tribal Welfare Department.
2. Assam	The Department for Welfare of Plains Tribes and Backward Classes monitors the State level programmes for Scheduled Tribes. The Project Implementation Committee at the project level with the Deputy Commissioner/Sub-Divisional Officer as chairman with local sectoral officers and local tribal representatives as members reviews the plan programmes.
3. Bihar	During 1985-86 a monitoring and evaluation unit was created in the Branch Secretariat at Ranchi under Regional Development Commissioner with a view to adequately monitoring and evaluating the programmes implemented in the ITDP area in the State.
4. Gujarat	The set-up for the planning and monitoring of Tribal Area Sub-Plan is as follows: (i) A Committee has been formed with Chief Minister as Chairman to study the possible causes of discontent among the tribals and suggest remedial measures alongwith the review of the developmental activities undertaken for the tribals. This Committee will meet monthly, as far as possible. (ii) A High Level Committee with Chief Minister as Chairman and Ministers and Secretaries of the Departments concerned as Members has been constituted to oversee and review the progress. The Committee meets at least once a year. (iii) The Tribes Advisory Council under the chairmanship of the Minister in charge of Tribal Welfare and 12 MLAs as members reviews periodically the progress of tribal development.

(Contd.)

State/UT	Monitoring arrangements
	(iv) A Departmental Review Committee of each Development Department with representation of tribal MLAs reviews periodically the work done under various schemes in the tribal areas and also the utilisation of budgeted funds in the Tribal Area Sub-Plan. (v) District Level Coordination and Advisory Committees consisting of M.Ps, MLAs, Tribal Panchayat Presidents and selected tribal leaders review the progress usually once a quarter. (vi) A Committee of Directors consisting of Collector, District Development Officer and Project Administrators sanctions and reviews the schemes under Nucleus Budget at regular intervals. (vii) A Project Implementation Committee consisting of officials and non-officials from the project area undertakes monthly review in each ITDP. (viii) A Primitive Tribal Group Council at the Project level has been formed for enlisting public participation in the formulation and implementation of programmes for each primitive tribal group project.
5. Himachal Pradesh	Monthly review of Tribal Sub-Plan programmes has been introduced. Quarterly review of TSP schemes is undertaken at the ITDP level by the Project Advisory Committee and at the State level by the Chief Secretary for the TSP as a whole and by the Administrative Secretaries for their respective Departments. The High Power Coordination and Review Committee for SCs/STs and the Tribes Advisory Council, which are headed by the Chief Minister, also oversee TSP implementation and meeting of those two bodies are held normally twice a year.
6. Karnataka	At State level there is a High Power Committee headed by the Chief Minister to review the programmes implemented by the Development Departments once in three months. The TSP programmes are reviewed at Taluk level on the 5th of every month, and at district level by the Deputy Commissioner on the 10th of every month. Information based on these reviews is placed before the Chief Secretary by the Secretaries and Heads of Development Departments in a meeting held on the 16th of every month.
7. Kerala	The Plan Monitoring and Information Division of the Planning Department coordinates the work of reviews at various levels. Monthly reviews of implementation of tribal projects are done by

(Contd.)

State/UT	Monitoring arrangements
	District Collectors, Director of Scheduled Tribes Development and Secretary, Scheduled Castes and Scheduled Tribes Development Department. Chief Minister also reviews the plan schemes including tribal projects quarterly.
8. Madhya Pradesh	A Cabinet Sub-Committee under the chairmanship of Chief Minister takes stock of the performance of various departments in Tribal Sub-Plan area. The Regional Supervisory Development Authorities at Jagdalpur, Rewa, Jabalpur, Bilaspur and Indore supervise, monitor and prepare various developmental schemes, utilisation of funds and various other aspects. The other reviewing committees like High Level Review Committee with Chief Secretary as Chairman and District Level Advisory Board, Project Implementation Committee, Block Level Inspection Committee also look after various development activities at the State, district, Project and Block levels respectively.
9. Maharashtra	At the district level the Special Executive Committee of the District Planning and Development Council with the Minister incharge of the district as Chairman meets once in a month and reviews the programmes. A Sub-Committee of the District Planning and Development Council monitors programmes. The Monitoring Cell at Commissioner's level collects and scrutinises the information on tribal development.
10. Manipur	The District Planning Officer monitors plan programmes. There is also a Hill Area Committee which consists of all the tribal MLAs including Minister-in-charge of tribal development. The Committee conducts periodical review on the progress of actual works in the hill areas which are co-terminus with the Tribal Sub-Plan areas in the State.
11. Orissa	The Monitoring Section in the Harijan and Tribal Welfare Department reviews regularly the implementation of schemes. The Project Administrators of the Integrated Tribal Development Agencies send detailed monthly reports of financial and physical achievements to the Monitoring Section. At the district level a project level committee under the chairmanship of the Collector reviews progress of development made at the project level.
12. Rajasthan	The Collectors review the programmes every month. The Chief Secretary reviews the programmes bi-monthly. The Minister, T.A.D., makes reviews quarterly. The Chief Minister reviews the progress half-yearly. In addition, Commissioner & Secretary, Tribal Area Development Department, also undertakes monthly review of physical progress and quarterly review with the Departmental/

(Contd.)

State/UT	Monitoring arrangements
	Sectoral officers.
13. Sikkim	Chief Minister reviews progress every quarter. District Coordination Committee with Minister as Chairman and District Collector as Secretary reviews progress of development activities in its monthly meetings. SC/ST Welfare Department has been strengthened with the addition of a monitoring wing at the State level and district level officers.
14. Tamil Nadu	In each ITDP there is a District Tribal Development Authority Sub-Committee under the chairmanship of the concerned Collector to review the TSP schemes sanctioned every year. At the State level the Commissioner & Secretary to Government, Social Welfare, coordinates the functions of the various Departments and sanction orders are debited to the sub-head under the major functional heads of the respective Departments. The Secretary to Govt. reviews the plan schemes every month with the assistance of the Director of Adi-Dravidar & Tribal Welfare. There is a high level committee under the chairmanship of Chief Secretary to review and monitor the schemes every three months and take speedy action for the proper implementation of the schemes. There is also a State level "Tribal Development Authority" under the chairmanship of the Chief Minister which meets every six months and reviews the plan schemes sanctioned for tribal people in Sub-Plan areas. One post of Research Assistant has been sanctioned to monitor the Tribal Sub-Plan schemes.
15. Tripura	At the State level the State Planning Board under the chairmanship of the Chief Minister reviews the progress of implementation of various development programmes with particular reference to programmes for the weaker sections of the people, normally twice a year. The State Planning machinery headed by the Commissioner-cum-Secretary, Planning & Coordination, collects progress reports from various departments. Chief Secretary reviews the progress of implementation of tribal welfare programmes at regular intervals. The Tribal Advisory Committee under the chairmanship of the Chief Minister and consisting of MLAs and other non-official members also reviews the implementation of various tribal welfare programmes. There is a Monitoring and Evaluation Cell in the Tribal Welfare Department. There is also a Monitoring Cell in the District Office.

(Contd.)

State/UT	Monitoring arrangements
	At the district level the Director of Welfare for Scheduled Tribes holds monthly review meetings with the District Tribal Welfare Officers and sometimes with the Sub-Divisional Tribal Welfare Officers. The District Magistrate & Collector holds monthly review meetings with the district level officers of Development Daprtments, SDOs and BDOs, at which progress of implementation of tribal welfare schemes is reviewed. At Block level Block Development Committee consisting of mainly elected members, namely, MLAs, ADC Members and Pradhans, meets every month to review the progress of implementation of tribal welfare schemes. This committee also finally selects the beneficiaries under various schemes on the recommendations of the Panchayats.
16. Uttar Pradesh	At the project level the Project Officer reviews and monitors the progress of ITDP schemes in the fortnightly and monthly meetings of village and group level workers respectively. He in turn puts up the progress report before the Project Development Committee headed by the District Magistrate every month for his approval. At the State level the Managing Director of the Anusuchit Jan Jati Vikas Nigam receives and monitors the progress of TSP schemes in the monthly meetings of the Project Officers. The Board of Directors of the Anusuchit Jan Jati Vikas Nigam undertakes quarterly review of the Tribal Sub-Plan programmes in the meetings of the Management Board. The Director, Tribal Welfare also reviews and monitors the progress and quality of work of TSP including the utilisation of quantified funds. At the Government level there is a Tribal Sub-Plan Committee representing Agriculture Production Commissioner, Finance and Planning Department, Tribal Welfare and Managing Director, Anusuchit Jan Jati Vikas Nigam. This committee headed by the Secretary, Harijan and Social Welfare Department, meets to review and monitor the progress. This Committee also sponsors important matters before the Cabinet Committee.
17. West Bengal	The State Government have introduced monitoring cards in respect of schemes implemented through the West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation.

(Contd.)

State/UT	Monitoring arrangements
18. A & N Islands	A committee with the Councillor (TW), A & N Pradesh Council, as Chairman and various Heads of Departments/Offices as members functions to monitor implementation of TSP programmes. This committee meets once a quarter. Besides, the implementation of TSP is reviewed at a monthly meeting at the district level by the Deputy Commissioner.
19. Goa, Daman & Diu	At the UT level a special Monitoring Committee is formed with Secretary (Rural Development) as Chairman, Collector (Daman), and a tribal representative as members and BDO as its Convener. The Monitoring Committee is expected to meet at least once in three months to undertake detailed review of the working of Tribal Sub-Plan of Daman. At the district level the Collector holds monthly meetings to review the progress. Besides, the Chief Secretary and Chief Minister also hold Plan review meetings.

ANNEXURE XII

A note on operationalisation of Constitutional provisions for financing tribal development and raising the level of administration of the Scheduled Areas

Under the provisions of the Constitution the responsibility for tribal development and good administration of the tribal areas is shared by the State and the Union Governments. While the executive power of the States is limited to the extent that there is a provision for the Union Government issuing suitable directive the Union Government has the responsibility of overseeing the development and also making necessary financial provisions. Under the scheme of tribal development as it has evolved in the last three decades in pursuance of these Constitutional provisions, three basic principles have been accepted:

(1) Tribal development has to be conceived within a comprehensive frame which may be specially designed for each area or group of people, keeping in view their specific situation.

(2) Every State and the sectoral authorities in the State and the Centre will be responsible for giving special attention to the problems of the tribal people and ensuring that suitable programmes are prepared for their development and supported by adequate financial allocations.

(3) While the basic investments for tribal development will flow from the State Plan in pursuance of the above principle, the Union Government will provide supplementation to the extent necessary for the tribal development programmes in the States, besides the flow of benefits which may accrue to the tribal people and the tribal areas from other sources.

2. Even though no distribution could be made in relation to the tribal development efforts by the State and the Union Governments under the provisions of the Constitution, the coverage of the tribal population under special tribal development programmes has been extended only gradually. Upto the end of the Fourth Five Year Plan about 40% of the tribal population was covered under the T.D.Blocks. In the Fifth Five Year Plan this coverage was extended to about 65% of the tribal population as separate plans were prepared for all areas having more than 50% tribal population. In some States where the coverage of the tribal population was less because of their wider dispersal programmes were prepared for dispersed tribals as well, ensuring that not less than 40% of the tribal population was covered in each State. It was envisaged that intensive tribal development programmes would be extended to dispersed tribals throughout the country in the second phase. However, during the Sixth Five Year Plan the coverage could be extended only marginally. It is a welcome decision of the Government that in the Seventh Five Year Plan the entire tribal population of the country is sought to be covered

under intensive tribal development schemes.

3. The policy decision to cover the entire tribal population has to be supported by some crucial administrative measures. Firstly, the allocations for tribal development in the Sixth Plan had been made for the target group covered by the Sub-Plan which comprised 72.75% of the total tribal population of the concerned States. The outlays of SCA have increased from Rs.485.50 crores during the Sixth Plan to Rs.756 crores in the Seventh Plan, registering an increase of 55.7%. This increase is less than that in the overall National Plan outlay during the corresponding period, i.e., an increase of 84.6%. Besides, if the target group has been increased from 72.75% coverage to 100% coverage the allocations for SCA should have been proportionately stepped up. In the absence of such a step up the per capita outlay of SCA for the beneficiary groups has gone up from Rs.130.70 in the Sixth Plan to only Rs.148.05 in the Seventh Plan. If the quantum of SCA would have been fixed after taking into account the increased coverage of tribal population and also the general rise in the National Plan outlay, the per capita SCA during the Seventh Plan should have been of the order of Rs.331.65 compared to only Rs.148.05 which, in other words, means a 55.4% cut in the amount due to the SCA for tribal development on objective considerations. The Government of India may consider removing this anomaly and make enhanced provisions for SCA so that the per capita supplementation moves up during the Seventh Plan alongwith the rest of the country.

4. Another important issue relates to the basis of distribution of SCA to the States. In view of the special Constitutional framework for tribal development the normal formulae of matching contribution by the Union Government are inapplicable. The Constitution envisages that full requirement of tribal development will be provided. Consequently, the States are expected to make maximum contribution from the State Plans while determining the size of the Sub-Plans during the detailed discussions of the Plans. They have no option in this regard. Special Central Assistance is supplementary to the States' efforts and the eligibility of the States is related to the expenditure over and above the State Plan outlay in the concerned year subject to the overall ceilings indicated to them about SCA. Special Central Assistance is broadly divided into three parts, viz., SCA for primitive tribal communities, SCA to the States with dispersed tribal population and SCA to the States having area-based Tribal Sub-Plans. In the case of the States of the last category which include all the major tribal States, the assistance is determined on the basis of (i) the tribal population in the Tribal Sub-Plan area, (ii) the geographical area of the Tribal Sub-Plan and (iii) the gross per capita output of the State. It is, therefore, clear that if the entire tribal population is to be covered under the special programmes during the Seventh Plan, it has to be supported by additional funds by the Central Government. If the States such as Andhra Pradesh have been given the allocation on the basis of the tribal population within the Tribal Sub-Plan area, the decision that this assistance can be used for programmes for dispersed tribal communities as well will reduce the quan-

out so that the responsibility for accounting is taken over by the Accountant General and the reporting of expenditure becomes automatic.

Sd/-

(B.D. Sharma)
Commissioner for
Scheduled Castes & Scheduled Tribes

25 July 1986

(Enclosure to D.O. letter No.34/22/86-RU II dated 25-7-86 from the Commissioner for Scheduled Castes and Scheduled Tribes to Dr. Smt. Rajendra Kumari Bajpai, Minister of State for Welfare, Government of India)

ANNEXURE XIII

An illustrative list of schemes which may be funded from Special Central Assistance under the Tribal Sub-Plan

(circulated vide Ministry of Welfare letter No.11036/1/85-TD(G) dated 18-9-85)

Family oriented-cum-income generating schemes

S.No.	Name of the scheme
1.	AGRICULTURE
	(a) Tribal farmers training-cum-demonstration
	(b) Distribution of seeds, fertilisers, minikits and pesticides to tribal families in addition to the usual programmes of Agriculture Department
	(c) Commercial crops programme in tribal cultivators' fields
	(d) High yielding variety programme in tribal cultivators' fields in addition to the usual programme of Agriculture Department
	(e) Land development including terracing in Primitive Tribes areas
2.	HORTICULTURE
	(a) Taking up fruit and vegetable plantation in tribal beneficiary lands
	(b) Training to tribals in growing, processing, marketing of vegetables and fruit produce
	(c) Small nurseries and seed farms incidental to the above programmes
3.	LAND REFORMS
	(a) Preparation of land records for Primitive Tribes
	(b) Assistance to tribals for cultivation of lands restored to them
4.	MINOR IRRIGATION
	(a) Check-dams, diversion channels, water harvesting structures, dug wells, tube-wells, cooperative lift points for tribal groups/community
	(b) Subsidy/assistance to individual beneficiaries under dug well, tube-well, irrigation pump sets, farm ponds
5.	SOIL CONSERVATION
	Plantation of food and fruit species as a part of soil conservation measures in tribal lands
6.	ANIMAL HUSBANDRY
	(a) Supply of milch cattle, poultry, goat, sheep, pig and duck units to tribal families
	(b) Assistance to dairy and poultry cooperative societies in tribal areas with substantial tribal members

(Contd.)

S.No.	Name of the scheme

7. FOREST

(a) MFP plantation in tribal areas
(b) Grants to MFP collection and marketing societies
(c) Assistance to MFP Cooperatives
(d) MFP processing units taken up through LAMPS, TDCC and other tribal cooperatives
(e) Establishment of forest based small scale industries through TDCC/tribal cooperatives

8. EDUCATION

(a) Establishment of residential schools in tribal areas
(b) Improving and strengthening of inspection over schools in tribal areas

9. COOPERATIVES

(a) Formation of new cooperatives/LAMPS and strengthening of existing ones
(b) Subsidy to members towards 100% enrolment of tribal families as members of cooperatives/LAMPS
(c) Strengthening of consumer cooperatives, labour cooperatives and other cooperatives having a substantial percentage of tribal members
(d) Processing/marketing cooperatives for natural products of tribal areas
(e) Working capital assistance to LAMPS/TDCCs for collection, processing and marketing of tribal produce
(f) Training of personnel working in LAMPS/TDCCs/tribal area cooperatives in marketing, management and processing of tribal produce

10. FISHERIES

(a) Assistance to tribal families for fish seed production
(b) Assistance to tribal families for pisciculture
(c) Training of tribals in fish production, collection, etc.
(d) Development of tribal fishermen cooperatives

11. VILLAGE AND SMALL INDUSTRIES

(a) Assistance to tribal artisans/craftsmen for setting up of business and small and cottage industries
(b) Tribal crafts training-cum-production centres
(c) Assistance to Artisan Cooperative Societies for taking up marketing and improvement of tribal crafts and craft products
(d) Bee-keeping
(e) Sericulture
(f) Feasibility survey of tribal arts and crafts
(g) Introduction of new craft programmes among tribal families

(Contd.)

S.No.	Name of the scheme

12. MINIMUM NEEDS PROGRAMME

(a) Development of village link roads and small C.D. works
(b) Health: (a) Establishment of dispensaries/hospitals/centres for Homoeopathic, Naturopathic and Yogic cures ; (b) Establishment of collection and processing centres of medicinal herbs in tribal areas
(c) Drinking water facilities in tribal schools and hostels

13. TRIBALS DISPLACED BY PROJECTS

Assistance tc displaced tribals for setting up business and trade

14. TRIBALS LIVING IN AREAS OF INDUSTRIAL INFLUENCE

Self-employment schemes for tribals living in areas of industrial influence

15. TRIBAL WOMEN

(a) Assistance to tribal women and their cooperatives for production and marketing of consumer goods
(b) Training of tribal women in schemes designed to improve family earning

16. ECOLOGY AND ENVIRONMENT

Programmes of improvement of ecology and environment having a bearing on family oriented economic programmes

ANNEXURE XIV

Statement showing allocations for TSP (State Plans and Special Central Assistance) in Seventh Plan and allocation and expenditure incurred during 1985-86 and 1986-87

(Rs. in crores)

S.No.	State/UT	% age of ST population 1981 Census	Seventh Plan (1985-90)					1985-86 (Allocation)		
			Total State Plan outlay	Flow to TSP	%age of Col.5 to Col.4	SCA outlay	Total TSP outlay (5+7)	Flow from State Plan	SCA released	Total TSP (9+10)
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	5.93	5200	216.56	4.16	36.54	253.10	32.61	7.40	40.01
2.	Assam	10.99	2100	228.94	10.90	31.92	260.86	46.11	6.32	52.43
3.	Bihar	8.31	5100	1239.68	24.31	95.89	1335.57	194.13	19.65	213.78
4.	Gujarat	14.22	6000	540.01	9.00	56.51	596.52	84.73	11.27	96.00
5.	Himachal Pradesh	4.61	1050	120.39	11.47	10.14	130.53	18.06	2.05	20.11
6.	Karnataka	4.91	3500	78.69	2.25	5.03	83.72	4.30	1.48	5.78
7.	Kerala	1.03	2100	43.12	2.05	3.13	46.25	7.84	0.70	8.54
8.	Madhya Pradesh	22.97	7000	1298.70	18.55	199.07	1497.77	201.47	39.70	241.17
9.	Maharashtra	9.19	10500	525.04	5.00	45.17	570.21	89.71	9.51	99.22
10.	Manipur	27.30	430	169.26	39.36	12.51	181.77	26.13	2.53	28.66
11.	Orissa	22.43	2700	1048.94	38.85	93.13	1142.07	149.52	19.15	168.67
12.	Rajasthan	12.21	3000	200.43	6.68	47.25	247.68	61.72	9.10	70.82
13.	Sikkim	23.27	230	29.38	12.77	1.77	31.15	0.30	0.39	0.69
14.	Tamil Nadu	1.07	5750	50.35	0.88	6.76	57.11	67.62	1.46	69.08
15.	Tripura	28.44	440	152.70	34.70	10.81	163.51	31.27	2.50	33.77
16.	Uttar Pradesh	0.21	10447	10.00	0.10	0.90	10.90	1.57	0.28	1.85
17.	West Bengal	5.63	4125	211.63	5.13	28.33	239.96	24.93	6.16	31.09
18.	A & N Islands	11.85	285	34.00	11.93	0.79	34.79	3.54	0.30	3.84
19.	Goa, Daman & Diu	0.99	360	1.81	0.50	0.35	2.16	0.40	0.05	0.45
	TOTAL		70317	6199.63	8.82	686.00 + 70.00 *	6955.63	1045.96	140.00	1185.96

* A reserve amount of Rs.70 crores provided for the Plan period

(Contd.)

(Rs. in crores)

S.No.	State/UT	1985-86 (Expenditure)			1986-87 (Allocation)			1986-87 (Expenditure)		
		Flow from State Plan	SCA	Total TSP (12+13)	Flow from State Plan	SCA released	Total TSP (15+16)	Flow from State Plan	SCA	Total TSP (18+19)
1	2	12	13	14	15	16	17	18	19	20
1.	Andhra Pradesh	25.39	8.03	33.42	50.09	8.50	58.59	39.79	10.79	50.58
2.	Assam	45.12	4.93	50.05	56.27	7.11	63.38	57.23	6.89	64.12
3.	Bihar	216.03	18.62	234.65	259.49	20.66	280.15	258.73	14.40	273.13
4.	Gujarat	92.77	11.27	104.04	101.39	12.47	113.86	102.48	12.47	114.95
5.	Himachal Pradesh	14.67	1.99	16.66	18.45	2.42	20.87	18.96	2.25	21.21
6.	Karnataka	4.40	1.42	5.82	10.27	1.16	11.43	8.98	1.30	10.28
7.	Kerala	6.26	0.70	6.96	6.33	0.78	7.11	7.97	0.72	8.69
8.	Madhya Pradesh	201.94	31.81	233.75	242.76	44.00	286.76	243.22	47.02	290.24
9.	Maharashtra	104.55	10.29	114.84	113.50	10.72	124.22	100.45	9.15	109.60
10.	Manipur	21.29	2.53	23.82	27.19	2.81	30.00	27.96	2.81	30.77
11.	Orissa	138.47	18.97	157.44	167.58	21.74	189.32	158.93	21.74	180.67
12.	Rajasthan	64.36	8.80	73.16	82.34	10.20	92.54	84.49	10.05	94.54
13.	Sikkim	0.30	0.39	0.69	3.43	0.39	3.82	3.43	0.37	3.80
14.	Tamil Nadu	6.54	1.45	7.99	7.66	1.62	9.28	8.53	1.56	10.09
15.	Tripura	27.77	2.66	30.43	33.62	2.64	36.26	36.02	2.39	38.41
16.	Uttar Pradesh	1.37	0.22	1.59	1.59	0.31	1.90	1.21	0.18	1.39
17.	West Bengal	24.23	6.17	30.40	25.29	7.01	32.30	23.87	7.02	30.89
18.	A & N Islands	1.34	0.24	1.58	17.98	0.40	18.38	5.15	0.25	5.40
19.	Goa, Daman & Diu	0.31	0.05	0.36	0.44	0.06	0.50	0.50	0.05	0.55
	TOTAL	997.11	130.54	1127.65	1225.67	155.00	1380.67	1187.90	151.41	1339.31

ANNEXURE XV

Progress of implementation of the Eighth Finance Commission's award for upgradation of tribal administration

(Rs. in lakhs)

S.No.	State	As approved by the Inter-Ministerial Empowered Committee					Total outlay approved by IMEC upto 31-3-88	Amount released by the Ministry of Finance during 1985-88
		Compensatory allowance	Residential quarters		Infrastructure for tribal villages			
		Outlay	No. of quarters	Outlay	No. of villages	Outlay		
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	*	684	347.28	65	325.00	672.28	518.37
2.	Assam	125.52	281	146.40	37	185.00	456.92	198.84
3.	Bihar	300.72	1568	627.20	157	785.00	1712.92	847.32
4.	Himachal Pradesh	*	62	42.16	5	25.00	67.16	43.02
5.	Kerala	**	73	38.16	3	15.00	53.16	39.13
6.	Madhya Pradesh	568.80	1952	858.80	419	1070.00	2497.60	1548.33
7.	Manipur	48.00	133	69.16	13	58.28	175.44	104.49
8.	Orissa	276.96	1842	715.20 +21.60@	184	920.00	1933.76	1010.10
9.	Rajasthan	Action Plan not yet received	419	167.60	42	210.00	377.60	226.56
10.	Sikkim	No award	4	2.60	1	0.86	3.46	4.94
11.	Tripura	128.40	44	22.88	5	25.00	176.28	29.61
12.	Uttar Pradesh	9.12	4	1.60	1	5.00	15.72	3.96
13.	West Bengal	107.76	292	141.48 +25.32@	42	210.00	484.56	217.22
	Total	1565.28	7358	3227.44	974	3834.14	8626.86	4791.89

*Provision diverted to residential quarters as the State Government have their own scheme.

**Provision diverted to residential quarters. State Government requested to revive the scheme.

@For completion of staff quarters started from the Seventh Finance Commission award.

ANNEXURE XVI

Special Central Assistance released for Primitive Tribal Groups

(Rs. in lakhs)

State/UI	No. of communities identified as Primitive Tribes	No. of families (approx.)	SCA released		
			Sixth Plan	1985-86	1986-87
1	2	3	4	5	6
1. Andhra Pradesh	12	21,563	184.64	54.00	59.79
2. Bihar	9	11,809	207.08	56.00	62.00
3. Gujarat	5	12,101	72.30	10.00	11.07
4. Madhya Pradesh	6	103,362	439.62	110.00	121.79
5. Maharashtra	3	40,622	193.88	55.00	60.90
6. Orissa	12	36,144	224.08	55.00	60.90
7. Manipur	1	908	10.70	5.00	5.54
8. Karnataka	2	2,652	19.68	5.00	5.54
9. Kerala	5	251	39.24	8.00	8.86
10. Rajasthan	1	7,000	74.03	8.00	8.85
11. Tamil Nadu	6	4,000	49.38	12.00	13.29
12. Tripura	1	12,935	70.60	16.00	17.72
13. Uttar Pradesh	2	2,074	24.14	10.00	11.07
14. West Bengal	3	9,378	75.70	25.00	27.68
15. A & N Islands	5	102	119.55	18.00	25.00
Total	73	264,901	1804.62	447.00	500.00

CHAPTER VII

POVERTY ALLEVIATION PROGRAMMES FOR SCHEDULED CASTES AND SCHEDULED TRIBES

Poverty line

The poverty line as well as the three categories of 'very very poor', 'very poor' and 'poor' to be assisted during the Seventh Five Year Plan have already been defined in para 16 of Chapter V. The last category of families are to be taken up only after the first two categories of families have been covered. According to the Seventh Plan Working Groups on Development of Scheduled Castes and Scheduled Tribes 150 lakh Scheduled Caste families and 85 lakh Scheduled Tribe families would be required to be assisted to be raised above the poverty line as follows:

		SC	ST
(a)	New families to be assisted during the Seventh Plan	53 lakhs	40 lakhs
(b)	Families assisted during the Sixth Plan and needing supplementary assistance to cross the poverty line	73 lakhs	NA
(c)	Families already having crossed the poverty line during the Sixth Plan but needing back-up support during the Seventh Plan	24 lakhs	NA
		150 lakhs	

INTEGRATED RURAL DEVELOPMENT PROGRAMME

2. The programme was initiated by the Ministry of Rural Development in 1978-79 in 2,000 Blocks covered by the Small Farmers Development Agencies, Drought Prone Areas Programme and Command Area Development Programme. Since October 1980 the programme was extended to cover all the 5,011 development Blocks in the country. With effect from that date the ongoing programmes of Small Farmers and Marginal Farmers Development Agencies were merged with the IRDP. The target was to assist on an average 600 families below the poverty line per year per Block. In this manner 3,000 families were to be covered under the programme in each Block during the Sixth Plan period. For the country as a whole the coverage was to be around three million families in a year. The Sixth Plan target was to assist at least 15 million families in order to attain a standard of living well above the poverty line.

3. An allocation of Rs.1,500 crores was made during the Sixth Plan under the programme. This amount was to be equally shared by the Central Government and the State

Governments. The Plan outlay represented basically the subsidy part of investment in the IRDP, expenditure on essential infrastructure development and administrative costs. The banking sector was to provide adequate credit support for the programme. The total credit requirement for the programme during the Sixth Plan period was around Rs.3,000 crores. IRDP beneficiaries were provided subsidy @ 25% of the capital cost of projects for small farmers and 33-1/3% thereof for all other categories. However, tribal beneficiaries were entitled to a subsidy of 50%. An individual family could receive subsidy to the extent of Rs.3,000 in normal areas and Rs.4,000 in DPAP areas but a tribal beneficiary could receive subsidy to the extent of Rs.5,000. Assistance was provided for viable and bankable economic activities like agriculture, animal husbandry, minor irrigation, weaving, fisheries, small and cottage industries and virtually any economic proposition which was likely to raise the incomes of the targeted families.

4. Beneficiaries for providing assistance under the programme were identified on the basis of household surveys. These surveys were to be undertaken by Block officials and others in accordance with the relevant guidelines. Families of the target groups selected for providing assistance were to be surveyed and categorised on the basis of their incomes. Special emphasis was laid on the coverage of Scheduled Caste and Scheduled Tribe families in the guidelines for the programme. In the beginning of the programme it was provided that at least 20% of families selected for providing assistance in each Block should be from the Scheduled Castes and Scheduled Tribes. It was also laid down that at least 20% of subsidies, loans, etc., should go to SC/ST beneficiaries. From 1981-82 the minimum target of SC/ST families to be covered under the programme was raised from 20% to 30%. The District Rural Development Agencies were also expected to ensure that at least 30% of all the resources invested by way of subsidies and loans were sanctioned to SC/ST beneficiaries. The State Governments were urged by the Central Government to attempt a higher coverage wherever it was practicable.

5. There was a realisation in the Sixth Plan that the proportion of the Scheduled Castes and Scheduled Tribes among the beneficiaries of the IRDP and other poverty alleviation programmes as well as the proportion of physical and financial benefits flowing to these communities should not be related to their percentage in the total population. Their population percentage in rural areas which was relevant to the IRDP was higher than that in the total population of the country. But even this figure was far short of their much higher proportion among agricultural labourers. A large majority of the estimated number of bonded labourers also belonged to the Scheduled Castes and Scheduled Tribes. It was on this basis that efforts were made in the Sixth Plan to channelise much larger proportion of benefits to the Scheduled Castes and Scheduled Tribes than their population proportion. A number of States earmarked a minimum target of 50% beneficiaries from the IRDP to the Scheduled Castes and Scheduled Tribes. In some

States this quantum varied from 40% to 60%. The Seventh Plan Working Group on the Development of Scheduled Castes, therefore, recommended that a minimum of 50% benefits from the IRDP should flow to the Scheduled Castes alone in terms of number of beneficiaries, outlay of subsidies and loans. The Working Group also recommended that the percentage of subsidy for the Scheduled Castes under the programme should be 50% as in the case of the Scheduled Tribes. The financial and physical progress under the programme during the Sixth Plan as well as during 1985-86 and 1986-87 may be seen in Statements 1 to 3 of Annexure I.

Implementation of the programme

6. The following administrative machinery was provided for implementation of this programme:

State level: At the State level the implementation of the programme was to be looked after by a coordination committee headed by the Chief Secretary or some other very senior officer. A representative of the Central Ministry of Rural Development was to be a member of the State Committee which also included senior officials of various Departments concerned. Meetings of the committee were to be held from time to time to which district officers and representatives of cooperatives and commercial banks were also to be invited.

District level: At the district level the implementation of the programme was to be coordinated by the DRDA (District Rural Development Agency) headed by the District Collector. The Agency had a full time Project Director as well as Assistant Project Officers from various Departments. The DRDA was to be assisted by a planning team consisting of an Economist, a Credit Planning Officer and a Rural Industries Officer.

Block level: At the Block level the Block Development Officer, Extension Officers and Village Level Workers played an important role in identification of beneficiaries, formulation of investment plans for the targeted families, mobilisation of credit, etc. The Government of India urged the State Governments to strengthen the machinery at the Block level to meet the requirements of the programme. The Central Government decided to share the cost of strengthening the Block level administrative machinery to the extent of 50%.

Evaluation of the programme

7. The implementation of the programme was evaluated, among others, by the Reserve Bank of India, the Programme Evaluation Organisation (Planning Commission), the National Bank for Agriculture and Rural Development (NABARD) and the Institute for Financial Management and Research during the Sixth Plan. The percentage of households which were ineligible to receive assistance under the programme was 16% according to the RBI survey, 15% according to the NABARD survey and 25.8% according to the PEO survey. According to these three organisations 17%, 47% (22% at current prices) and 49.4% of the sample households respectively had crossed the poverty line. So far as repayment of loans was concerned, according to the IFMR study 79.6% of the

sample households repaid the loan. The number of such households was 69% according to the NABARD study and 91% according to the PEO study. Separate figures for the Scheduled Castes and Scheduled Tribes were not available.

8. The main findings of the evaluation study on the working of the IRDP conducted by the PEO in May 1985 in 16 States, viz., Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal, are given below:

(i) The guidelines for the programme had envisaged that the perspective plans for each of the Blocks and districts should be completed within a period of about 80 days and the annual action plans were expected to take another 40 days. However,it was noticed that even in the case of States where these exercises were claimed to have been taken up the work had not been completed till 1982-83.

(ii) None of the State Governments had followed the guidelines to conduct a comprehensive household survey to ascertain the incomes of the beneficiary families, their economic conditions and their preferences for benefit schemes/occupations. Only in four States the household surveys were conducted in the selected clusters of each Block. In 7 of the 16 selected States such exercise had not been undertaken. In three States the household surveys were initiated a year or two after the introduction of the programme. Karnataka and Punjab were the only States which claimed that household surveys had been undertaken all over the State.

(iii) About 22.5% of the families actually assisted in the selected districts belonged to the Scheduled Castes and 9.2% to the Scheduled Tribes.

(iv) The provision of one unit of milch animal did not help the beneficiaries to cross the poverty line. Only in a State or two the second milch animal was provided. The quality of milch cattle provided to the beneficiaries was also not upto the mark in view of heavy demand. A few cases had come to notice where the same animal had changed hands more than once. There were also complaints regarding inadequate veterinary support in terms of necessary supply of medicines and timely attention to the animals.

(v) After the delivery of assets there was no follow-up regarding their maintenance. Milk producers' cooperative societies for beneficiaries of milch cattle had not been organised specially in areas where cluster approach had not been adopted. There were many cases where animals/birds had died due

to lack of knowledge on the part of the beneficiaries to look after the exotic varieties. Most of the beneficiaries were also not aware of the facility of an insurance cover against the risk of death of the animals/birds. In cases where the beneficiaries had insured the animals there were lengthy formalities and it took as much as four months and even more to settle the claims.

(vi) Although the guidelines specifically mentioned that an additional dose of assistance should be available to the beneficiaries till they were able to cross the poverty line, the officials in their keenness to achieve the target of 600 beneficiaries per Block per year tended to neglect the earlier beneficiaries.

(vii) The per beneficiary investment (loan and subsidy) worked out to only Rs.2,276 and subsidy-cum-credit ratio at 1:2.2. A higher quantum of per capita investment was desirable.

(viii) The share of the Regional Rural Banks was less than 6% and that of the cooperative banks about 27% of the total loan amount. The bulk of financing was done by commercial banks which accounted for 67% of the total loans. The reason for this was the higher rate of interest charged by the cooperative banks. Suitable steps should be devised to improve the participation of cooperative banks in the programme.

(ix) In some cases the adjustment of subsidy took considerable time and the beneficiary had to pay interest even on subsidy portion of the cost of assets. In some cases misappropriation of the subsidy amount with the connivance of banks and Block officials was also reported. Some bank branches were insisting on sureties even on loans upto Rs.1,000. The beneficiaries were not aware of the details of the loans taken and they did not even possess the pass books which were kept by the banks in many cases.

(x) A large number of loan applications were rejected by banks on flimsy grounds. In one of the selected districts the rejection rate was reported to be as high as 70%.

(xi) The percentage of overdues was very high and varied from 50% to 60%. In a few districts it was as high as 70%. Adequate staff should be provided in rural bank branches to check the high percentage of overdues.

(xii) The guidelines provided for a monitoring-cum-identity card called vikas patrika to be given to each beneficiary. In many States the vikas patrikas had not been introduced till the time of the field visits. Even the verification of assets had not been attempted.

(xiii) The implementing authorities depended more on primary sector schemes, particularly those relating to milch cattle. Care was not taken to identify and cover families in the primary, secondary and tertiary sectors in the same proportion as envisaged by the Ministry of Rural Development.

(xiv) The coverage of SC/ST beneficiaries in aggregate was slightly more than 40% of the total number of sample families. About 48% of the sample beneficiaries were illiterate.

(xv) About 26% of the selected beneficiaries had an annual income exceeding Rs.3,500. Nearly 30% were in the annual income group of Rs.2,500 to Rs.3,500; 29% in the income group of Rs.1,500 to Rs.2,500; 15% had an income of less than Rs.1,500. Thus a fairly large number of comparatively better off households were selected as beneficiaries against the guidelines that the poorest of the poor should be covered first. This situation could have been avoided if the selection had been made in open meetings of Gram Sabhas.

(xvi) About 24% of the sample households had been sanctioned loans @ 4% interest under DRI and the rest were required to pay the normal rate of interest prescribed by banks.

(xvii) About 29% of the sample beneficiaries reported that the financial assistance received by them was not adequate and that they were forced to arrange for the balance amount on their own and/or from other sources.

(xviii) Only about 8% of the sample beneficiaries having income upto Rs.1,500 had crossed the poverty line. The remaining 92% of the beneficiaries of this group and about 80% of the group having income of Rs.1,500 to Rs.2,500 were still struggling to reach the income level of Rs.3,500 per annum. Provision of one time assistance did not help them in crossing the poverty line.

NATIONAL RURAL EMPLOYMENT PROGRAMME

9. The programme was launched in October 1980 and was being implemented by the Ministry of Rural Development as a Centrally Sponsored Programme on 50:50 sharing basis between the Centre and the States since April 1981. The main objectives of the programme are (i) generation of additional gainful employment for the unemployeed and underemployed persons in rural areas, (ii) creation of productive community assets for strengthening rural economic and social infrastructure and (iii) improvement in overall quality of life in rural areas. The programme is being implemented by District Rural Development Agencies (DRDAs) set up all over the country. Works are mainly executed through the Panchayati Raj institutions wherever these are active. Resources are allocated to States/UTs on the basis of prescribed criteria giving 50% weightage to agricultural labourers, marginal farmers and marginal workers and 50%

weightage to incidence of poverty. Ten per cent of the resources are earmarked for works of direct and exclusive benefit to the Scheduled Castes and Scheduled Tribes and 25% for social forestry works. These earmarked allocations cannot be diverted to other sectors. Fifty per cent of the wages are given in kind. Contractors or middlemen are not permitted to be engaged for execution of works under the programme. Normally only those works are undertaken under the programme which result in the creation of community assets. In the case of SC/ST, bonded labourers, allottees of surplus land, Bhoodan land and wasteland as well as all individuals below the poverty line, however, individual beneficiary-oriented works are also permitted to be taken up as a special case.

10. During the Sixth Plan an outlay of Rs.1,620 crores in both the Central and State Sectors was provided. The actual releases, however, amounted to Rs.1,873 crores. Against this an amount of Rs.1,834.25 crores was utilised during the Plan period. The utilisation of foodgrains during this period was 20.57 lakh MTs, while 1775.18 million mandays of employment were generated during the period against the target of generating 1500-2000 million mandays of employment. The employment generated for SCs and STs during the period was about 45% of the total employment generated.

11. An outlay of Rs.2,487.47 crores including the States' share of Rs.1236.66 crores was provided for the Seventh Plan period. It was envisaged to generate about 290 million mandays per annum during the Plan period. During 1985-86 a provision of Rs.230 crores was made towards Central assistance under the programme. The total allocation including the States' share was Rs.457.53 crores. Besides the States were permitted to utilise the unspent balance of Rs.92.21 crores carried over from the previous year. Against the total availability of Rs.549.75 crores, the utilisation upto March 1986 was Rs.530.80 crores (96.6%). Against the target of generating 228 million mandays of employment during the year, the achievement was 316 million mandays out of which the employment generated for SC/ST and landless category accounted for about 51% and 30% respectively. It would thus be seen that during that year though there was a shortfall in expenditure, the number of mandays of employment generated was more than the target fixed for the same, which clearly indicates that the persons who got employment were underemployed and were not paid the prescribed minimum wages. It is unfortunate that even in Government programmes minimum wages are not being paid in some cases. This can be the only conclusion drawn from the above mentioned figures. During 1986-87 an outlay of Rs.254 crores was provided as Central share. In addition, the State Governments were permitted to utilise the unspent balance of Rs.130.14 crores carried over from the previous year. The utilisation upto December 1986 was Rs.396 crores. Against the target of generating 275.08 million mandays of employment the achievement upto December 1986 was 256.30 million mandays out of which the employment generated for SCs and STs and landless category accounted

for about 49% and 31% respectively.

12. Some evaluation studies were conducted by the Programme Evaluation Organisation of the Planning Commission and the Union Department of Rural Development in Bihar, Gujarat, Jammu & Kashmir, Karnataka, Kerala, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal. According to the reports relating to three States received by the Union Department of Rural Development the employment being provided under the programme was for very small durations, the element of proper planning and coordination was inadequate, the selection of beneficiaries was not proper and the poorest of the poor for whom the programme was meant were sometimes left out. There was also no provision for maintenance of assets created under the programme. According to the Seventh Plan Working Group on the Development of Scheduled Castes the benefit of assets created with the help of labour put in by the SC/ST beneficiaries would not go to them directly. All that they would get was their wages as mere labourers while the benefits of the permanent assets created like roads, dams, canals, etc., would go to the better placed people belonging to other communities. Therefore, it should be possible to select works under the programme the benefits of which were planned to be utilised by the poor including the Scheduled Castes and Scheduled Tribes, otherwise the programme would only create an illusion of helping the poor without really doing so to a substantial extent in the long term perspective. The Working Group recommended that at least 50% of the works, if not the whole, should be of direct and exclusive benefits to SC/ST persons.

RURAL LANDLESS EMPLOYMENT GUARANTEE PROGRAMME

13. The programme was started in August 1983 with three objectives, viz., (i) to improve and expand employment opportunities for the rural landless with a view to providing guarantee of employment for at least one member of every rural landless labour household upto 100 days in a year, (ii) creation of durable assets for strengthening rural infrastructure which would lead to a rapid growth of rural economy and (iii) to improve the overall quality of life in rural areas. The programme was entirely Centrally funded. While making allocations 50% weightage was given to agricultural workers, marginal farmers and marginal workers and 50% to incidence of rural poverty (upto the year 1985-86 the weightage for incidence of poverty was 25%). The works under the programme can be broadly divided into four categories: (i) construction of micro habitats and housing units for the Scheduled Castes and Scheduled Tribes and freed bonded labourers under Indira Awaas Yojana, (ii) works of social and farm forestry, (iii) construction of rural sanitary latrines and (iv) other works like minor irrigation schemes, roads, watershed projects, other land based projects, etc.

14. An amount of Rs.600 crores was allocated under the programme during the Sixth Plan out of which an amount of Rs.500 crores was released. An expenditure of Rs.384.74 crores was incurred during that period. Employment was

generated to the tune of 262.75 million mandays against the target of 300 million mandays. An outlay of Rs.1743.78 crores was made for the Seventh Plan period. Employment of the order of 1,013 million mandays was expected to be generated during this period. During 1985-86 an allocation of Rs.606.33 crores was made. This included the value of foodgrains. Employment was generated to the tune of 231.88 million mandays against the target of 205.73 million mandays with an investment of Rs.437.55 crores. During 1986-87 an allocation of Rs.724.18 crores was made including the value of one million tonnes of foodgrains provided to the States/UTs as an additive to the cash allocations. Employment was generated to the tune of 175.13 million mandays with an investment of Rs.353.67 crores upto December 1986.

15. The programme was meant for the poorest of the poor which category in rural areas would consist of a very large percentage of SC/ST landless families below the poverty line. The Seventh Plan Working Group on the Development of Scheduled Castes, therefore, suggested that while creating durable assets for strengthening rural infrastructure, relevant works directly and exclusively benefiting the Scheduled Castes and Scheduled Tribes should be taken up so as to ensure flow of benefits from rural infrastructure to these communities. The Working Group recommended that at least 50% of the outlays under the programme should be earmarked for the benefit of the Scheduled Castes and Scheduled Tribes in terms of value of assets created under the programme. According to the Union Department of Rural Development the provision of guarantee had not yet been fully implemented due to administrative complexities and financial implications. Employment under the programme was being created on work projects relevant to the 20-Point Programme and the Minimum Needs Programme.

REVIEW OF THE EXISTING ADMINISTRATIVE ARRANGEMENTS FOR RURAL DEVELOPMENT AND POVERTY ALLEVIATION PROGRAMMES

16. A Committee was set up by the Union Department of Rural Development in March 1985 to review the existing administrative arrangements for rural development and poverty alleviation programmes and to recommend appropriate structural mechanisms. The Report of the Committee was submitted in December 1985. The important findings of the Committee are given below:

(i) It was not advisable to limit the anti-poverty programmes only to a few schemes but a total view of rural development should be taken encompassing all fields of economic activities handled by different organisations at the field level.

(ii) Uniform patterns of programmes for the whole country were not advisable. On the other hand, local initiative must be encouraged and detailed strategy should be worked out by involving the local people and their representatives.

(iii) The Panchayati Raj bodies should be activised and elections to these bodies held regularly.

(iv) The district is the proper unit for planning and development. The Zila Parishad should, therefore, become the principal body for management of all development programmes which could be handled at that level.

(v) Instead of having too many officers dealing with development administration at the State level a senior officer of the level of Chief Secretary should be appointed as Development Commissioner who should be assisted by a number of Secretaries.

(vi) At the district level there should be a District Development Commissioner who should be head of all development departments and should be assisted by, among others, a District Planning Officer, a District Finance and Accounts Officer and an officer dealing exclusively with anti-poverty programmes.

(vii) The Collector should continue to function and be incharge of law and order, land revenue, registration, elections, etc.

(viii) At the Block level there should be an Assistant Development Commissioner.

(ix) The system of deputation from other departments to those dealing with anti-poverty programmes should be dispensed with.

(x) The concept of a district budget enunciated recently should be brought into being as quickly as possible.

(xi) The concept of a properly prepared district plan should be implemented.

(xii) It is essential to encourage voluntary agencies so that a number of people could initiate innovative and experimental programmes of rural development.

(xiii) The implementation of land reforms should be done with greater vigour so as to ensure that land goes to the tiller.

(xiv) The development machinery at the district level and below should be totally restructured. The proposals for restructuring should be sanctioned by a Committee of Secretaries to the Government of India. The extra cost should be shared between the Government of India and the State Government in the ratio of 2:1.

According to the Ministry of Planning the above Report had been circulated for ascertaining the views of the State Governments/UT Administrations.

ASSISTANCE PROVIDED TO SCHEDULED CASTES AND SCHEDULED TRIBES BY PUBLIC SECTOR BANKS

17. According to the credit policy of the Reserve Bank of India an increasing amount of credit should flow to the weaker sections of the society. The Scheduled Castes and Scheduled Tribes form part of the weaker sections under the 'priority sector'. The categories other than SCs and STs among the weaker sections are essentially based on economic considerations. Banks were advised to raise the proporation of their advances to priority sector to 40% of the total credit by March 1985. The advances to weaker sections were to reach a level of 25% of priority sector advances or 10% of the total credit. According to the information received from the Banking Division of the Ministry of Finance the percentage of advances made by all the public sector banks to the priority sector had reached 42.9% by December 1985 and 43.6% by December 1986, out of which 5% advances were made to Scheduled Caste beneficiaries and 1.5% to Scheduled Tribe beneficiaries during the former year and 5.1% advances to the Scheduled Castes and 1.4% to the Scheduled Tribes during the latter year. The year-wise amount of advances made to priority sector as well as the amount and percentage of advances made to SC/ST borrowers included in the weaker sections from 1979 to 1986 may be seen in the table below:

Table 1 (No. of accounts in lakhs) (Amount Rs. in crores)

Year ended	Total priority sector advances		Advances to SC/ST borrowers		Percentage of Col.5 to Col.3
	No.of accounts	Amount outstanding	No. of accounts	Amount outstanding	
1	2	3	4	5	6
December 1979	109.78	6011.48	15.90	250.03	4.2
December 1981	155.30	10268.42	27.44	486.12	4.7
December 1983	185.64	14084.57	39.41	769.31	5.5
December 1985	241.94	20647.81	56.81	1350.29	6.5
December 1986 (provisional)	261.57	23810.91	64.54	1541.23	6.5

It would be seen from the above table that during the year ending December 1986 the total amount of advances made to SC/ST persons constituted 6.5% of the total amount of advances made under priority sector. According to the guidelines issued by the RBI 25% of the total priority sector lending should go to the weaker sections including SCs and STs. Assuming that SC/ST persons constitute about 50% of the weaker sections, at least 12.5% of the total priority sector lending should go to SCs and STs. Thus SCs and STs got only about half of their due share out of the total priority sector lending. A lot of leeway is still required to be made up to reach the 'target' of 12.5% of the total priority sector lending to be made to SCs and STs.

Advances made under differential rate of interest scheme

18. The scheme was introduced by the Government of India basically to cater to the credit requirements of the weakest among the weak and assist them in the efforts to better their economic conditions by small productive endeavours. The rate of interest prescribed under the scheme was 4%. According to the guidelines the banks had to advance under the scheme a minimum of 1% of their aggregated advances as at the end of the previous year. In order to ensure that the weaker sections in the rural areas derived maximum benefit under the scheme and bulk of the advances were not preempted by urban/metropolitan areas, the banks operating the scheme were to see that not less than two-thirds of their advances under the scheme were routed through their rural and semi-urban branches. With a view to ensuring that persons belonging to SC/ST communities got their due share of benefits under the scheme, banks had to ensure that 40% of the DRI advances were made to SC/ST beneficiaries.

19. According to the guidelines issued by the Reserve Bank of India in September 1986 the ceiling of family income of borrowers under the DRI scheme was revised from Rs.2,000 per annum in rural areas and Rs.3,000 per annum in urban and semi-urban areas to Rs.6,400 and Rs.7,200 respectively. It was also indicated that the DRI scheme, the IRDP and the Self-Employment Programme for Urban Poor (SEPUP) would be mutually exclusive. The benefit under the DRI scheme would be available only to borrowers within the prescribed eligibility criteria who were not assisted under any of the subsidy-linked schemes of Central/State Governments and State-owned Corporations. The year-wise amount of DRI advances, the percentage of such advances to the total advances at the end of the previous year, the total amount of DRI advances to SCs and STs and the percentage of such advances to total DRI advances made by all public sector banks from the year ending December 1983 to the year ending December 1986 may be seen in the table below:

Table 2

(No.of accounts in lakhs)
(Amount Rs. in crores)

Year ended	Total DRI advances		%age of DRI advances to total advances as at the end of previous year	DRI advances to SC/ST		%age of DRI advances to SC/ST to total DRI advances
	No.of accounts	Amount outstanding		No. of accounts	Amount outstanding	
1	2	3	4	5	6	7
December 1983	37.44	367.99	1.1	18.54	184.32	50.1
December 1984	42.72	441.38	1.1	21.28	224.84	50.9
December 1985	43.18	462.70	1.1	21.62	236.73	51.2
December 1986	47.97	560.83	1.2	23.11	282.01	50.3

Bank-wise progress of advances made by all public sector banks under priority sector lending (non-DRI) to SC/ST persons for the half year ending December 1985 may be seen in Statement No.1 of Annexure II. Similar information in respect of advances under the DRI scheme to SC/ST persons may be seen in Statement No.2 of Annexure II and information for the half year ending December 1986 in Statement Nos.1 and 2 of Annexure III.

20-POINT PROGRAMME

20. The 20-Point Programme which was introduced by the Central Government in 1975 was revitalised when the new 20-Point Economic Programme was announced by the then Prime Minister on 14-1-1982. Point 7 thereof was stipulated to accelerate programmes for the development of the Scheduled Castes and Scheduled Tribes. In 1986 a revised 20-Point Programme was announced which became effective from 1-4-1987. Point 11 of the revised Programme provides for justice to the Scheduled Castes and Scheduled Tribes. It envisages achievement of the following goals:

(a) to ensure compliance with the Constitutional provisions and laws for the Scheduled Castes and Scheduled Tribes;

(b) to ensure possession of lands allotted to the Scheduled Castes and Scheduled Tribes;

(c) to revitalise the land allotment programme;

(d) to organise and assist special coaching programmes to improve educational standards;

(e) to eradicate scavenging and undertake special programmes for rehabilitation of Safai Karmacharis;

(f) to provide better direction and adequate funds for the Special Component Plans;

(g) to pursue programmes for fuller integration of the Scheduled Castes and Scheduled Tribes with the rest of the society;

(h) to ensure rehabilitation of tribals displaced from their habitats.

21. In addition to Point 11 the following Points also provide for special attention to the development of the Scheduled Castes and Scheduled Tribes:

(a) Point 7 (3) - to pay special attention to water supply for the Scheduled Castes and Scheduled Tribes;

(b) Point 14(3) - to pay special emphasis on construction of houses for the Scheduled Castes and Scheduled Tribes;

(c) Point 16(2)- to protect the traditional rights of

tribal population and local communities of access to firewood and forest produce.

22. There are some other Points in this Programme which do not make a special mention of the development of the Scheduled Castes and Scheduled Tribes but which are of indirect significance to these communities because a sizable number of families belonging to these communities derive benefits from these programmes. These Points are:

Point 1 (i) - to ensure that poverty alleviation programmes reach all the poor in every village;

Point 1(iv) - to promote handlooms, handicrafts, village and small industries and improve skills for self-employment;

Point 5 (i) - to complete compilation of land records;

Point 5(iii)- to distribute surplus land to the landless;

Point 6 (i) - to enforce minimum wages for unorganised labour in agriculture and industry;

Point 6(ii) - to fully implement laws abolishing bonded labour;

Point 10(i) - to universalise elementary education with special emphasis on girls' education;

Point 12(i) - to raise the status of women;

Point 15(ii)- to provide basic facilities in existing slum areas;

Point 18(i) - to bring essential consumption goods within easy reach of the poor;

Point 19(i) - to expand the supply of electricity for productive use in the villages.

23. While general monitoring of the 20-Point Programme at the Centre is done by the Planning Commission, the Ministry of Welfare monitors the progress of various programmes for the development of the Scheduled Castes and Scheduled Tribes included in the 20-Point Programme. Monthly/quarterly reviews are prepared by the Ministry of Welfare and sent to the Ministry of Programme Implementation and the Prime Minister's Office. During 1986-87, according to these progress reports, 11.22 lakh and 5.79 lakh Scheduled Caste and Scheduled Tribe families were assisted upto November and December 1986 respectively. The target for the year was 19.32 lakh and 8.35 lakh SC and ST families respectively.

MINIMUM NEEDS PROGRAMME

24. The Minimum Needs Programme was started in the first year of the Fifth Five Year Plan with a view to establish-

ing a network of basic services and facilities of social consumption in all the areas within a specified time-frame. It is designed to assist in raising living standards and in reducing regional disparities in development. The basic needs of the people identified for this programme are (i) Elementary Education, (ii) Adult Education, (iii) Rural Health, (iv) Rural Water Supply, (v) Rural Roads, (vi) Rural Electrification, (vii) Rural Housing, (viii) Environmental Improvement of Urban Slums and (ix) Nutrition. An outlay of Rs.5,807 crores was made in the Sixth Plan for this programme, out of which an amount of Rs.4,924 crores was allocated to the State Sector and Rs.883 crores to the Central Sector. Against the above outlay an estimated expenditure of Rs.6547.05 crores was incurred during the Plan period, out of which an amount of Rs.5265.33 crores was in the State Sector and Rs.1281.72 crores in the Central Sector.

25. During the Seventh Five Year Plan it is envisaged to integrate the programme with other rural development and anti-poverty programmes in order to create necessary linkages in the delivery services. The MNP consists of two distinct sets of activities, viz., (i) Human Resources Development activities which cover elementary and adult education, health, drinking water supply, nutrition and rural housing and (ii) activities relating to area development like rural roads and village electrification. The various components of the MNP are aimed at enhancing the impact of both beneficiary oriented and area development programmes of rural development. While the MNP increases productive capacity of the people as a whole by indirect impact, the rural development programmes improve the economic condition of the individual with a direct and personalised approach. Thus the two sets of programmes are mutually supportive. It was also proposed to add some new components like domestic cooking, energy, public distribution and rural sanitation to the programme during the Seventh Plan. An outlay of Rs.10081.72 crores was made under the programme for the Seventh Plan Period.

26. Being the most deprived sections of the rural population it is expected that SCs and STs will derive considerable benefits from the various components of the MNP. For example, for providing sources of drinking water each Scheduled Caste locality which does not have a satisfactory source of drinking water is to be treated as a 'problem village' and tackled on priority basis. In the case of tribal areas it is envisaged to provide at least one source of potable drinking water within a distance of about one Km. from each hamlet. For electrification wherever street lighting has not been extended to the Scheduled Caste localities in the electrified villages, it is to be done on priority basis. All areas included in the Tribal Sub-Plans and all North-Eastern Hill States/Union Territories, viz., Assam, Manipur, Meghalaya, Nagaland, Sikkim, Tripura, Arunachal Pradesh and Mizoram are also to be treated as priority areas for rural electrification under the MNP. The rural roads component of the MNP is to pay particular attention to hilly, tribal and desert areas. The norms for these areas will be liberalised as follows:

(i) Hill areas-

(a) 100% linkage during 10 years' time-frame to villages with population over 500,

(b) 50% linkage during 10 years' time-frame to villages with population between 200 and 500.

(ii) Tribal, coastal and desert areas-

(a) 100% linkage during 10 years' time-frame to villages with population over 1,000,

(b) 50% linkage during 10 years' time-frame to villages with population between 500 and 1,000.

It is surprising that the unit for this programme in tribal areas is a village. Since the habitations in tribal areas are small the unit for this purpose has been taken as a cluster of villages and not a village since the Fifth Five Year Plan. It is suggested that in the guidelines the word 'villages' should be replaced by the term 'cluster of villages' particularly in the context of tribal areas. Outlays under the NREP and RLEGP will also be used as supplementary funds for construction of rural roads under the MNP. The objectives and targets to be achieved by the end of the Seventh Plan under various programmes included in the MNP are given at Annexure IV.

ANNEXURE I

Statement No. 1

Statement showing progress vis-a-vis target during Sixth Five Year Plan (1980-85) under Integrated Rural Development Programme (IRDP)

				Physical target/achievements(Cols.5 to 9)		
S.No.	Name of State/UT	No. of districts	No.of Blocks	No. of beneficiaries Target	Achievement	%age of Col.6 to Col.5
1	2	3	4	5	6	7
1.	Andhra Pradesh	22	330	979200	1212699	123.85
2.	Assam	16	134	408000	306641	76.28
3.	Bihar	38	587	1761000	1923135	109.21
4.	Gujarat	19	218	654000	751437	114.90
5.	Haryana	12	93	268200	481292	179.45
6.	Himachal Pradesh	12	69	207000	215209	103.96
7.	Jammu & Kashmir	14	113	270600	174004	64.30
8.	Karnataka	19	175	555000	715101	128.85
9.	Kerala	13	151	440400	529979	120.34
10.	Madhya Pradesh	45	459	1375200	1425993	103.69
11.	Maharashtra	29	296	888000	962515	108.39
12.	Manipur	6	26	70200	31149	44.37
13.	Meghalaya	5	30	79200	23845	30.11
14.	Nagaland	1	21	63000	47893	76.02
15.	Orissa	13	314	942000	921761	97.85
16.	Punjab	12	118	352200	395762	112.37
17.	Rajasthan	27	236	700800	710076	101.32
18.	Sikkim	1	4	12000	9961	83.01
19.	Tamil Nadu	15	378	1131000	1396016	123.43
20.	Tripura	3	17	51000	52423	102.79
21.	Uttar Pradesh	57	887	2641200	3432349	129.95
22.	West Bengal	15	335	1009000	717351	71.38
23.	A & N Islands	2	5	9650	863	8.94
24.	Arunachal Pradesh	11	48	104400	43978	42.12
25.	Chandigarh	1	1	2475	1206	48.73
26.	D & N Haveli	1	1	3000	1666	55.53
27.	Delhi	1	5	15000	16845	112.30
28.	Goa,Daman & Diu	1	12	35200	30730	87.30
29.	Lakshadweep	1	5	10800	1510	13.98
30.	Mizoram	3	20	60000	12493	20.82
31.	Pondicherry	1	4	12000	16845	140.37
	Total	416	5092	15100725	16562727	109.68

(Contd.)

Financial outlay/expenditure (Cols.10 to 12) (Rs. in lakhs)

S.No.	No. of SC/ ST covered	%age of Col.8 to Col.6	Total allocation	Utilisation	%age of utilisation to allocation	Term Credit mobilised
1	8	9	10	11	12	13
1.	619512	51.09	11436.00	13322.31	116.49	24395.94
2.	95027	30.99	4690.00	4220.28	89.98	6117.85
3.	721640	37.52	20545.00	17078.81	83.13	30012.40
4.	262591	34.95	7630.00	7469.55	97.90	13004.14
5.	126977	26.38	3141.00	3353.80	106.77	4829.79
6.	121240	56.33	2415.00	2318.57	96.01	2861.93
7.	20388	11.72	3233.00	2005.35	62.03	2542.47
8.	177482	24.82	6125.00	7922.67	129.35	14935.81
9.	157897	29.79	5152.00	5176.89	100.48	11489.05
10.	658304	46.16	16046.00	15125.49	94.26	33579.29
11.	308652	32.07	10360.00	10445.87	100.83	22539.00
12.	22732	72.98	910.00	406.24	44.64	22.38
13.	17250	72.34	936.00	261.41	27.93	-
14.	47893	100.00	735.00	624.00	84.90	-
15.	410266	44.51	10990.00	8751.86	79.63	12952.04
16.	202149	51.08	4111.00	4591.38	111.68	7399.57
17.	395808	55.74	8184.00	8982.84	109.76	13305.74
18.	2555	25.65	140.00	101.90	72.78	111.11
19.	462828	33.15	13211.00	14662.02	110.98	25727.46
20.	25057	47.80	595.00	658.01	110.59	1179.90
21.	1271494	37.04	30836.00	31173.46	99.18	73049.52
22.	262793	36.63	11725.00	5393.45	46.00	8818.91
23.	58	6.72	175.00	10.49	5.99	14.28
24.	43978	100.00	1680.00	761.67	45.34	-
25.	32	2.65	35.00	2.97	8.49	-
26.	1520	91.24	35.00	28.94	82.68	36.33
27.	4834	28.70	175.00	202.00	115.43	405.65
28.	2633	8.57	420.00	415.45	98.92	591.85
29.	1510	100.00	175.00	99.85	57.06	-
30.	12493	100.00	700.00	410.15	58.59	6.80
31.	4756	28.23	140.00	138.60	99.00	232.64
	6462349	39.02	176681.00	166116.28	94.02	310161.85

ANNEXURE I

Statement No.2

Physical and financial progress under IRDP during 1985-86

A- Physical progress (Cols.3 to 17) — As on 28-7-1986 (in numbers)

S.No.	Name of State/UT	Physical target			Achievement		
		Old families	New families	Total	Old families	New families	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	54000	90000	144000	17449	162666	180115
2.	Assam	13000	48000	61000	nil	51843	51843
3.	Bihar	100000	210000	310000	118721	302414	421135
4.	Gujarat	55000	39000	94000	29810	71465	101275
5.	Haryana	8000	20000	28000	4727	43769	48496
6.	Himachal Pradesh	20000	11000	31000	22656	10918	33574
7.	Jammu & Kashmir	18000	15000	33000	Combined		41329
8.	Karnataka	42000	63000	105000	53006	95788	148794
9.	Kerala	53000	33000	86000	39272	32104	71376
10.	Madhya Pradesh	92000	130000	222000	68036	181555	249591
11.	Maharashtra	50000	100000	150000	36549	153625	190174
12.	Manipur	2000	4000	6000	1268	6219	7487
13.	Meghalaya	3000	5000	8000	nil	7129	7129
14.	Nagaland	1500	4000	5500	444	7081	7525
15.	Orissa	29400	85000	114400	8536	164891	173427
16.	Punjab	25000	14000	39000	25016	39596	64612
17.	Rajasthan	39000	44000	83000	12364	128139	140503
18.	Sikkim	87	760	847	589	1596	2185
19.	Tamil Nadu	118000	68000	186000	127666	82030	209696
20.	Tripura	5000	5000	10000	1044	13104	14148
21.	Uttar Pradesh	310000	233000	543000	315881	264921	580802
22.	West Bengal	100000	90000	190000	32741	254311	287052
23.	A & N Islands	237	500	737	Combined		742
24.	Arunachal Pradesh	5500	2000	7500	5057	6301	11358
25.	Chandigarh	100	nil	100	combined		116
26.	D & N Haveli	200	400	600	231	446	677
27.	Delhi	743	550	1293	264	1882	2146
28.	Goa, Daman & Diu	3000	1000	4000	3853	3199	7052
29.	Lakshadweep	200	400	600	100	454	554
30.	Mizoram	658	3242	3900	Combined		2623
31.	Pondicherry	1320	882	2202	Combined		3142
	Total	1149945	1320734	2470679			3060678

S.No.	%age of families to target			No. of SC families	%age of col.12 to Col.8	No. of ST families	%age of Col.14 to Col.8	No.of women headed house-holds
	Old	New	Total					
1	9	10	11	12	13	14	15	16
1.	32	181	125.08	77154	43.83	19729	10.05	23378
2.	0	108	84.99	4181	8.06	12852	24.79	4524
3.	119	144	136.85	114161	27.11	51737	12.29	23302
4.	54	183	107.74	12852	12.69	25121	24.80	12176
5.	59	219	173.20	17999	37.11	Nil	0.0	8180
6.	113	99	108.30	18136	54.02	2688	8.03	3664
7.		Combined	125.23	4297	10.40	Nil	0.0	654
8.	126	152	141.70	32863	22.87	3741	2.51	19136
9.	74	97	83.00	22672	31.76	2182	3.06	19778
10.	74	140	112.43	57266	22.94	71227	28.54	10941
11.	73	154	126.78	43025	22.62	30310	15.94	31475
12.	63	155	124.78	209	2.79	5348	71.43	1945
13.	0	143	89.11	2	0.03	7043	98.79	2457
14.	30	177	136.82	Nil	0.0	7525	100.00	128
15.	29	194	151.60	37597	21.68	44522	25.67	6313
16.	100	283	165.67	32379	50.11	Nil	—	6505
17.	32	291	169.28	58446	41.60	21921	15.60	7094
18.	677	210	257.97	129	5.90	573	26.22	190
19.	108	70	112.74	93713	44.69	3283	1.56	62284
20.	21	262	141.48	1736	12.27	5617	39.70	460
21.	102	114	106.96	266624	45.91	2520	0.43	21099
22.	33	283	151.08	80872	28.17	14712	5.12	30053
23.		Combined	100.68	Nil	—	55	7.41	60
24.	92	315	151.44	Nil	—	8795	77.43	2563
25.		Combined	116.00	29	25.00	Nil	—	16
26.	116	112	112.83	55	8.12	579	85.52	236
27.	36	342	165.97	473	22.04	Nil	—	107
28.	128	320	176.30	235	3.33	61	0.86	3266
29.	5	114	92.33	Nil	—	554	100.0	262
30.		Combined	67.26	Nil	—	2460	93.78	407
31.		Combined	142.69	850	27.05	Nil	-	387
			123.88	977955	31.95	345165	11.28	303440

(Contd.)

B-Financial outlay/expenditure (Cols.18 to 29) (Rs. in lakhs)

S.No.	%age f Col.16 to Col.8	Total allo-cation	Utilisation	%age of Col.19 to Col.18	Central share	Central release	%age of Col.22 to Col.21
1	17	18	19	20	21	22	23
1.	12.93	2666.33	3109.28	116.61	1333.16	1333.19	100.00
2.	8.73	1377.20	1244.01	90.33	688.60	467.42	67.88
3.	5.53	5248.41	4954.45	94.40	2624.20	2477.45	94.41
4.	12.02	1597.10	1511.05	94.61	798.55	845.97	105.94
5.	16.87	441.25	804.53	182.33	220.62	372.00	168.62
6.	10.91	310.63	552.02	177.71	155.32	215.44	138.71
7.	1.58	549.77	599.80	109.10	274.89	286.29	104.15
8.	12.86	1726.56	2043.07	118.33	863.28	863.28	100.00
9.	27.71	1341.32	982.65	73.26	670.66	669.94	99.89
10.	4.38	3762.82	3688.51	98.02	1881.40	1882.38	100.05
11.	16.55	3057.85	3336.09	109.10	1528.93	1526.12	99.82
12.	25.98	126.41	135.21	106.96	63.21	77.60	122.77
13.	34.46	170.92	177.94	104.10	85.46	48.72	57.01
14.	1.70	100.29	208.30	207.70	50.14	84.00	167.53
15.	3.64	2496.40	2245.60	89.95	1248.20	1098.11	87.98
16.	10.07	531.06	872.18	164.23	265.53	457.19	172.18
17.	5.05	1587.63	1934.79	121.87	793.82	868.91	109.46
18.	8.70	20.07	27.38	136.42	10.04	13.02	129.68
19.	29.70	2776.85	2985.89	107.53	1388.43	1512.08	108.91
20.	3.25	165.76	236.87	142.90	82.88	82.88	100.00
21.	3.63	6827.25	7814.29	114.46	3413.62	3440.51	100.79
22.	10.47	3403.28	4107.11	120.68	1701.64	1500.29	88.17
23.	8.08	22.32	12.70	56.90	22.32	24.00	107.53
24.	22.56	214.26	195.41	91.20	214.26	187.82	87.66
25.	13.79	4.46	N.A.	N.A.	4.46	—	—
26.	34.86	4.46	7.16	159.82	4.46	8.00	179.37
27.	4.98	22.32	39.38	176.43	22.32	39.44	176.71
28.	46.31	53.56	86.61	161.71	53.56	96.00	179.24
29.	47.29	22.32	33.13	148.43	22.32	40.00	179.21
30.	15.52	89.28	127.05	142.31	89.28	160.00	179.21
31.	12.32	17.86	37.92	212.32	17.86	32.00	179.17
	9.89	40736.00	44110.38	108.28	20593.42	20710.04	100.57

(Contd.)

(Rs. in lakhs)

S.No.	Credit target	Achievement			%age of Col.27 to Col.24	Subsidy-credit ratio
		Coop. Banks	Commercial Banks	Total		
1	24	25	26	27	28	29
1.	4266.13	427.07	4340.64	4767.71	111.76	1:2.26
2.	2203.52	98.41	1369.73	1497.17	67.94	1:1.68
3.	8397.45	548.26	9182.21	9730.47	115.87	1:2.21
4.	2555.36	189.15	1870.60	2059.75	80.61	1:1.89
5.	706.00	57.21	1351.90	1409.11	199.50	1:2.20
6.	497.00	1.31	662.16	663.47	133.49	1:1.55
7.	879.63	140.10	549.68	689.78	78.42	1:1.51
8.	2762.49	258.91	3465.79	3724.70	134.83	1:2.27
9.	2146.11	229.13	1448.10	1677.23	78.15	1:2.16
10.	6020.51	774.94	5875.74	7100.01*	117.93	1:2.50
11.	4892.56	1193.22	4864.87	6058.09	123.82	1:2.16
12.	202.25	1.48	28.58	30.06	14.86	1:0.28
13.	273.47	Nil	Nil	Nil	—	—
14.	160.46	0.20	Nil	0.20	0.12	1:0.001
15.	3994.24	643.03	2254.58	2897.61	72.54	1:1.61
16.	849.69	4.70	1698.66	1703.36	200.47	1:2.31
17.	2540.21	599.15	2344.48	2943.63	115.88	1:1.92
18.	32.11	Nil	40.99	40.99	127.65	1:2.62
19.	4442.96	1472.08	3751.88	5223.96	117.58	1:2.12
20.	265.21	47.86	514.86	562.72	212.18	1:2.72
21.	10923.60	2702.27	11617.40	14319.67	131.09	1:2.10
22.	5445.25	165.04	5366.70	5531.74	101.59	1:1.82
23.	35.71	2.04@	13.20	15.24	42.68	1:1.20
24.	342.82	1.70	1.00	2.70	0.79	1:0.02
25.	7.14	Nil	3.48	3.48	48.74	—
26.	7.17	Nil	12.94	12.94	180.47	1:2.11
27.	35.71	Nil	70.09	70.09	196.28	1:3.08
28.	85.70	1.36	170.64	172.00	200.70	1:3.50
29.	35.71	Nil	28.65	28.65	80.23	1:1.14
30.	142.85	Nil	Nil	Nil	—	—
31.	28.58	Nil	78.64	78.64	275.16	1:2.92
	65177.60	9561.62	62978.55	73015.17	112.02	1:2.05

*Break-up will not tally with the total as information for Cooperative and Commercial Banks is for different months.

@Figure relates to January 1986.

(Contd.)

C - Net per capita investment (Cols.30 to 36)

(Amount in Rs.)

S.No.	Old families			New families			Per capita investment (combined)
	Per capita subsidy	Per capita credit	Per capita investment	Per capita subsidy	Per capita credit	Per capita investment	
1	30	31	32	33	34	35	36
1.			Combined				3817
2.			Combined				4612
3.	1044	2297	3341	1047	2316	3363	3357
4.	937	1561	2498	1137	2231	3368	3111
5.	1112	2961	4073	1344	2900	4244	4227
6.	1199	1875	3074	1438	2186	3624	3253
7.			Combined				2773
8.	1079	2458	3537	1113	2528	3641	3604
9.			Combined				3436
10.	1052	2367	3419	1172	2598	3770	NA
11.	1116	2600	3716	1556	3325	4881	4657
12.			Combined				1818
13.	Nil	Nil	Nil	2235	Nil	2235	2206
14.	2236	Nil	2236	2379	Nil	2379	2365
15.	882	1563	2445	1043	1676	2719	2706
16.	795	2286	3081	1359	2857	4216	3777
17.			Combined				3190
18.	671	1885	2556	732	1873	2605	2591
19.	898	1852	2750	1600	3363	4963	3664
20.			Combined				5442
21.	1005	2086	3091	1374	2918	4292	3638
22.			Combined				3286
23.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
24.	1236	8	1234	1361	37	1398	1329
25.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
26.	801	1714	2515	960	2013	2973	2817
27.	1394	4337	5731	1015	3116	4131	4328
28.			Combined				3135
29.	2960	3550	6510	4905	5529	10434	9726
30.			Combined				3368
31.			Combined				3360
							3574

ANNEXURE I

Statement No.3

Physical and financial progress under IRDP during 1986-87

(As on 21-7-1987)

A - Physical progress (Cols.3 to 17) (in numbers)

S.No.	Name of State/ UT	Physical target			Achievement		
		Old families	New families	Total	Old families	New families	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	155000	86500	241500	54951	201993	256944
2.	Arunachal Pradesh	3900	12700	16600	7055	6647	13702
3.	Assam	40000	30500	70500	3543	64476	68019
4.	Bihar	274000	186000	460000	193804	341351	535155
5.	Gujarat	86000	36500	122500	58447	89080	147527
6.	Haryana	36000	18000	54000	14644	35776	50420
7.	Himachal Pradesh	23000	8100	31100	25117	11838	36955
8.	Jammu & Kashmir	18000	20500	38500	870	25848	26718
9.	Karnataka	87000	58500	145500	70305	74970	145275
10.	Kerala	93000	35500	128500	93024	50375	143399
11.	Madhya Pradesh	208000	127000	335000	113967	249615	363582
12.	Maharashtra	120000	100000	220000	108749	129369	238118
13.	Manipur	4000	4800	8800	2769	10904	13673
14.	Meghalaya	2000	6800	8800	2717	9253	11970
15.	Mizoram	1500	10600	12100	6784	1654	8438
16.	Nagaland	7000	6500	13500	336	3982	4318
17.	Orissa	124000	110000	234000	74588	133284	207872
18.	Punjab	47000	44500	91500	51645	48290	99935
19.	Rajasthan	87000	68900	155900	15554	148918	164472
20.	Sikkim	1240	1060	2300	806	1922	2728
21.	Tamil Nadu	151000	95500	246500	154489	104334	258823
22.	Tripura	6000	9000	15000	4424	11355	15779
23.	Uttar Pradesh	399000	233000	632000	408974	257500	666474
24.	West Bengal	58000	131500	189500	70925	172996	243921
25.	A & N Islands	100	1700	1800	1945	358	2303
26.	Chandigarh	100	2400	2500	17	103	120
27.	D & N Haveli	100	900	1000	366	714	1080
28.	Delhi	2200	2900	5100	-	4380	4380
29.	Goa, Daman & Diu	3100	6200	9300	3474	5576	9050
30.	Lakshadweep	100	1200	1300	NR	NR	444
31.	Pondicherry	1900	2100	4000	1910	3765	5675
	All India	2040000	1460000	3500000	1546199	2200626	3747259

(Contd.)

S.No.	%age of families to target			No. of S.C. families	%age to total families
	Old families	New families	Total		
1	9	10	11	12	13
1.	35.45	233.52	106.40	105764	41.16
2.	180.90	52.31	82.54	-	0.00
3.	8.86	211.40	96.48	5353	7.87
4.	70.73	183.52	116.34	143771	26.87
5.	67.96	244.05	120.43	18511	12.55
6.	40.68	198.76	93.37	18706	37.10
7.	109.20	146.15	118.83	18661	50.50
8.	4.83	126.09	69.40	1982	7.42
9.	80.81	128.15	99.85	35811	24.65
10.	100.03	141.90	111.59	42177	29.41
11.	54.79	196.55	108.53	80919	22.26
12.	90.62	129.37	108.24	58964	24.76
13.	69.23	227.17	155.00	48	0.36
14.	135.85	136.07	136.02	-	0.00
15.	452.27	15.60	69.74	-	0.00
16.	4.80	61.26	31.99	-	0.00
17.	60.15	121.17	88.83	47631	22.91
18.	109.88	108.52	109.22	53035	53.07
19.	17.88	216.14	105.50	55623	33.82
20.	65.00	181.32	73.73	132	4.84
21.	102.31	109.25	105.00	113803	43.97
22.	73.73	126.17	105.19	2017	12.78
23.	102.50	110.52	105.45	318621	47.81
24.	122.28	131.56	128.72	75176	30.82
25.	1945.00	21.06	127.94	-	0.00
26.	17.00	4.29	4.80	31	25.83
27.	366.00	79.33	108.00	45	4.17
28.	-	151.03	85.88	996	22.74
29.	112.06	89.94	97.31	438	4.84
30.	NR	NR	34.15	-	0.00
31.	100.53	179.29	141.88	1596	28.12
All India	75.79	150.73	107.06	1199811	32.02

(Contd.)

S.No.	No. of S.T. families	%age to total families	No. of women beneficiaries	%age to total families
1	14	15	16	17
1.	28273	11.00	42631	16.59
2.	13702	100.00	2763	20.16
3.	15883	23.35	7798	11.46
4.	79328	14.82	53418	9.98
5.	35490	24.06	30166	20.45
6.	-	0.00	14996	29.74
7.	4065	11.00	5426	14.68
8.	-	0.00	1254	4.69
9.	4057	2.79	24437	16.82
10.	4210	2.94	44978	31.37
11.	108717	29.90	26595	7.31
12.	37630	15.80	46297	19.44
13.	9376	68.57	3032	22.18
14.	11738	98.06	4082	34.10
15.	8438	100.00	1742	20.64
16.	4318	100.00	430	9.96
17.	53320	25.65	15021	7.23
18.	-	0.00	14039	14.05
19.	30625	18.62	9138	5.56
20.	909	33.32	421	15.43
21.	6110	2.36	86921	33.58
22.	5687	36.04	614	3.89
23.	2203	0.33	86813	13.03
24.	14283	5.86	39115	16.04
25.	358	15.54	286	12.42
26.	-	0.00	32	26.67
27.	1004	92.96	314	29.07
28.	-	0.00	523	11.94
29.	90	0.99	2844	31.43
30.	444	100.00	51@	11.49
31.	1	0.02	873	15.38
All India	480259	12.82	567050	15.13

@ Information till October 1986

(Contd.)

B - Financial progress (Cols.18 to 29) (Rs. in lakhs)

S.No.	Total allocation	Utilisation	%age to allocation	Central share	Central release	%age to central share
1	18	19	20	21	22	23
1.	3739.77	4747.60	126.95	1869.89	1869.78	99.99
2.	367.15	295.95	80.61	367.15	243.52	66.33
3.	1256.59	1901.34	151.31	628.30	628.30	100.00
4.	7097.72	7683.99	108.26	3548.86	3382.51	95.31
5.	1979.67	2324.35	117.41	989.84	989.74	99.99
6.	691.18	893.43	129.26	345.59	445.59	128.94
7.	437.76	682.81	155.98	218.88	218.88	100.00
8.	702.03	558.95	79.62	351.02	348.19	99.19
9.	2173.82	2424.80	111.55	1086.91	1086.90	100.00
10.	1477.97	2382.07	161.17	738.98	1043.98	141.27
11.	5073.61	5515.73	108.31	2536.80	2536.89	100.00
12.	3699.47	4192.98	113.34	1849.73	1732.75	93.68
13.	154.83	284.51	183.76	77.41	77.41	100.00
14.	208.17	435.08	209.00	104.08	81.55	78.35
15.	180.68	300.79	166.48	180.68	284.68	157.56
16.	263.27	145.20	55.15	131.64	126.00	95.72
17.	2972.04	2819.17	94.86	1486.02	1237.73	83.29
18.	795.36	1410.48	177.34	397.68	812.49	204.31
19.	2523.54	2435.50	96.51	1261.77	1185.63	93.97
20.	86.13	33.39	38.77	43.06	21.05	48.89
21.	3793.53	4322.20	113.94	1896.76	2097.56	110.59
22.	146.75	372.11	253.57	73.38	142.75	194.54
23.	10029.66	11138.60	111.06	5014.83	5014.83	100.00
24.	4001.01	3679.49	91.96	2000.51	1935.15	96.37
25.	45.15	49.91	110.54	45.15	45.15	100.00
26.	60.73	1.85	3.05	60.73	-	0.00
27.	23.79	19.19	80.66	23.79	23.79	100.00
28.	100.58	86.19	85.69	100.58	100.58	100.00
29.	193.36	120.35	62.24	193.36	166.25	85.98
30.	30.49	9.27@	30.40	30.49	11.09	36.37
31.	76.75	70.65	92.05	76.75	76.75	100.00
	54382.56	61337.93	112.79	27730.62	27967.47	100.85

@ Information till October 1986

(Contd.)

(Rs. in lakhs)

S.No.	Credit target	Achievement			%age of Col.27 to Col.24	Subsidy-credit ratio
		Coop. Banks	Commercial Banks	Total		
1	24	25	26	27	28	29
1.	5983.63	856.93	6241.87	7098.80	118.64	1:1.78
2.	587.44	0.59	15.79	16.38	2.79	1:1.07
3.	2010.54	110.27	2427.61	2537.88	126.23	1:1.72
4.	11356.35	625.67	13582.92	14208.59	125.12	1:2.08
5.	3167.47	277.86	2938.60	3216.46	101.55	1:1.87
6.	1105.89	20.33	1473.84	1494.17	135.11	1:2.08
7.	700.42	1.81	808.13	809.94	115.64	1:1.57
8.	1123.25	128.99	650.21	779.20	69.37	1:1.94
9.	3478.11	227.90	3963.04	4190.94	120.49	1:2.31
10.	2364.75	591.98	3597.62	4189.60	177.17	1:2.08
11.	8117.78	1629.77	10012.19	11641.96	143.41	1:2.55
12.	5919.15	1206.87	6075.40	7282.27	123.03	1:2.09
13.	247.73	-	96.52	96.52	38.96	1:0.40
14.	333.07	-	-	-	-	-
15.	289.09	-	-	-	-	-
16.	421.23	11.82	47.93	59.75	14.18	1:0.51
17.	4755.26	520.95	3227.00	3747.95	78.82	1:1.70
18.	1272.58	9.47	2976.45	2982.92	234.64	1:2.39
19.	4037.66	650.77	2824.10	3474.87	86.06	1:1.72
20.	137.81	-	65.59	65.59	47.59	1:2.69
21.	6069.65	2072.94	5342.52	7415.46	122.17	1:2.04
22.	234.80	87.73	568.06	655.79	279.30	1:2.01
23.	16047.46	2999.17	15536.14	18535.31	115.50	1:1.99
24.	6401.62	179.27	6204.95	6384.22	99.73	1:1.87
25.	72.24	23.53	50.80	74.33	102.89	1:1.54
26.	97.17	-	4.86	4.86	5.00	1:2.81
27.	38.06	1.09	31.18	32.27	84.79	1:2.11
28.	160.93	-	192.56	192.56	119.65	1:3.12
29.	309.38	1.81	179.52	181.33	58.61	1:2.22
30.	48.78	-	5.74@	5.74@	11.77	NA
31.	122.80	-	109.78	109.78	89.40	1:1.98
	87012	12237.52	89250.92	101488.44	116.64	1:1.98

@ Information till October 1986

(Contd.)

. C - Net per capita investment (Cols.30 to 36) (Amount in Rs.)

S.No.	Old families			New families			Per capita investment (combined)
	Per capita subsidy	Per capita credit	Per capita Investment	Per capita subsidy	Per capita credit	Per capita Investment	
1	30	31	32	33	34	35	36
1.	1131	2181	3312	1660	2921	4581	4309
2.			Combined				1766
3.			Combined				5900
4.	1199	2544	3743	1320	2718	4038	3931
5.	986	1770	2756	1284	2449	3734	3346
6.	1330	2815	4145	1468	3024	4492	4392
7.	1325	1990	3315	1559	2619	4178	3592
8.	1399	2860	4259	1508	2918	4426	4421
9.	1203	2810	4013	1295	2955	4250	4135
10.	1144	2427	3572	1879	3835	5713	4324
11.	1187	3049	4236	1289	3272	4561	4459
12.	1193	2484	3677	1688	3541	5229	4520
13.			Combined				2452
14.	2182	-	2182	3514	-	3514	3237
15.	519	-	519	12570	-	12570	2881
16.	1926	-	1926	2787	1501	4288	4104
17.	917	1611	2528	1142	1911	3052	2864
18.	1007	2729	3736	1512	3265	4777	4239
19.	1003	1998	3001	1249	2125	3373	3338
20.	680	2022	2702	983	2565	3548	3298
21.	1132	2344	3476	1803	7471	9274	4268
22.			Combined				6223
23.	1264	2539	3803	1617	3165	4782	4181
24.	1282	2415	3697	1452	2700	4152	4020
25.			Combined				5321
26.			Combined				5442
27.	1260	2847	4107	1496	3060	4556	4404
28.	-	-	-	1410	4396	5806	5806
29.	417	809	1226	1497	2904	4401	3174
30.			Not reported				
31.			Combined				2940
	1178	2412	3590	1478	3033	4511	4076

- indicates Nil.

ANNEXURE II

Statement No.1

Advances made by public sector banks under Priority Sector Lending (Non-IRI) to SC/ST persons

Half year ended December 1985 (Rs. in lakhs)

S.No.	Name of Bank	Total advances	Total Priority Sector Advances		%age of Col.5 to Col.3	Advances to SC beneficiaries	
		Amount	No. of accounts	Amount		No. of accounts	Amount
1	2	3	4	5	6	7	8
1.	State Bank of India	1300500.00	6705961	552248.14	42.5	1190881	34681.37
2.	State Bank of Bikaner & Jaipur	62725.00	251726	27125.11	43.2	61590	1880.63
3.	State Bank of Hyderabad	58600.00	507548	27073.41	46.2	87874	1948.05
4.	State Bank of Indore	30120.00	144673	12843.33	42.6	33384	850.30
5.	State Bank of Mysore	49653.00	297459	22430.45	45.2	53482	899.04
6.	State Bank of Patiala	56480.28	178076	24239.80	42.9	42723	1287.01
7.	State Bank of Saurashtra	35430.00	135378	15625.24	44.1	20864	547.50
8.	State Bank of Travancore	62137.00	539314	27875.41	44.9	52944	725.25
9.	Allahabad Bank	100408.84	490062	41219.02	41.1	124988	2785.40
10.	Bank of Baroda	276119.00	1202795	113988.10	41.3	205587	4135.03
11.	Bank of India	289636.37	1135307	118777.45	41.0	200753	3796.33
12.	Bank of Maharashtra	95506.00	344864	41556.93	43.5	63310	1493.97
13.	Canara Bank	336081.30	1800336	142023.73	42.3	238580	4790.47
14.	Central Bank of India	333735.91	1582268	138942.14	41.6	316536	7527.25
15.	Dena Bank	94589.22	359923	39607.75	41.9	74325	1709.85
16.	Indian Bank	129126.19	678862	54448.84	42.2	120351	2570.59
17.	Indian Overseas Bank	148121.16	1074728	64309.31	43.4	167754	3329.93
18.	Punjab National Bank	308396.62	1131713	131141.49	42.5	311455	7586.36
19.	Syndicate Bank	213077.77	1391637	96975.20	45.5	163185	3843.48
20.	Union Bank of India	177580.40	879091	78072.41	44.0	181669	3952.02
21.	United Bank of India	152018.52	922162	66043.64	43.4	146884	2504.02
22.	UCO Bank	143154.61	711963	70435.78	41.6	185718	4113.72
23.	Andhra Bank	88703.99	655892	37993.88	42.8	99985	1668.54
24.	Corporation Bank	44773.85	204731	21253.66	47.5	29153	674.95
25.	New Bank of India	58256.58	124655	26900.51	46.2	27395	1101.84
26.	Oriental Bank of Commerce	54362.00	134157	24528.40	45.1	29113	966.58
27.	Punjab & Sind Bank	69095.73	163618	29131.54	42.2	46223	1512.03
28.	Vijaya Bank	60441.00	294799	25660.95	42.5	30449	695.64
	Total	4828831.53	24042898	2072471.62	42.9	4307195	103577.15

(Contd.)

S.No.	%age of Col.8 to Col.5	Advances to ST beneficiairies		%Age of Col.11 to Col.5	Housing loans under priority sector (Amount)				
		No. of accounts	Amount		Total	SC	%age of Col.14 to Col.13	ST	%age of Col.16 to Col.13
1	9	10	11	12	13	14	15	16	17
1.	6.3	422867	11488.50	2.1	539.84	511.77	94.8	28.07	5.2
2.	6.9	23787	854.84	3.2	162.67	131.73	81.0	30.94	19.0
3.	7.2	31785	987.74	3.6	23.04	23.04	100.0	-	0.0
4.	6.6	12194	361.61	2.8	—	-	—	-	—
5.	4.0	13053	226.39	1.0	15.81	12.00	75.9	3.81	24.1
6.	5.3	853	20.27	0.1	1.02	1.02	100.0	-	0.0
7.	3.5	2592	106.94	0.7	17.10	17.07	99.8	0.03	0.2
8.	2.6	3411	44.85	0.2	2.04	2.04	100.0	-	0.0
9.	6.8	17376	351.11	0.9	83.00	77.76	93.7	5.24	6.3
10.	3.6	119671	2615.03	2.3	224.01	168.86	75.4	55.15	24.6
11.	3.2	131203	1993.91	1.7	35.24	30.96	87.9	4.28	12.1
12.	3.6	29350	624.81	1.5	3.45	3.41	98.8	0.04	1.2
13.	3.4	41722	640.58	0.5	57.85	55.08	95.2	2.77	4.8
14.	5.4	91889	1996.81	1.4	114.84	105.12	91.5	9.72	8.5
15.	4.3	43151	1007.19	2.5	168.47	162.90	96.7	5.57	3.3
16.	4.7	14151	250.98	0.5	166.82	164.78	98.8	2.04	1.2
17.	5.2	14675	213.76	0.3	138.06	137.74	99.8	0.32	0.2
18.	5.8	29376	746.21	0.6	184.18	167.11	90.7	17.07	9.3
19.	4.0	99133	2368.37	2.4	318.60	187.87	59.0	130.73	41.0
20.	5.1	36829	685.71	0.9	125.94	120.24	95.5	5.70	4.5
21.	3.8	113376	1918.88	2.9	39.72	14.92	37.6	24.80	62.4
22.	5.8	47308	732.64	1.0	127.20	121.30	95.4	5.90	4.6
23.	4.4	26231	398.94	1.1	77.71	76.51	98.5	1.20	1.5
24.	3.2	3089	78.33	0.4	12.30	11.89	96.7	0.41	3.3
25.	4.1	1568	49.90	0.2	197.91	193.88	98.0	4.03	2.0
26.	3.9	698	22.04	0.1	29.25	29.25	100.0	—	0.0
27.	5.2	988	30.84	0.1	5.15	4.99	96.9	0.16	3.1
28.	2.7	5963	309.09	1.2	19.16	18.62	97.2	0.54	2.8
	5.0	1378289	31126.27	1.5	2890.38	2551.86	88.3	338.52	11.7

ANNEXURE II

Statement No.2

Advances made by Public Sector Banks under DRI scheme to SC/ST persons

Half year ended December 1985 (Rs. in lakhs)

S.No.	Name of Bank	Total advances as on December 1984	Total DRI Advances		%age of Col.5 to Col.3
			No.of accounts	Amount	
1	2	3	4	5	6
1.	State Bank of India	117100.00	1536927	14380.51	1.2
2.	State Bank of Bikaner & Jaipur	57194.15	40335	594.32	1.0
3.	State Bank of Hyderabad	53174.20	70745	458.40	0.9
4.	State Bank of Indore	24706.43	34069	441.63	1.8
5.	State Bank of Mysore	42559.00	54292	467.69	1.1
6.	State Bank of Patiala	51828.00	22915	646.86	1.2
7.	State Bank of Saurashtra	51248.30	39003	468.00	1.5
8.	State Bank of Travancore	55234.77	69390	585.93	1.1
9.	Allahabad Bank	36910.63	73712	884.28	1.0
10.	Bank of Baoroda	229831.00	235392	2565.00	1.1
11.	Bank of India	248599.49	260792	2527.28	1.0
12.	Bank of Maharashtra	87232.00	55160	712.06	0.8
13.	Canara Bank	218833.61	262804	2898.97	1.3
14.	Central Bank of India	298049.65	327846	3229.81	1.1
15.	Dena Bank	86074.69	80991	892.24	1.0
16.	Indian Bank	109685.66	87921	936.71	0.9
17.	Indian Overseas Bank	140529.69	150529	1667.68	1.2
18.	Punjab National Bank	275636.12	182881	2726.05	1.0
19.	Syndicate Bank	187537.64	199703	2314.24	1.2
20.	Union Bank of India	166655.00	177284	2128.45	1.3
21.	United Bank of India	127996.73	118620	1315.90	1.0
22.	UCO Bank	143154.61	175088	1901.95	1.3
23.	Andhra Bank	80009.00	94280	813.98	1.0
24.	Corporation Bank	40036.80	38733	560.81	1.4
25.	New Bank of India	48985.09	21740	524.03	1.1
26.	Oriental Bank of Commerce	39698.00	13846	305.36	0.8
27.	Punjab & Sind Bank	63266.33	21957	490.86	0.8
28.	Vijaya Bank	48721.18	45653	732.63	1.5
	Total	4216487.38	4484395	47103.89	1.1

(Contd.)

S.No.	DRI Advances to SC		%age of Col.8 to Col.5	DRI Advances to ST		%age of Col.11 to Col.5
	No. of accounts	Amount		No. of accounts	Amount	
1	7	8	9	10	11	12
1.	560562	5161.28	35.9	164829	1715.13	11.9
2.	13920	201.03	33.8	12325	200.32	33.7
3.	30138	165.07	36.0	3736	37.54	8.2
4.	12988	185.42	42.0	3470	52.43	11.9
5.	21374	197.32	42.2	1480	10.52	2.2
6.	6	298.38	46.1	—	—	0.0
7.	13434	137.35	29.3	1957	78.80	16.8
8.	30624	269.87	46.1	1096	10.94	1.9
9.	31895	270.98	42.0	5454	80.24	9.1
10.	86176	916.83	35.7	59132	554.04	21.6
11.	64052	700.54	27.7	59328	307.41	12.2
12.	23105	346.28	48.6	10709	155.94	21.9
13.	101817	1216.42	42.0	34201	215.31	7.4
14.	116340	1321.25	48.9	50183	372.98	11.5
15.	31642	316.06	35.4	22839	270.32	30.3
16.	44189	510.89	54.5	3944	44.66	4.9
17.	58994	767.87	46.0	5948	56.37	3.4
18.	103850	1719.13	63.1	10665	107.16	3.9
19.	57004	722.14	31.2	32786	373.59	16.1
20.	72900	890.85	41.9	16941	265.32	12.5
21.	26622	293.68	22.3	23675	301.02	22.9
22.	73892	902.02	47.4	17051	271.65	14.3
23.	33392	356.82	43.7	6301	41.87	5.1
24.	13527	204.70	36.5	1281	20.76	3.7
25.	5402	611.63	59.5	262	5.80	1.1
26.	6410	140.25	45.9	125	2.98	1.0
27.	11073	269.77	55.0	370	4.80	1.0
28.	12036	195.72	26.7	3189	33.80	7.3
	1657364	19088.55	40.5	553277	5611.70	11.9

ANNEXURE III

Statement No.1

Advances made by Public Sector Banks under Priority Sector lending (Non-IRI) to Scheduled Caste/Scheduled Tribe persons - Half Year ended December 1986

(Rs. in lakhs)

S.No.	Name of the Bank	Total advances (Net Bank Credit)@	Total Priority Sector advances@		%age of Col.5 to Col.3	Advances to SC beneficiaries@@		%age of Col.8 to Col.5
			No. of A/cs	Amount		No. of A/cs	Amount	
1	2	3	4	5	6	7	8	9
1.	State Bank of India	1416300	6591000	623333.00	44.0	1342878	34096.84	6.5
2.	State Bank of Bikaner & Jaipur	69888	269000	29372.00	42.0	68380	2297.38	7.8
3.	State Bank of Hyderabad	77211	545000	34485.00	44.6	93515	1992.00	5.8
4.	State Bank of Indore	39586	171000	16867.00	42.6	452.14	1416.47	8.4
5.	State Bank of Mysore	54157	330000	25313.00	46.7	69397	1048.43	4.1
6.	State Bank of Patiala	71031	188000	29915.00	42.1	36246	906.53	3.0
7.	State Bank of Saurashtra	38971	144000	16558.00	42.5	26752	604.35	3.6
8.	State Bank of Travancore	74522	621000	34178.00	45.9	59838	945.12	2.8
9.	Allahabad Bank	111737	541000	45251.00	40.5	134568	3285.04	7.3
10.	Bank of Baroda	318274	1321000	134715.00	42.3	293125	5505.51	4.1
11.	Bank of India	348274	1320000	147643.00	42.4	229428	4912.80	3.3
12.	Bank of Maharashtra	113500	379000	50100.00	44.1	75520	1975.90	3.9
13.	Canara Bank	390483	2180000	173356.00	44.4	386568	7053.95	4.1
14.	Central Bank of India	360700	1663000	157200.00	43.6	339752	8574.00	5.5
15.	Dena Bank	100328	450000	43500.00	43.4	81348	2030.55	4.7
16.	Indian Bank	149711	870000	66625.00	44.5	151650	3729.09	5.6
17.	Indian Overseas Bank	163675	1073000	70360.00	43.0	181363	3754.57	5.3
18.	Punjab National Bank	358000	1331000	159930.00	44.7	352577	9742.19	6.1

@ Provisional data: Source - Quarterly Returns (Ad hoc) on Advances to Priority Sector

@@Source: Half Yearly Return on Credit Facilities to SC/ST

(Contd.)

1	2	3	4	5	6	7	8	9
19.	Syndicate Bank	249700	1450000	104000.00	41.6	196420	4910.49	4.7
20.	Union Bank of India	194527	955000	85953.00	44.2	204341	4814.12	5.6
21.	United Bank of India	156900	970000	70700.00	45.1	154797	2712.12	3.8
22.	UCO Bank	172425	934000	71529.00	41.5	186528	3872.10	5.4
23.	Andhra Bank	106236	737000	44916.00	42.3	116346	2400.28	5.3
24.	Corporation Bank	51246	230000	23861.00	46.6	33495	802.80	3.4
25.	New Bank of India	69534	169000	32323.00	46.5	43834	2010.91	6.2
26.	Oriental Bank of Commerce	61092	185000	27652.00	45.3	48963	1721.26	6.2
27.	Punjab & Sind Bank	73119*	176000*	31056.00*	42.5*	56061	2289.79	7.4
28.	Vijaya Bank	73107	364000	30400.00	41.6	42455	1087.31	3.6
	Total	5464244	26157000	2381091.00	43.6	4966359	120491.90	5.1

* September 1986 data

(Contd.)

S.No.	Advances to ST beneficiaries @ @		%age of Col.11 to Col.5	Housing Loans (Amount) @ @				
				Total	SC	%age of Col.14 to Col.13	ST	%age of Col.16 to Col.13
	No.of A/Cs	Amount						
1	10	11	12	13	14	15	16	17
1.	390146	9521.16	1.5	635.48	593.99	93.5	41.49	6.5
2.	34447	958.38	3.3	228.48	173.11	75.8	55.37	4.2
3.	34703	1007.62	6.0	25.02	25.02	100.0	-	0.0
4.	8341	177.10	1.0	-	-	-	-	-
5.	15011	323.00	1.3	10.96	7.57	69.1	3.39	30.9
6.	9763	464.18	1.6	-	-	-	-	-
7.	2331	122.28	0.7	87.02	85.59	98.4	1.43	1.6
8.	3537	56.16	0.2	3.08	2.99	97.1	0.09	2.9
9.	21690	529.74	1.2	172.70	162.11	93.9	10.59	6.1
10.	164220	3247.11	2.4	326.61	269.85	82.6	56.76	17.4
11.	146168	2608.05	1.8	59.66	54.86	92.0	4.80	8.0
12.	32825	776.80	1.6	5.02	4.96	98.8	0.06	1.2
13.	48107	870.51	0.5	33.79	30.18	89.3	3.61	11.7
14.	107868	2472.50	1.6	136.04	118.23	86.9	17.81	13.1
15.	49799	1223.63	2.8	304.88	294.80	96.7	10.08	3.3
16.	22848	537.42	0.8	230.66	208.73	90.5	21.93	9.5
17.	17654	267.48	0.4	138.98	138.98	100.0	-	0.0
18.	32201	936.19	0.6	369.68	359.07	97.1	10.61	2.9

@@ Source: Half Yearly Returns on Credit Facilities to SC/ST

1	10	11	12	13	14	15	16	17
19.	73396	2018.75	1.9	400.17	272.87	68.2	127.30	31.8
20.	41177	833.38	1.0	34.45	27.83	80.8	6.62	19.2
21.	118769	2039.61	2.9	37.88	13.48	35.6	24.40	64.4
22.	60221	1401.05	2.0	84.63	78.09	92.3	6.54	7.7
23.	32202	465.27	1.0	26.51	25.13	94.8	1.38	5.2
24.	3943	99.87	0.4	47.15	46.40	98.4	0.75	1.6
25.	2915	115.50	0.4	419.60	416.05	99.2	3.55	0.8
26.	816	34.41	0.1	493.04	492.97	99.9	0.07	0.1
27.	909	50.98	0.2	9.71	9.71	100.0	-	0.0
28.	11504	473.05	1.6	16.12	14.23	88.3	1.69	11.7
	487311	33631.18	1.4	4337.32	3926.80	90.5	410.52	9.5

ANNEXURE III

Statement No.2

Advances made by Public Sector Banks under IRI Scheme to Scheduled Caste/Scheduled Tribe persons - Half year ended December 1986

(Rs. in lakhs)

S.No.	Name of the Bank	Total advances (Net Bank Credit) Amount	Total IRI advances* No. of A/cs	Total IRI advances* Amount	%age of Col.5 to Col.3	IRI advances to SC@@ No. of A/cs	IRI advances to SC@@ Amount	%age of Col.8 to Col.5	IRI advances to ST@@ No. of A/cs	IRI advances to ST@@ Amount	%age of Col. 11 to Col.5
1	2	3	4	5	6	7	8	9	10	11	12
1.	State Bank of India	1416300	1410544	14455.19	1.0	548274	5321.89	36.8	165200	1875.28	12.9
2.	State Bank of Bikaner & Jaipur	69888	39697	646.74	0.9	15812	295.33	45.7	10773	147.50	22.8
3.	State Bank of Hyderabad	77211	89230	720.83	0.9	33121	180.71	25.1	4490	40.79	5.6
4.	State Bank of Indore	39586	35369	475.23	1.2	14631	241.83	50.9	5494	47.13	9.9
5.	State Bank of Mysore	54157	58327	679.00	1.3	17535	227.86	33.6	2601	32.99	4.9
6.	State Bank of Patiala	71031	18142	579.10	0.8	6	265.36	45.8	-	-	0.0
7.	State Bank of Saurashtra	38971	37951	502.82	1.3	14801	139.19	27.7	1618	91.26	18.2
8.	State Bank of Travancore	74522	82212	735.13	1.0	36852	354.53	48.2	1197	11.89	1.6
9.	Allahabad Bank	111737	82877	1211.97	1.1	35591	458.21	37.8	6297	105.22	8.7
10.	Bank of Baroda	318274	285281	3071.00	1.0	117942	1223.15	39.8	49058	471.85	15.4
11.	Bank of India	348284	271796	3012.73	0.9	99602	971.82	32.3	61998	533.83	17.7
12.	Bank of Maharashtra	113500	56894	832.24	0.7	22173	308.92	37.1	9639	134.29	16.1
13.	Canara Bank	390483	342321	4323.32	1.1	133688	1820.61	42.1	28341	249.65	5.8
14.	Central Bank of India	360700	335418	3628.82	1.0	142122	1445.26	39.8	63023	419.84	11.6
15.	Dena Bank	100328	85786	990.00	1.0	31412	343.57	34.7	22673	293.85	29.7
16.	Indian Bank	149711	109728	1437.11	1.0	51379	785.72	54.7	10351	161.32	11.2
17.	Indian Overseas Bank	163675	168564	1770.04	1.1	65855	783.41	44.3	6639	67.27	3.8
18.	Punjab National Bank	358000	201374	3534.79	1.0	117500	2038.06	57.7	11125	140.27	4.0

@ Provisional data - Source: Quarterly Returns (Ad hoc) on Advances to Priority Sector
* Source: Quarterly Returns on Advances under D.R.I. Scheme
@@Source: Half Yearly Returns on Credit Facilities to SC/ST

(Contd.)

1	2	3	4	5	6	7	8	9	10	11	12
19.	Syndicate Bank	249700	203400	2551.61	1.0	56230	715.94	28.1	32241	392.60	15.4
20.	Union Bank of India	194527	181256	2232.88	1.1	72025	917.05	41.1	18028	262.20	11.8
21.	United Bank of India	156900	142780	1750.08	1.1	36693	373.78	21.4	32186	386.64	22.1
22.	UCO Bank	172425	175920	1952.87	1.1	68066	850.69	43.6	19160	164.85	8.5
23.	Andhra Bank	106236	114994	1081.07	1.0	28690	365.46	33.8	7332	64.08	5.9
24.	Corporation Bank	51246	48600	731.66	1.4	15482	238.68	32.6	1712	23.22	3.2
25.	New Bank of India	69534	25066	819.57	1.2	6406	316.28	38.6	364	5.87	0.7
26.	Oriental Bank of Commerce	61092	22646	599.40	1.0	10341	255.97	42.7	124	2.86	0.5
27.	Punjab & Sind Bank	73119	27155	726.84	1.0	12406	320.59	44.1	285	3.68	0.5
28.	Vijaya Bank	73107	64132	1126.23	1.5	17512	309.56	27.5	4257	73.32	6.5
	Total	5464244	4717460	56178.27	1.0	1822147	21869.44	38.9	576206	6203.55	11.1

ANNEXURE IV

Minimum Needs Programme during Seventh Five Year Plan

Head	Objectives	Target by 1990
1. Elementary Education	100% enrolment in the age-group 6-14 years by 1990. It would be supplemented with non-formal education.	A target of 25.53 million children for formal and 25 million children for non-formal education has been fixed.
2. Adult Education	100% coverage of adults in the age-group 15-35 years by 1990 through non-formal education.	No target fixed.
3. Rural Health	1. Establishment of one Sub-Centre for a population of 5,000 in the plains and 3,000 in tribal and hilly areas by 2000AD.	To establish 54000 Sub-Centres in addition to 83000 existing Sub-Centres so as to achieve the objective fully.
	2. One PHC for 30,000 population in plains and 20,000 in tribal and hilly areas by 2000 A.D.	To establish 12,000 PHCs in addition to the existing 11,000 with a view to achieving the target fully.
	3. Establishment of one Community Health Centre for a population of one lakh or one CD Block by 2000 AD.	In addition to the existing 649 CHCs, 1553 more CHCs would be established for achieving 40.65% of the target.
4. Rural Water Supply		Coverage of all the remaining 39,000 problem villages as a priority item, after which other villages with inadequate supply of water will be taken up.
5. Rural Roads	Linking up all remaining villages with a population of 1,500 and above and 50% of the total number of villages with population of 1,000 to 1,500 by 1990.	A normative target of 20,487 villages has been fixed having a population of 1,500 and above and 3,851 villages having population of 1,000 to 1,500.
6. Rural Electrification	At least 65% of the villages in each State and UT to be electrified by 1990.	A minimum coverage of 65% of the villages is aimed at by all States and UTs at the end of 1989-90.
7. Housing Assistance to Rural Landless Labourers	Provision of housing assistance to all landless labour households by 1990. Assistance to include house site construction materials, drinking water well for a cluster of houses and approach roads.	Coverage of the remaining 0.72 million households for allotment of house sites to achieve 100% target and provision of construction assistance to 2.71 million families already having house sites.

(Contd.)

Head	Objective	Target by 1990
8, Environmental Improvement of Urban Slums	100% coverage of urban slum population by 1990. Facilities to include water supply, sewerage, paving of streets, storm water drainage, community latrines. Areas inhabited by Scheduled Castes, particularly scavengers, to be given priority.	9 million slum-dwellers out of the remaining 17.5 million would be covered under the programme.
9. Nutrition		Nutrition support would be continued to 11 million eligible persons and the SNP will be expanded to all the ICDS Projects. MDM programme will be consolidated and linked to health, potable water and sanitation.

CHAPTER VIII

REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES

Articles 16(4) and 335 of the Constitution provide safeguards to ensure adequate representation of the Scheduled Castes and Scheduled Tribes in services and posts. In accordance with the Constitutional provisions the percentages of reservation in services under the Central Government have presently been fixed at 15% for the Scheduled Castes and 7.5% for the Scheduled Tribes. Reservation in services has also been extended to public sector enterprises, nationalised banks, statutory and autonomous bodies and institutions receiving grants-in-aid from the Government of India. A comparative statement showing the representation of SCs & STs in services under the Government of India Public Sector Undertakings and Public Sector/Nationalised Banks as on 1-1-1987 may be seen at Annexure I. Similarly reservation in services and posts is also applicable under various State Governments and U.T. Administrations. The percentage of reservation in services varies from State to State on the basis of the actual percentages of the Scheduled Caste and Scheduled Tribe population in the States and Union Territories.

CENTRAL GOVERNMENT SERVICES

2. The percentages of representation of SCs & STs in various groups of posts under the Central Government as on 1-1-1987 as furnished by the Department of Personnel and Training are given below alongwith their increase in intake as compared to the position obtaining on 1-1-1977:

Table 1

Group of posts	Scheduled Castes		Scheduled Tribes		Increase	
	1-1-1977	1-1-1987	1-1-1977	1-1-1987	SC	ST
A	4.16	8.23	0.77	2.05	4.07	1.28
B	6.07	10.40	0.77	1.92	4.33	1.15
C	11.84	14.46	2.78	4.23	2.62	1.45
D	19.07	20.09	4.35	5.84	1.02	1.49

Detailed information relating to the above table may be seen at Annexure II. The low representation of SCs and STs in Group A and B posts is generally attributed to non-availability of qualified candidates for scientific and technical posts. Reservation in promotion from Group B to the lowest rung of Group A started only in 1974 and there is no reservation in promotion from one Group A post to the next higher Group A post. So far as Group C and D posts are concerned the representation of the Scheduled Castes therein is quite satisfactory but that of the Scheduled Tribes is deplorably poor. The low percentage of the Scheduled Tribes even in ministerial posts, which is reported to be on account of non-availability of suitable candidates in sufficient number, cannot be justified. Special recruitment drive is, therefore, needed to recruit Scheduled Tribe candidates by sending special teams to the predominantly tribal areas

so that employment opportunities could be explained to them and offers made to them on the spot by the concerned Government agencies to fill up the shortfalls.

All India and other Central Services

3. Statistical information regarding representation of SCs and STs in various All India and other Central Services as on 1-1-1986 had been called for from various Ministries/ Departments controlling these services. Necessary information has, however, been received only in respect of 14 services and is given in the table below:

Table 2

S.No.	Service	Total No. of officers in position	No. of SCs	%age	No. of STs	%age
1	2	3	4	5	6	7
1.	Indian Audit & Accounts Service	609	45	7.4	19	3.1
	Ministry of Defence					
2.	Assistant Civilian Staff Officers of the Armed Forces Hqs. & Inter-Service Orgn./ AFHQ Civil Service	526	105	19.96	4	0.80
3.	Indian Ordnance Factories Service Class I	1864	149	8.00	15	0.80
4.	Indian Defence Estates Service					
	(a) Group A	100	11	11.0	3	3.0
	(b) Group B	41	5	12.2	-	-
5.	Indian Naval Armament Service	24	5	20.8	-	-
	Ministry of Energy					
6.	Central Power Engg. Service					
	(a) Group A	535	48	9.0	5	0.9
	(b) Group B	152	18	11.8	1	0.7
	Ministry of Home Affairs					
7.	Indian Police Service	2367	267	11.3	93	3.97
	Ministry of Industry					
8.	Asstt. Development Officer(Engg.) Service Group A (DGTD)	30	2	6.7	1	3.3
	Ministry of Information & Broadcasting					
9.	Central Information Service	845	72	8.5	34	4.0
10.	Indian Broadcasting (Engineers) Service	776	17	2.19	4	0.52

1	2	3	4	5	6	7
11.	Programme Cadre	215	30	14.0	15	7.0
	Ministry of Personnel, Public Grievances & Pension					
12.	Indian Administrative Service	4549	437*	9.60	242*	5.32
	Ministry of Surface Transport					
13.	Central Engg. Service (Roads) Group A	216	15	6.9	2	0.9
	Ministry of Water Resources					
14.	Central Water Engg. Service Group A	623	43	6.6	1	0.2

*Except Karnataka and Manipur (Source:Annual Report of Deptt. of Personnel, Public Grievances and Pensions for 1987-88)

4. Information in respect of the number of candidates selected for Indian Administrative Service in the last seven examinations held from 1980 to 1986 is shown in the table below:

Table 3

Year of Civil Services Examination	No. of vacancies filled	No. of vacancies reserved for SCs and STs						No. of vacancies actually filled			
		Current		Brought forward		Total					
		SC	ST	SC	ST	SC	ST	Others	SC	ST	Total
1	2	3	4	5	6	7	8	9	10	11	12
1980	130	19	10	-	-	19	10	101	19	10	130
1981	145	22	11	-	-	22	11	112	22	11	145
1982	156	24	11	-	-	24	11	121	24	11	156
1983	143	21	12	-	-	21	12	110	21	12	143
1984	160	24	12	-	-	24	12	124	24	12	160
1985	138	21	10	-	-	21	10	106*	20*	10	136
1986	126	19	10	-	-	19	10	97	19	10	126

* One candidate not yet appointed. Latest position not available.

It would be seen from the above table that the full quota of the reserved vacancies for SCs and STs has been filled in this premier service in each of the last seven years.

Promotion from Group C and D posts initial recruitment to which is made on local/regional basis

5. Recruitment to Group C and D posts in Government and public sector organisations located in various States/Union Territories is made on local or regional basis in which regional percentages of reservation are applied which are in proportion to the population of SCs and STs. However, at the time of promotion reservation has to be applied on a uniform basis @ 15% for the Scheduled Castes and 7½% for the Scheduled Tribes. This has resulted in certain anomalies. For example, in Manipur recruitment to Group C and D posts is made on local/regional basis where only 1% of vacancies are reserved for the Scheduled Castes and 27% for the Scheduled Tribes. If from this cadre promotion is to be made to the next higher grade, the reservation percentage would be 15% for the Scheduled Castes and 7½% for the Scheduled Tribes. Thus, when recruitment for the Scheduled Castes was made @ only 1%, it would not be possible to give them reservation @15% at the time of promotion, which would necessarily involve dereservation of the remaining vacancies reserved for the Scheduled Castes. There are similar glaring anomalies in respect of many other States/Union Territories. In States like Haryana, Jammu & Kashmir and Punjab and the Union Territories of Chandigarh and Pondicherry there is no reservation for the Scheduled Tribes in recruitment after the issue of the Department of Personnel & Training O.M. No.36013/4/85-Estt.(SCT) dated 24-5-85. However, no orders have been issued doing away with reservation for the Scheduled Tribes in promotion in these States/Union Territories. It is, therefore, suggested that where promotions are to be made from such Group C and D posts recruitment to which is initially made on a local or regional basis, reservation percentage at the time of promotion should correspond to that prescribed for initial recruitment. The Department of Personnel and Training may remove these anomalies at the earliest.

PRE-EXAMINATION TRAINING FOR SCHEDULED CASTES AND SCHEDULED TRIBES

6. In order to improve the representation of SCs and STs in services and posts under the Centre/State Governments and Banks, Pre-Examination Training Centres have been set up by the Government of India in various States/Union Territories to provide special coaching to suitable SC/ST candidates who intend to appear in the competitive examinations conducted by the Union Public Service Commission, Staff Selection Commission, State Public Service Commissions, Banking Recruitment Boards, etc. A sum of Rs.3.50 crores was allocated under the Welfare of Backward Classes Sector in the Sixth Plan under this scheme and Rs.2.66 crores during the Seventh Plan. Under this scheme financial assistance is provided to the State Governments on matching basis so as to enable them to run such training centres. Grants-in-aid are also given to such Universities, Colleges and private institutions which are in a position to provide adequate infrastructural facilities like buildings, classrooms, hostels, libraries as well as teaching staff on 100% basis.

7. The information furnished by various institutions regar-

ding the number of SC/ST candidates trained and those who appeared at the examinations and were selected for appointment is given in Annexure III. A summary thereof is given in the table below:

Table 4

Year	No.of Centres from which information received	No.trained SC	No.trained ST	No.appeared SC	No.appeared ST	Selected SC	Selected ST
1	2	3	4	5	6	7	8
	(i) All India Services						
1983-84	8	113	36	113 (100%)	36 (100%)	2 (1.8%)	4 (11.1%)
1984-85	12	246	63	236 (95.9%)	62 (98.4%)	5 (2.1%)	3 (4.8%)
1985-86	10	226	56	214 (94.7%)	45 (80.4%)	5 (2.3%)	5 (11.1%)
Total		585	155	563 (96.2%)	143 (92.3%)	12 (2.1%)	12 (8.4%)
	(ii) Banking Services : Probationary Officers						
1984-85	4	143	9	141 (98.6%)	9 (100%)	7 (5.0%)	-
1985-86	8	260	21	218 (83.8%)	21 (100%)	1 (0.5%)	1 (4.8%)
Total		403	30	359 (98.1%)	30 (100%)	8 (2.2%)	1 (3.3%)
	(iii) Banking Services : Clerical Cadre						
1984-85	7	357	22	357 (100%)	22 (100%)	34 (9.5%)	3 (13.6%)
1985-86	7	466	28	466 (100%)	25 (89.3%)	12 (2.6%)	-
Total		823	50	823 (100%)	47 (94.0%)	46 (5.6%)	3 (6.4%)
	(iv) State Services						
1984-85	12	1,381	76	1126 (81.5%)	55 (72.4%)	94 (8.3%)	11 (20.0%)
1985-86	14	1,097	84	767 (69.9%)	66 (78.6%)	136 (17.7%)	14 (21.2%)
Total		2,478	160	1893 (56.2%)	121 (75.6%)	230 (12.2%)	25 (20.7%)

The percentages in columns 5 and 6 relate to the number of the candidates trained while those in columns 7 and 8 relate to the number of the candidates appeared.

8. It has been observed that in majority of the Centres a considerable number of seats remain vacant. One of the basic hindrances in filling up all the seats appears to be the low ceiling of income fixed for parents of candidates, i.e., Rs.1,000 per month. Today even the lowest paid employee gets a minimum salary of about Rs.1,000. This unrealistic ceiling makes the otherwise suitable candidates ineligible for admission, leading to non-availability of sufficient number of candidates and keeping a large number of seats vacant. It is suggested that the income ceiling for admission to such Centres may be withdrawn in favour of selection of SC/ST candidates on the basis of graded income, i.e., first preference to be given to candidates falling within the income limit upto Rs.1,000 per month, followed by successive income brackets with additional slabs of Rs.500 each. Secondly, lack of proper publicity appears to be another cause for admission of inadequate number of SC/ST candidates in these institutions. Since SC/ST candidates generally go back to their own places of residence, mostly in rural areas, after completion of their higher education in cities or towns, they should be informed about all such facilities through radio, television and national, regional and local newspapers so as to attract them to these institutions in greater numbers. Revamping of those centres the performance of which was found to be poor is necessary.

EMPLOYMENT EXCHANGES

9. Statistical information for the years 1983, 1984 and 1985 showing the performance of the Employment Exchanges located all over the country, by way of registrations made, vacancies notified and placements effected in respect of Scheduled Caste and Scheduled Tribe job seekers, as furnished by the Directorate General of Employment and Training, is given in the table below:

Table 5

		Scheduled Castes			Scheduled Tribes		
		1983	1984	1985	1983	1984	1985
(i)	No. of registrations made	780,912	745,860	755,089	202,998	187,663	191,787
(ii)	No. of placements effected	62,298	62,360	57,914	22,447	21,132	20,954
(iii)	Percentage of placement to registration	7.98	8.36	7.67	11.06	11.21	10.93
(iv)	No. of reserved vacancies notified	70,065	67,055	63,073	37,738	37,412	37,088
(v)	No. of reserved vacancies filled	31,631	33,214	31,440	9,671	10,957	10,809
(vi)	Percentage of (v) to (iv)	45.14	49.53	49.85	25.63	29.29	29.14
(vii)	No. on the live register at the end of the year	2,455,170	2,617,957	3,057,489	663,516	659,606	774,771

10. Details of the above information, as also the break-up of educational levels and occupational groups for the three years, i.e., 1983, 1984 and 1985, may be seen at Annexure IV. It has been observed that about 50% and 70% of the vacancies notified to the Employment Exchanges as reserved for the Scheduled Castes and Scheduled Tribes respectively could not be filled up for want of candidates from the respective communities. At the same time a large number of graduate/post-graduate candidates registered even in the fields of science, commerce, engineering, medicine, education, etc., were stil on the live registers of the Employment Exchanges.

DERESERVATION OF RESERVED VACANCIES

11. According to the procedure laid down by the Government whenever vacancies reserved for SCs and STs both in direct recruitment and promotions cannot be filled by relevant category candidates, these are required to be carried forward to subsequent three recruitment years. But before carrying forward the unfilled reservation a system has been devised according to which it is necessary to seek prior approval of the competent authority and to explain to that authority about the steps taken for appointments against the reserved vacancies. In the Government of India offices the competent authority to allow dereservation is the Department of Personnel and Training in the case of posts filled by direct recruitment and confirmation. However, in the case of promotions where SC/ST candidates are either not available in the relevant feeder grades or they are not eligible for promotion, the authority for dereservation of reserved vacancies has been delegated to various Ministries/Departments of the Government at the level of Joint Secretary. However, in all these cases proposals for dereservation are required to be sent to the Department of Personnel and Training with a copy to the Commissioner for Scheduled Castes and Scheduled Tribes. A thorough scrutiny of these proposals is made in the Office of the Commissioner for SC and ST and wherever it is found that all necessary steps for recruitment as prescribed by the Government have not been taken or where eligible candidates were available for promotion but were not actually promoted, references seeking necessary clarifications are made to the concerned authorities. The table below would indicate the total number of dereservation proposals received during 1985 and 1986, the number in which queries were raised by this office, the number in which dereservation proposals were amended/corrected in the light of the observations made by this office and the number in which lapses on the part of the authorities were admitted or dereservation proposals withdrawn:

Table 6

Year	Total no.of dereservation proposals received	No. of cases in which queries were raised	No. of cases in which dereservation proposals were amended in the light of our observations	No. of cases in which lapses on the part of authorities were admitted or dereservation proposals withdrawn
1	2	3	4	5
1985	2099	388	25	51(44)
1986	1994	372	17	115(108)

Out of the 115 cases of 1986 in which lapses were admitted by authorities, 108 cases of dereservation pertained to the Directorate General Border Roads, Ministry of Shipping & Transport. Similarly out of the 51 cases of 1985, 44 cases pertained to the same Ministry.

12. A few typical cases of dereservation proposals dealt with by this office are given in Annexure V. It would be noticed therefrom that in case No.2 the suggestion made by this office was accepted by the Cabinet Secretariat and in case No.3 also the dereservation proposal was withdrawn. However, in case No.1 the Ministry of Defence failed to respond even though the DPC had not considered the case of the lone Scheduled Caste candidate who was to become eligible for promotion only 8 days after the date of the DPC meeting. It is, therefore, suggested that the Department of Personnel and Training may issue guidelines to the effect that in cases where no crucial date is fixed in respect of eligibility or for convening of the DPC, such acute individual cases need to be considered sympathetically particularly so when a number of reserved vacancies are available and are proposed to be dereserved for want of eligible SC/ST candidates. Similarly in the last case given in Annexure V the interests of SC/ST candidates suffered due to erroneous application of ban orders only to the reserved vacancies that remained unfilled in the process of recruitment started before the receipt of orders for general ban on recruitment. It is, therefore, suggested that the Government may consider issuing a general order that any order banning filling up of vacancies shall not apply to the reserved vacancies which were unfilled on the date of issue of that order unless the order imposing the ban specifically makes a mention to that effect.

TRAINING ABROAD

13. The Government of India issued instructions on 15-11-1971 that Class I officers belonging to SCs and STs should be provided adequate opportunities for training in India as well as abroad so as to enable them to broaden their outlook and gain experience for shouldering higher responsibilities particularly in posts where there was no reservation. All Ministries/Departments of the Government of India were requested to furnish information about the officers deputed for training abroad alongwith the number of such officers belonging to SCs and STs. The requisite information has been received from only 25 Ministries/Departments out of which 9 Departments have furnished nil information. It is noticed that during the period 1981-85 a total of 320 officers were sent for training abroad out of whom 25 belonged to the Scheduled Castes and 4 to the Scheduled Tribes. On the basis of this scanty information it would not be correct to draw any general conclusion, but these figures show that adequate number of officers from SCs and STs were not sent for such training. It is true that in many cases selection of officers for training abroad is made on the basis of job requirements but it is suggested that where SC/ST officers fulfilling such requirements are available, preference may be given to them as such training would enrich their knowledge in various fields of specialisation and facilitate to improve their chances for selection to higher categories of posts to shoulder higher responsibilities.

Some recent orders/instructions issued by the Government of India in respect of reservation for SCs and STs in services

14. After the submission of the 27th Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1979-80 and 1980-81 the Government of India have issued a number of orders in respect of reservation for SCs and STs in services which have been reproduced in the Seventh Edition of the 'Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services' published by the Ministry of Personnel, Public Grievances & Pensions in 1987. Some of the important orders are mentioned below:

(i) Dept. of Personnel & Training O.M.No.36011/9/82-Estt(SCT) dated 18-2-83 regarding applicability of roster for recruitment made through Staff Selection Commission

(ii) DPAR O.M.No.21011/2/83-Estt(A) dated 8-4-83 regarding Confidential Reports—introduction of a separate column to indicate the effectiveness in the development and protection of Scheduled Castes and/or Scheduled Tribes

(iii) DPAR O.M.No.36011/14/83-Estt(SCT) dated 30-4-83 and 30-9-83 regarding ad hoc promotions—consideration of cases of SC/ST employees

(iv) Dept. of Personnel & Training O.M.No.36011/28/83-Estt(SCT) dated 12-3-84 regarding reservation in confirmation for Scheduled Castes and Scheduled Tribes

(v) Dept. of Personnel & Training O.M.No.36013/4/85-Estt(SCT) dated 24-5-85 regarding reservation for Scheduled Castes and Scheduled Tribes in recruitment on local or regional basis—revision of percentages and model rosters to give effect to revised percentages of reservation

(vi) Dept. of Personnel & Training O.M.No.36013/3/84-Estt(SCT) dated 1-7-85 regarding full exemption of fees

(vii) Dept. of Personnel & Training O.M.No.36011/17/85-Estt(SCT) dated 23-7-85 regarding grouping of isolated posts for purpose of orders regarding reservation for SC/ST.

REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PUBLIC SECTOR UNDERTAKINGS

15. Representation in services: The Presidential Directive pertaining to implementation of reservation for SCs and STs in services and posts under Public Sector Undertakings was first issued in 1969. The Public Sector Undertakings are required to ensure reservation in regard to the employment for these communities more or less on the same lines as in the Central Government Ministries/Departments. The representation of SCs and STs in various groups of posts, as made available by the Bureau of Public Enterprises, as on 1-1-1987 is given below showing their increase in intake as compared to 1-1-1977:

Table 7

Classification	As on 1-1-1977 126 undertakings		As on 1-1-1987 211 undertakings		Increase	
	SC	ST	SC	ST	SC	ST
Group A	1.81	0.43	4.86	1.17	3.05	0.74
Group B	3.09	0.55	6.17	1.55	3.08	1.00
Group C	16.76	7.68	18.54	8.82	1.78	1.14
Group D	22.53	10.32	30.82	17.07	8.29	6.75

It would be seen from the above table that the representation of SCs and STs has gone up considerably in all groups of posts as on 1-1-1987 as compared to 1-1-1977, specially in C and D categories of posts. The position of their representation in respect of Group A and B posts is, however, not at all satisfactory. There is, therefore, an immediate need to make special efforts to increase their intake particularly in Group A and B posts.

16. Time-bound promotions: It has been a recent practice with many of the public sector undertakings to switch over from the vacancy based scheme of promotion to the time-bound promotion scheme. The time-bound promotion schemes as adopted by some of the public sector undertakings have been introduced in replacement of the original vacancy based scheme where the eligibility condition in terms of the number of years of service has been substantially increased. Under the vacancy based scheme there was no possibility of SC/ST employees being ignored for promotion if the vacancies were available and were reserved as per the roster points, unless they were otherwise found unfit by the Departmental Promotion Committee. Besides, in the time-bound promotion scheme in most cases there is an element of selection which is adversely affecting the interests of SCs and STs. There was no such adverse effect in the vacancy based scheme as SC and ST employees used to get promotion on fulfilling the minimum eligibility conditions provided they were not declared unfit for promotion. The Bureau of Public Enterprises issued instructions to various Ministries/Departments vide their O.M.No. 6/27/85-BPE(SC/ST Cell) dated 15-12-1986, to advise the public sector undertakings under their control, intending to switch over to time-bound promotion scheme, not to do so till the matter was carefully considered by the BPE. Later the BPE, however, clarified vide their O.M.No.6/27/85-BPE(SC/ST Cell) dated 29-6-1987 to the public enterprises which had already introduced the time-bound promotion schemes that they might ensure that those schemes satisfied the following criteria:

(i) All employees are promoted to the next higher grade, scale or level on completion of the prescribed length of service without linking the promotions to availability of vacancies in higher posts. In other words, the promotions under time-bound promotion schemes are not vacancy based.

(ii) There is no element of selection or inter-personal comparison of merit in promotions under this scheme. However, the scheme would not be vitiated if it permits rejection of unfit on well-defined criteria.

While issuing the above guidelines on time-bound promotions the Bureau of Public Enterprises have also laid down that there should be complete absence of vacancy based promotions and all promotions should be without any specific screening/merit or provision for rosters, zone of consideration, etc., which are concomitants of vacancy based promotion schemes. It has, however, been observed that some public sector undertakings are still following the time-bound promotions having an element of rejection on merit. Thus, even the otherwise eligible SC and ST candidates, who could have been promoted under vacancy based scheme on the basis of reservation subject to their fitness, get ignored on comparative merit. It is, therefore, necessary that in case of any rejection of candidates on merit for promotion, there should be adequate reservation for SCs and STs. It may be further emphasised that wherever the eligibility criterion in terms of completed years of service is enhanced under the time-bound promotion scheme, suitable relaxation in the length of service should be provided for Scheduled Caste and Scheduled Tribe employees.

17. Sanitation contracts: It has been noticed that many public sector undertakings/banks employ sweepers through contractors to look after sanitation work in the office premises or the project colonies on contract basis, which deprives such workers, most of whom belong to SCs, of regular employment opportunities on the one hand and they are exploited by contractors on the other. Though the organisations which have adopted the contract system take proper care that workers employed by contractors are paid properly and their working conditions are satisfactory, the system in itself involves certain inherent deficiencies. It is always possible that contractors may pay less than the standard rates, though obtaining receipts for full amount. The employees for fear of losing their jobs are not in a position to dispute the wages. Apart from the absence of job security, the workers employed do not get other benefits which they can claim as regular employees. It is, therefore, necessary that there should be no contracting of sanitation work as it affects the weakest section of the society. Abolition of the contract system will end the exploitation of sweepers and ensure better and gainful employment opportunities for them.

18. Dereservation in Public Sector Undertakings: Insofar as public sector undertakings are concerned the authority for dereservation has been delegated to the public sector organisations themselves. For Group A and B posts the competent authority to dereserve the reserved vacancies is the Board of Directors of the organisation concerned and the Chairman-cum-Managing

Director is the competent authority for dereservation of reserved vacancies in Group C and D categories. It has been noticed during the course of studies made by the study teams of this office that by and large public sector undertakings were not following the procedure for dereservation of reserved vacancies. Most of the authorities were not aware of the importance and necessity of following this procedure. They felt that it would be enough to carry forward unfilled reserved vacancies to subsequent three recruitment years, that dereservation might be necessary after a reserved vacancy had already been carried forward for three years and that approval for dereservation had to be taken when a vacancy was likely to lapse. In this connection it has to be impressed upon the public sector undertakings that dereservation is a prerequisite for carrying forward the reserved vacancies to subsequent recruitment years. Further, the procedure for dereservation which necessitates certain steps to fill up the reserved vacancies has to be followed in each year both in respect of current reserved vacancies as well as brought forward reservations, if such vacancies still remain unfilled after taking all the prescribed steps. It is necessary that the Bureau of Public Enterprises should issue clear guidelines to the public sector undertakings for following the correct procedure for dereservation of reserved vacancies in letter and spirit. It would also be desirable that the proformae prescribed by the Government of India for indicating all the circumstances necessitating dereservation of reserved vacancies are adopted by the public sector undertakings and the Bureau of Public Enterprises should devise suitable machinery to keep close watch over the vacancies being dereserved by those bodies.

19. Diversification scheme under the National Fertilizer Limited: During the investigation of the National Fertilizer Limited in connection with the implementation of the Government policy on reservation for SCs and STs it was noticed that the management was resorting to diversification of staff from one area to another against recruitment/promotional vacancies at various levels, thereby depriving SC and ST candidates of their chances of promotion against the reserved quota. The diversification scheme formulated by the NFL envisaged that where suitable incumbents were not available to man certain posts, particularly in specialised cadres, and it was not possible for the management to fill up those posts commensurate with the job requirements, they could fill up such posts by diversifying suitable persons working in other disciplines in that organisation. As per the guidelines, those interested in diversification to a discipline on lateral basis, i.e., in the same scale in which they were working, were invited to apply. Applications so received were scrutinised keeping in view the educational qualifications, performance appraisal reports and the job requirements. Those found prima facie suitable were required to be assessed by a duly constituted selection committee to draw a select list for diversification to the particular discipline. The scheme also provided the procedure for determining the seniority of the persons so diversified from one discipline to another.

20. The scheme of diversification is laudable insofar as the interests of the employees as well as the organisation are concerned. In a situation where it becomes difficult to get right type of persons for a specialised discipline, there can be no objection in considering their own employees having requisite qualifications, if the concerned employee is having experience at that time. The spirit of the scheme will, however, get defeated if diversification of an employee is to be made either on the basis of "own request" or on "administrative reasons" rather than the requirement of the post in question. In other words, the scheme does not provide for any discretion in terms of "own request" or "administrative reasons" as diversification is made from the applications received in response to an official circular against an available post. It was, however, noticed during the course of inspection of records at NFL, Bhatinda, that the cases of all those employees who were diversified in the past by the management from one field to another on administrative reasons were actually based on other considerations than administrative requirement. Contrary to the basic requirements, in a number of cases diversification was allowed without exhausting the avenues for recruitment/promotion or even without circulating those posts among the staff. In a number of cases even the required qualifications were dispensed with, particularly within Group A posts, when the authorities reported that qualifications were no bar.

21. Since the diversification of staff allowed in the past was not strictly in accordance with the spirit of the scheme, there was a feeling among SC/ST employees, who were reportedly the worst sufferers, that the management was using the scheme as a tool for helping a favoured few as also to appease the vocal sections of the employees or as a matter of compromise in difficult industrial relations situation. The scheme was also reportedly used to block the promotions of SC/ST employees or even others by resorting to diversification as and when chances of promotions were available so as to punish a particular employee. The following suggestions were made by my office to the management of the NFL to modify the scheme of diversification:

(i) Diversification may be allowed only against available vacancies.

(ii) Each vacancy, where reservations apply, should be reflected in the respective roster and reservation of vacancies allowed accordingly.

(iii) Each vacancy should be circulated and selection made strictly on seniority or merit, as the case may be.

(iv) Minimum educational qualifications may be prescribed uniformly as per requirement. Wherever qualifications are substituted by training in that field, it has to be applied uniformly in all cases as a precondition before the diversification is actually allowed.

(v) If an employee is due for promotion, diversification in that grade may be avoided.

22. On the basis of the suggestions made in the report of the study team the NFL management reviewed the scheme and decided to do away with diversification on personal requests. Appreciably the authorities also decided to treat all such diversifications required to be made in compelling circumstances, as direct recruitment limited to departmental candidates, duly allowing reservation therein for SC/ST employees. The management at the same time has, however, empowered itself under the revised scheme to straightaway transfer any employee at its discretion on lateral transfer basis in the interest of work and allow the individual to carry his seniority of the post held in his parent discipline. In view of the position explained above it is felt that instead of doing away with the unjustified action of the management to pick and choose individuals for diversification to help them, against the spirit of the policy, the authorities have given legitimacy to their action by incorporating such a provision in the scheme itself which was not there earlier. Moreover, the management did not propose any safeguard for SCs and STs in such diversifications made at its discretion, either in the interest of work or on administrative grounds. In order to ensure that the legitimate claims of SC/ST employees, as per the prescribed percentages, do not suffer due to diversification of staff on lateral basis, all vacancies should be brought on the relevant roster before initiating any action in the matter. It has also to be ensured that wherever SC/ST candidates are available for promotion, vacancies are not filled through diversification. The NFL as well as other undertakings may accordingly modify their policy of diversification.

23. Role of Liaison Officer: In pursuance of the Government of India instructions the Deputy Secretary incharge of administration (or any other officer at least of the rank of Deputy Secretary designated for the purpose) in each Ministry/Department acts as a Liaison Officer in respect of matters pertaining to the representation of SCs and STs in services and various allied relaxations/concessions in this regard. As per the instructions issued by the Bureau of Public Enterprises, each public sector undertaking has also to nominate an officer of appropriate rank incharge of administration or personnel as a Liaison Officer for the implementation of Presidential Directive for reservation in services and posts. Thus, many of the public sector undertakings have Liaison Officers of the rank of Deputy General Manager (comparable to Deputy Secretary to the Government of India) so that they can effectively deal with problems relating to the implementation of reservation orders for SCs and STs. It has, however, been observed that a large number of undertakings do not attach much importance to this aspect and still nominate officers of the rank of Deputy Manager/ Manager or even officers of a lower level dealing with Personnel and Industrial Relations as Liaison Officers who can hardly play an effective role. In some cases even executives belonging to SCs/STs in engineering disciplines, who do not have adequate knowledge either of administrative

matters or of reservation directives, are nominated as Liaison Officers only to tell SC/ST employees that this important work has been entrusted to an SC/ST officer only. This tendency needs to be curbed so that with the appointment of officers of the rank of Deputy General Manager dealing with administrative and personnel matters as Liaison Officers proper implementation of reservation orders can be ensured.

24. Associations of SC/ST employees: The associations formed by SC and ST employees for the purpose of projecting their general grievances in respect of service matters have been persistently requesting for recognition so that they can fight for the legitimate claims against the reserved quota in various public sector undertakings. While the Commissioner for SC and ST has in his earlier Reports supported the demand for recognition of such associations, the Ministry of Home Affairs, however, felt that recognition of associations on the basis of caste/religion should be discouraged. It has generally been found that the general employees'(trade) unions are mostly reluctant to support the claims of SC/ST employees in respect of service matters and hence the associations of SC/ST employees face tremendous difficulties in persuading the management to redress their grievances in the absence of their recognition. At the same time it was noticed during the course of visits to some public sector undertakings by the officers from this office that in a number of undertakings the authorities gave due weightage to the associations of SC/ST employees and even entertained correspondence from and had meetings with such associations to ensure full justice to SCs and STs as per the letter and spirit of the Constitutional provisions. It was also noticed that the rigid attitude adopted by some administrative authorities had led to agitational approach by such associations in order to get their grievances redressed. The problem becomes more complicated when there are rival associations of SC/ST employees themselves. In order to make the voice of SC/ST employees more effective endeavour should be made to have a common platform for all such employees. Efforts should also be made to broadbase this association and elicit the goodwill and support of all sections of employees. The employees' trade unions themselves should also have SC/ST cells to protect the interests of SC/ST employees.

25. The Banking Division of the Department of Economic Affairs in the Ministry of Finance issued instructions to all the Nationalised/Public Sector Banks in 1983 to make informal arrangements to deal with the problems of SC and ST employees and their organisations on the following lines:

(i) The Liaison Officers may meet informally the SC/ST employees including their representatives and hear their grievances in respect of matters arising out of policy regarding reservations. In these meetings the factual position including policy decisions may be explained to the SC/ST employees in order to eliminate any misgivings in their minds. No formal minutes of meetings need be exchanged. However, Liaison Officers may maintain a record note for follow-up action.

(ii) The grievances of the SC/ST employees should be looked into and prompt remedial action taken wherever necessary.

(iii) The representations received from the Association about reservation and other related grievances should be acknowledged.

(iv) All the representations received from the Association should be entered in a register showing therein the action taken on each representation. This register should be inspected by the Liaison Officer periodically.

It is suggested that suitable instructions on the above lines may be issued by the Bureau of Public Enterprises and the concerned Ministries/Departments to the public sector undertakings functioning under them to mitigate the grievances of the associations of SC/ST employees in respect of matters relating to reservation in services and posts.

26. Review of the transfer policy in multi-unit public sector bodies: In accordance with the normal practice prevailing in the multi-unit public sector undertakings like Food Corporation of India, National Fertilizer Limited, Central Warehousing Corporation, etc., employees on their promotions are posted as per the administrative requirements. However, in all such cases persons with comparatively higher position in the panel for promotion get preference over others for retention at the same station or nearby stations. The employees occupying lower positions in the panel get the farthest and most inconvenient postings. The authorities in such public sector bodies transfer their employees occasionally at will as per their discretion in the name of administrative requirements, particularly when there is no declared transfer policy based on any prescribed norms. A number of SC/ST employees represent to my office against their transfers due to alleged prejudice on the part of the management. The problem rose to such an extent that the Government of India had to issue instructions in 1985 to all Ministries/Departments vide Dept. of Personnel & Training O.M. No.36026/3/85-Estt(SCT) dated 24-6-1985 emphasising that Government servants desist from any act of discrimination against members of SC/ST communities on grounds of their origin. It also impressed upon the senior officers including the Liaison Officers of the Ministries/Departments to keep a close watch to ensure that officials belonging to SCs and STs were not subjected to any harassment or discrimination and that such incidents should not occur at all. The orders also provide for action against erring officers.

27. While conducting an investigation in August 1985 into the affairs of the Food Corporation of India in regard to implementation of reservation orders for SCs and STs in its zonal office at Madras, it was noticed that after promotions a number of employees had to move out to places where the vacancies were available. According to the policy of the Corporation seniormost officers/employees were retained at the same station to the extent of available vacancies. In the same manner preference was being given to the remaining employees in the panel

over others for posting at the nearest/convenient stations according to their seniority. The juniormost candidates in the panel were being posted in the remotest corners of each zone or sometimes even outside the zone. In the majority of cases SC and ST employees on account of their low seniority occupied lower positions in the panel and, therefore, happened to be the worst sufferers in regard to their postings after promotion. It was, therefore, emphasised in the report of the study team of this office that the FCI's transfer policy was discriminatory in nature and needed a review so as to devise a policy to provide opportunities to SC and ST employees for better, reasonably good postings at the same station or nearby stations at least to the extent of 15% and 7½% respectively.

28. Another aspect of the transfer policy which came to the notice of the study team was about the frequent transfers of even Group D staff. Keeping in view the difficulties faced by the staff belonging to SCs and STs and even others it was suggested to the management of the Food Corporation of India that:

(i) Promotions and transfers of Group D staff may be restricted to the Depots within the same district.

(ii) Promotions and transfers of employees within Group C may be restricted to the same region.

(iii) Promotions and transfers of employees from Group C to Group B should be within the same zone.

The Food Corporation of India assured active consideration of these suggestions.

29. In the case of the National Fertilizer Limited most grievances of SC and ST employees in regard to transfers related to its Central Marketing Organisation at Chandigarh where also a study was conducted. They complained of discrimination against SC/ST employees by way of their postings to insignificant positions and difficult places without justification. Though the authorities mainly gave administrative reasons for transfers, it was found that no fixed criteria were adopted by the authorities in this regard and that the management did use transfer as a tool in some cases to victimise or punish certain employees. It is desirable that all public sector undertakings should adopt a declared policy in regard to postings/transfers, particularly after promotion of SC and ST employees, keeping in view the problems faced by them on account of social handicaps.

NATIONALISED AND PUBLIC SECTOR BANKS

30. Representation of SC/ST in services: The Government policy of reservation in services and posts for SCs and STs has been made applicable to all public sector and nationalised banks since late 'sixties. With the passage of time there has been considerable improvement in the representation of SCs and STs in services in various cadres of the banking sector. The position of representation of SCs and STs in various groups of services in these banks as on 1-1-1987, as supplied by the Department

of Economic Affairs, Ministry of Finance, is shown below alongwith the actual increase in intake as compared to 1-1-1976:-

Table 8

Classification	As on 1-1-1976		As on 1-1-1987		Increase	
	SC	ST	SC	ST	SC	ST
Officers	0.86	0.13	7.29	1.84	6.43	1.71
Clerical	5.63	0.77	13.77	3.77	8.14	3.00
Subordinate (excluding sweepers)	16.41	1.70	22.30	4.61	5.89	2.91

It would be seen from the above table that there has been steady improvement in the percentages of representation of SCs and STs as on 1-1-1987 as compared to 1-1-1976. However, adequate representation could be achieved only in the case of the Scheduled Castes in clerical and subordinate cadres. The representation of the Scheduled Tribes in all cadres, however, presents a dismal picture even after the expiry of about two decades of the implementation of reservation orders in the banking sector. Concrete steps should be taken by the concerned authorities immediately to induct more STs in all groups of posts as also more SCs in officers' grade.

31. Promotions within officers' grade: In the banking sector reservation has been allowed in promotion from clerical to the lowest rung of officers' grade. In the case of promotions within officers' grade reservation is not allowed by the banks on the ground that all such promotions are made by selection. It has been noticed that in most cases even though the selection procedure in the banks is based on examination, interview, experience, etc., promotions are made strictly on the basis of seniority. The lowest rung of officers in the banks are treated as Group A officers for which posts promotions are made also from clerical grade which belongs to Group C. In fact, promotion from Group C is possible only to Group B and not to Group A and as such any promotion made from clerical to the lowest rung of officers' grade should be treated as promotion to Group B which will attract reservation orders and facilitate promotional avenues for SCs and STs from the first grade to the second grade officers.

32. Posts carrying allowance: It has been observed in certain banks that reservation has not been made applicable against posts carrying allowance even where such allowance varies from Rs.400 to Rs.500 p.m., as it is not treated as promotion. Initially, when the amount of allowance for such posts used to be small and all appointments were made strictly according to seniority, implementation of reservation for SCs and STs for such posts could be avoided. Secondly, while arguing against the application of reservation orders to appointments against posts carrying allowance, the authorities mentioned that the employees working against clerical posts and those carrying allowance were treated at par at the time of considering them for promotion to the posts of officers and as such appointments against the posts carrying allowance could not be treated as promotion. However, while investigating into the implementation

of reservation orders for SCs and STs in services under the Allahabad Bank it was noticed that with the substantial increase in the allowance ranging from Rs.400 to Rs.500 p.m., the authorities introduced an element of selection for posting of employees against the posts carrying allowance. It was found that there was neither any SC nor any ST employee amongst the 113 clerks selected for such posts by the Allahabad Bank during the years 1983 to 1985, even though 10% of the promotional posts in the officers' grade were being filled exclusively from the employees working against the posts carrying allowance. In the case of the UCO Bank also it was noticed that no reservation was allowed for SCs and STs in the appointments from clerical posts to the grade of Special Assistant, a post carrying allowance, on the plea that these posts were a part of the clerical cadre. At the same time a part of the promotional quota in the officers' grade under the Bank was being filled on seniority basis exclusively from the Special Assistants for which there was no justification when they were treated as part of the clerical cadre. There is, therefore, an immediate need to protect the interests of SCs and STs in regard to posts carrying allowance by extending the policy of reservation to this category also.

33. Postings/Transfers: In pursuance of normal procedures laid down for posting of officials on promotion in banking sector, local vacancies are offered to the candidates strictly according to their position in the merit list. Thus, candidates occupying lower positions in the merit list generally get remote and rural postings. Since generally SC and ST employees occupy low positions in the select list by virtue of their low seniority, they get the worst postings, mostly in rural areas. This generally generates grievances amongst SC and ST employees on account of social, educational and housing problems faced by them. In order to minimise the hardship of the Scheduled Caste and Scheduled Tribe employees there is an imperative need to consider their postings at the same station or nearby stations at least to the extent of 15% and 7½% for SCs and STs respectively, as has been done by the Punjab National Bank.

34. Promotional avenues for sweepers in the banks: According to the Government of India's instructions 25% of posts in the grade of Peon (sub-staff in the banks) are required to be reserved for and filled from amongst sweepers, Farashes, Chowkidars, etc., who have completed at least five years of service and can read and write English, Hindi or any regional language. A recent study conducted by this office in one of the nationalised banks indicated that only such of the candidates were considered who were having certificates of having passed at least Class V instead of the requisite qualification of being literate as provided in the Government of India's instructions. It has, therefore, to be ensured that nationalised/public sector banks follow the Government guidelines properly so as to implement the spirit of the Government policy to shift maximum number of persons from the so-called 'unclean' jobs to 'clean' ones, which may further help them in better employment opportunities and their uplift. It was also noticed in that bank, as also in many other cases, that a number of sweepers were working there either on a consolidated pay or on part-time basis. Thus, they were deprived of regular employment.

Since sweepers come from the poorest section of the society, they hardly get any other benefit attached to regular appointments and remain underemployed. It would be most beneficial for such part-time employees if they are considered for sub-staff irrespective of their qualifications in terms of the Government instructions. This will also help them to get full employment and enjoy other benefits available with regular jobs paving the way for improvement of their economic and living conditions, having far-reaching impact on their social status.

35. In this context it may also be mentioned that in most of the banks there is a provision for promotion of sub-staff to clerical posts provided they acquire during their service the necessary qualification, i.e., Matriculation/Higher Secondary. Under this scheme, in the Allahabad Bank substaff, who pass Matriculation/Higher Secondary examination in first class, are promoted immediately to clerical posts without any test and interview, but no relaxation is allowed in the case of SC and ST employees working as sub-staff or even to working sweepers who acquire the said qualification. Since these employees come from the poorest sections of the society, they are rarely in a position to secure first class in their Higher Secondary examination. The requirement should, therefore, be relaxed to the minimum in the case of SC/ST sub-staff so that they may be encouraged to take to studies to pass Matriculation/Higher Secondary examination and avail of better chances of promotion, particularly because there is no reservation in promotion from subordinate categories to clerical posts as the element of direct recruitment to clerical posts exceeds 66-2/3 % of the appointments made.

STATE GOVERNMENT SERVICES

36. The statistical information relating to the actual representation of SCs and STs in State services has been received only from 19 States and 9 Union Territories for different years. This information alongwith the percentages of population of SCs and STs in the State's population and the percentages of reservation for SCs and STs in the State services in respect of all the States/UTs may be seen at Annexure VI. It may be seen therefrom that insofar as Group A and B services are concerned, no State has been able to achieve the quota of reservations prescribed for its services. In Kerala the actual combined representation of SCs and STs is shown as 8.4% as against their total reservation of 10% (8% for SCs and 2% for STs). In the case of the Scheduled Castes in the States of Haryana, Madhya Pradesh, Punjab, Uttar Pradesh and West Bengal as against the prescribed percentages of reservation of 20, 15, 25, 18 and 15 respectively, only percentages of 5.7, 2.1, 8.4, 6.8 and 4.6 have been achieved in Group A services. The representation of the Scheduled Castes in Group C and D services in most of the States has not yet reached the prescribed percentages except in the case of Gujarat (both Group C and D), Haryana (Group D only), Kerala, Punjab (Group D only), Uttar Pradesh (Group D only), West Bengal (Group D only) and Chandigarh (Group D only). The representation of the Scheduled Tribes is not at all satisfactory except in respect of Group D posts in some States. It is, therefore, felt that necessary measures should be taken by the concerned States/Union Territories to wipe

out the shortfalls in services specially in A and B categories of posts as quickly as possible.

UNIVERSITY SERVICES

37. The Acts of Parliament setting up Central Universities do not contain any specific provisions which confer any powers on the Central Government or the University Grants Commission either to make any rules in respect of Central Universities or issue any direction to Central Universities. The UGC in a circular letter dated August 26/29, 1975, to the Vice-Chancellors of Central Universities intimated to them that the UGC had agreed in principle that reservations might be provided for SCs and STs for recruitment to the posts of Lecturers in the universities and colleges and the mechanics for such reservations might be worked out. Several circular letters from the UGC followed. It is not known as to when for the first time the UGC specifically laid down the percentages of reservation in its guidelines. But the revised percentages of 15% for the Scheduled Castes and 7.5% for the Scheduled Tribes (earlier it was 5% for the STs) were intimated to the Vice-Chancellors on 25-8-1982 and it was mentioned in that circular letter that these percentages would be applicable in admissions to various courses of studies and appointments to non-teaching posts and also teaching posts upto the level of Lecturers/ Assistant Professors. The representation of SCs and STs in services under various Central Universities as on 1-11987 both in teaching and non-teaching (ministerial) posts, as made available by the University Grants Commission may be seen at Annexure VII. It would be seen therefrom that there is insignificant representation of SCs and STs in the teaching jobs. Even at the level of Lecturers where reservation orders have been made applicable in Central Universities, there were only 16 SC and 50 ST Lecturers (46 in NEHU) against the total strength of 1,404. In the case of non-teaching posts also percentages of reservation could be fulfilled only in the case of SCs in Group D posts in almost all the Central Universities.

38. An attempt has been made to collect statistical information indicating the representation of SCs and STs in teaching and ministerial (non-teaching) posts under various State Universities as on 1-1-1986. Information received in respect of 41 Universities only may be seen at Annexure VIII. A summary of the information is furnished below:

Table 9

Category	Total	SC	%age	ST	%age
Teaching posts (41 Universities)					
Professors	2,133	13	0.61	1	0.05
Readers/Associate Professors	3,261	34	1.04	5	0.15
Lecturers	5,341	169	3.16	32	0.60
Research Associates,etc.	674	71	10.53	2	0.30
Ministerial posts (41 Universities)					
Group A	3,525	118	3.35	11	0.31
Group B	4,833	221	4.57	48	0.99
Group C	19,811	1,686	8.51	219	1.11
Group D	17,607	2,628	14.93	616	3.50

The representation of SCs and STs is insignificant at all levels in the teaching posts. It is, therefore, evident that without strict observance of the reservation orders in respect of the posts of Lecturers it will be extremely difficult to get adequate number of SC and ST persons for teaching jobs in the universities/colleges. The representation of SCs and STs even in ministerial posts is very unsatisfactory. Concrete steps need to be taken by the concerned authorities so that adequate representation of SCs and STs is made in all groups of posts at least under the ministerial category in which reservation was made applicable long back.

APPRECIATION/ORIENTATION PROGRAMMES

39. During the course of investigations/sample studies of various Ministries/Departments/Public Sector Undertakings and Banks by the study teams of this office in the mid-1970s it was found that most of the officers responsible for implementation of the Government orders in respect of reservation in services and allied relaxations/concessions, etc., were not properly acquainted with these orders and their interpretation. Such officers on many occasions impressed upon the investigating teams the need for organising orientation/appreciation programmes for imparting proper training on the subject of reservation so as to explain to them the reservation policy and various instructions issued from time to time in this regard. The Commissioner for SC and ST accordingly recommended to the Government of India to start such training programmes for Liaison Officers dealing with matters of reservation for SC/ST and other officers and staff dealing with the subject. The Government accepted this recommendation and the Institute of Secretariat Training and Management functioning under the Department of Personnel and Training started conducting orientation programmes on reservation since 1978.

40. Insofar as public sector undertakings are concerned, a similar suggestion was made by the Commissioner for SC and ST to the Bureau of Public Enterprises to start training programmes on its own for the concerned officers in public sector undertakings dealing with implementation of reservation orders. The BPE accordingly convened a meeting and ultimately identified 12 big sized public sector undertakings having infrastructural facilities in respect of conducting such programmes on a regional basis for the benefit of the staff and officers of the public sector undertakings located in such regions. The utility of such programmes having been established, a large number of public sector undertakings took special interest on their own to hold such programmes for refreshing and updating the knowledge of their own staff/officers dealing with the matters of reservation. It has now become almost a regular feature specially with the large sized Government companies to conduct such programmes at least once a year. The table below indicates the number of such appreciation programmes held during the years 1981-86:

Table 10

Year	By ISTM		Regional basis programmes by PSUs	By other public sector organisations	Total
	For Liaison Officers	For Asstts./ S.Os			
1981	3	4	-	4	11
1982	3	4	-	7	14
1983	3	4	2	10	19
1984	3	3	3	9	18
1985	3	3	6	25	37
1986	1	3	3	20	27

In most of the above training programmes officers of this office having expertise in the subject of reservation were called upon to act as guest faculty. The impact of such programmes has been found to be significant specially in imparting proper guidance with regard to implementation of reservation orders in letter and spirit, particularly in respect of maintenance of rosters, filling up reserved vacancies by direct recruitment and promotion, carry-forward, dereservation and verification of SC/ST certificates.

SC/ST MEMBERS OF PUBLIC SERVICE COMMISSIONS

41. The statistical information relating to the representation of SCs and STs in various Public Service Commissions during 1985-86/1986-87 as furnished by the UPSC and the different State Governments is given below:

Table 11

Name of the Public Service Commission	Total No. of Members including Chairman	Whether Chairman belonged to SC or ST	Other Members belonging to	
			SC	ST
1	2	3	4	5
(a) Union Public Service Commission	11	No	1	1
(b) Staff Selection Commission	3	No	-	-
(c) State Service Commissions				
1. Andhra Pradesh	8	No	2	-
2. Assam	7	No	-	2
3. Bihar	11	No	1	1
4. Gujarat*	3	Yes(ST)	-	-
5. Haryana	6	No	1	-
6. Himachal Pradesh	4	No	1	-
7. Jammu & Kashmir@	5	No	-	-
8. Karnataka	7	No	1	-

1	2	3	4	5
9. Kerala@	15	No	1	-
10. Madhya Pradesh@	7	No	1	-
11. Maharashtra	6	No	-	-
12. Manipur	2	No	-	1
13. Meghalaya	4	Yes (ST)	-	3
14. Nagaland@	3	No	-	2
15. Orissa	5	No	-	1
16. Punjab	6	No	-	-
17. Rajasthan	5	No	1	-
18. Sikkim	1	Yes (ST)	-	-
19. Tamil Nadu	8	No	1	-
20. Tripura	2	No	-	1
21. Uttar Pradesh	9	No	1	-
22. West Bengal	7	No	1	-

@ Position during 1985-86

* In Gujarat initially there were in all 5 Members including the Chairman who did not belong either to Scheduled Castes or Scheduled Tribes. But there was one Member each from Scheduled Castes and Scheduled Tribes. On the vacation of Chairmanship the post was temporarily held by the SC Member as additional charge and subsequently by the ST Member from 22-8-86 on regular basis. Thus, for the major portion of the year 1986-87 the Chairman was a Scheduled Tribe person and the Commission comprised only 3 Members including the Chairman.

STUDIES INTO THE WORKING OF SERVICE SAFEGUARDS

42. Under Clause (2) of Article 338 of the Constitution the Commissioner for Scheduled Castes and Scheduled Tribes is required to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes. The safeguards relating to service matters are enshrined in Articles 16(4) and 335 of the Constitution. In pursuance of the powers vested with the Commissioner 10 investigations were undertaken during 1986. Earlier as many as 46 investigations were undertaken during the period from 1981 to 1985. Some of the general observations about the shortcomings noticed by the teams are given below:

(i) Full details about the number of reserved vacancies as well as various concessions/relaxations permissible to SC/ST candidates are not indicated in many cases in the advertisements issued by the public sector undertakings. Applications from the general candidates are also invited against the reserved vacancies in some cases whereas this provision is to be incorporated only while advertising the reserved vacancies for the second time in the same recruitment year. Many SC/ST applicants fulfilling requisite qualifications are left out even in the first scree-

(ii) In many cases SC/ST officers are not associated with the Selection Committee/D.P.C. for one reason or the other. Where such an officer is associated, he is allowed to participate in the meeting while interviewing SC/ST candidates only. He is, therefore, not aware of the standards adopted in selecting general candidates so as to suggest the extent of relaxations needed for SC/ST candidates.

(iii) In the case of posts filled by direct recruitment grouping is permissible only in the case of isolated posts and small cadres. No grouping is permissible in posts filled by promotion. It is noticed that in many cases in public sector undertakings and banks a single common roster is maintained for a number of categories of posts even though there are definite orders for maintaining separate rosters in respect of cadres having a strength of 20 or more. At times even promotional posts are grouped together against the letter and spirit of the orders.

(iv) Wrong model rosters are adopted for determining the number of vacancies to be reserved for SCs and STs on account of confusion arising out of two different 40-point rosters required to be maintained for (i) recruitment on all India basis by open competition providing reservation @ 15% for the Scheduled Castes and 7½% for the Scheduled Tribes and (ii) recruitment on all India basis otherwise than by open competition providing reservation @ 16-2/3% for the Scheduled Castes and 7½% for the Scheduled Tribes.

(v) SC/ST candidates are not adjusted against the older brought forward reservations in their chronological order. The current reservation is utilised whereas the older reservation that becomes 3 years old is allowed to lapse.

(vi) The principle of exchange of reservation between SCs and STs in respect of such of the vacancies which cannot be filled in the initial year of recruitment and subsequent 3 recruitment years also, is not applied resulting in lapsing of vacancies in one of the categories while candidates in the other reserved category are available.

(vii) The authority for dereservation of reserved vacancies in public sector undertakings is vested in the Board of Directors for Group A and B posts and in the C.M.D. in the case of Group C and D posts. However, by and large this procedure is not followed before appointing general candidates against the reserved vacancies. The unfilled reservation is simply carried forward. The tendency of not observing the dereservation procedure correctly amounts to avoiding answerability to the competent authority in the matter of following all the prescribed procedures for recruitment against the reserved vacancies. The Liaison Officer is also not consulted in some cases while submitting proposals for dereservation even though his prior concurrence is necessary for such proposals.

(viii) In many public sector undertakings rosters are not maintained properly. The reserved points are not correctly earmarked. Gaps are left in filling the reserved points in the roster. Remarks regarding adjustment against the older reservation, exchange of reservation and de-reservation, wherever necessary, are not indicated in the remarks column of the roster. Entries in the roster are not signed by the appointing authority.

(ix) Reservation aspects mentioning the number of vacancies, etc., are not properly highlighted in the agenda for Departmental Promotion Committee.

(x) Even though SC/ST officers require more and more training opportunities to widen their knowledge and improve their chances for selection to higher posts, they are in most cases ignored for training at home and abroad.

(xi) The Annual Reports of a large number of undertakings do not contain statistical information relating to the representation of SC/ST nor do they say anything about the activities of the SC/ST Cell indicating the performance of such companies in the matter of compliance of reservation orders.

(xii) There are instructions for reservation in allotment of residential accommodation in favour of SC/ST employees. In many organisations these instructions are not followed and quarters are allotted according to seniority without giving any benefit of reservation to SC/ST employees.

Individual complaints

43. During the year under report 2,717 individual complaints pertaining to service matters of SC/ST officials belonging to the Central Government/Central Public Undertakings/State Governments/Public Sector Banks were received in this office. These cases related to various types of grievances pertaining to appointments, promotions, confirmations, transfers, etc. Out of these cases 175 cases were pending at the end of the year under report and 341 cases were filed. Out of the remaining 2,201 cases success was achieved in getting the desired relief in 93 cases.

ANNEXURE I

A comparative statement showing the representation of SCs & STs in services under the Central Government, Public Sector Undertakings and Public Sector/Nationalised Banks as on 1-1-1987

Government of India

Group	Total	SC	%	ST	%
A	57,654	4,746	8.23	1,180	2.05
B	75,419	7,847	10.40	1,447	1.92
C	21,30,453	3,07,980	14.46	90,147	4.23
D(excluding sweepers)	11,67,759	2,34,614	20.09	68,206	5.84
Total	34,31,285	5,55,187	16.18	1,60,980	4.69

Public Sector Undertakings (211 PSUs)

A	1,61,825	7,862	4.86	1,904	1.17
B	1,62,339	10,010	6.17	2,522	1.55
C	13,94,015	2,58,500	18.54	1,23,017	8.82
D(excluding sweepers)	3,99,000	1,23,010	30.82	68,111	17.07
Total	21,17,179	3,99,382	18.86	1,95,554	9.24
Sweepers	38,900	30,150	77.51	1,311	3.37

Public Sector & Nationalised Banks

Officers	2,15,805	15,745	7.29	3,986	1.84
Clerks	4,49,144	61,891	13.77	16,957	3.77
Subordinate Staff	1,67,136	37,272	22.30	7,721	4.61
Total	8,32,085	1,14,908	13.81	28,664	3.44
Sweepers	17,794	8,740	49.11	594	3.33

ANNEXURE II

Comparative statement showing the representation of the Scheduled Castes and Scheduled Tribes in services under the Central Govt. as on 1-1-1977 and 1-1-1987

Group	Total strength including SCs & STs	Sch. Castes		Sch. Tribes	
		No.	Percentage	No.	Percentage
		As on 1-1-1977			
A	39,908	1,662	4.16	309	0.77
B	56,322	3,421	6.07	434	0.77
C	16,77,256	98,662	11.84	46,603	2.78
D(excluding sweepers)	12,46,464	2,37,718	19.07	54,206	4.35
		As on 1-1-1987			
A	57,654	4,746	8.23	1,180	2.05
B	75,419	7,847	10.40	1,447	1.92
C	21,30,453	3,07,980	14.46	90,147	4.23
D(excluding sweepers)	11,67,759	2,34,614	20.09	68,206	5.84

ANNEXURE III

Statement showing the achievement of All India Services Pre-examination Training Centres

S.No.	Name of the PETC	Year	No.of candidates trained		No.of candidates who appeared		No.of candidates finally selected		Remarks
			SC	ST	SC	ST	SC	ST	
1	2	3	4	5	6	7	8	9	10
			(A) IAS and Allied Services						
1.	All India Services PETC for SC/ST, Kurukshetra University	1983-84	12	2	12	2	-	-	
		1984-85	10	-	10	-	-	-	
		1985-86	9	4	9	4	-	-	
2.	SC/ST All India Services PETC, Allahabad	1984-85	39	10	39	10	-	-	
		1985-86	33	6	33	6	3	1	
3.	All India PETC, GuruNanak Dev University, Amritsar	1984-85	19	1	12	-	2	-	
		1985-86	20	1	19	1	NA	NA	
4.	Coaching Centre for SC/ST appearing for IAS, Aurangabad	1984-85	34	1	34	1	-	-	
		1985-86	23	1	23	1	-	-	
5.	Moti Lal Nehru Regional College of Engg., Allahabad-SC/ST PETC	1983-84	10	2	10	2	NA	NA	2 qualified in written exam.
		1984-85	25	1	25	1	NA	NA	3 -do-
		1985-86	29	3	29	3	NA	NA	9 -do-
6.	AP Study Circle, Hyderabad	1983-84	13	3	13	3	2	-	4 ex-trainees also selected
		1984-85	23	7	23	7	1	-	6 -do-
		1985-86	27	7	23	6	2	2	3 -do-

(Contd.)

1	2	3	4	5	6	7	8	9	10
7.	Administrative Services PETC for SC/ST, Jaipur	1983-84	9	7	9	7	-	2	
		1984-85	10	13	10	13	-	1	
		1985-86	13	8	13	8	NA	NA	
8.	Centre for Coaching SC/ST candidates for IAS, Shivaji University, Kolhapur	1983-84	16	1	16	1	-	-	
		1984-85	8	2	8	2	-	-	
		1985-86	19	1	16	1	-	-	1
9.	PETC, Madras	1983-84	48	1	48	1	-	-	1 ex-trainee selected
		1984-85	49	-	49	-	-	-	
		1985-86	53	1	49	1	-	-	2 ex-trainees selected
10.	Zonal IAS PETC, Patiala	1984-85	28	7	25	7	2	1	
11.	HP Institute of Public Adm., Shimla	1983-84	4	10	4	10	-	-	4 qualified in written exam.
		1984-85	-	10	-	10	-	-	3 ex-trainees selected
12.	SC/ST All India Services PETC, NEHU, Shillong	1983-84	1	10	1	10	1	2	
		1984-85	1	11	1	11	-	1	2 ex-trainees also selected
		1985-86	-	14	-	14	-	2	2 -do-
	Total	1983-84	113	36	113	36	2	4	
		1984-85	246	63	236	62	5	3	
		1985-86	226	56	214	45	5	5	
	Grand total		585	155	563	143	12	12	

(Contd.)

1	2	3	4	5	6	7	8	9	10
			(B) Probationary Officers in Banks						
1.	Dept. of Adult Continuing Education, Delhi University	1984-85	63	4	63	4	7	-	
		1985-86	14	3	14	3	1	-	
2.	Ambala	1985-86	41	-	NA	NA	NA	NA	
3.	Bangalore	1984-85	50	5	50	5	-	-	
		1985-86	92	5	92	5	-	-	
4.	Dharwar	1984-85	12	-	10	-	-	-	
		1985-86	6	-	5	-	-	-	
5.	Mysore	1984-85	18	-	18	-	-	-	
		1985-86	50	-	50	-	-	-	
6.	Pondicherry	1985-86	6	-	6	-	-	-	
7.	Shimla	1985-86	-	4	-	4	-	1	
8.	Ujjain	1985-86	51	9	51	9	-	-	
	Total	1984-85	143	9	141	9	7	-	
		1985-86	260	21	218	21	1	1	
	Grand total		403	30	359	30	8	1	

(Contd.)

1	2	3	4	5	6	7	8	9	10
		(C) Clerical Services in Banks							
1.	Delhi	1985-86	39	3	39	-	-	-	
2.	Patiala (Punjab)	1984-85	16	-	16	-	2	-	
		1985-86	22	-	22	-	1	-	
3.	Mysore (Karnataka)	1984-85	65	6	65	6	4	-	
		1985-86	94	6	94	6	4	-	
4.	Gulbarga (Karnataka)	1984-85	6	-	6	-	-	-	
		1985-86	50	-	50	-	3	-	
5.	Bangalore (Karnataka)	1984-85	86	4	86	4	1	-	
		1985-86	97	3	97	3	-	-	
6.	Pondicherry	1984-85	48	-	48	-	-	-	
7.	Ambala (Haryana)	1984-85	58	-	58	-	18	-	
8.	Ambala/ Rohtak (Haryana)	1985-86	120	-	120	-	NA	NA	
9.	Ujjain (Madhya Pradesh)	1984-85	78	12	78	12	9	3	
		1985-86	44	16	44	16	4	-	
	Total	1984-85	357	22	357	22	34	3	
		1985-86	466	28	466	25	12	-	
	Grand Total		823	50	823	47	46	3	

ANNEXURE IV

Statement No. 1

Statement showing the number of registrations and placements effected in respect of Scheduled Caste and Scheduled Tribe applicants by the Employment Exchanges during the years 1983, 1984 and 1985

Year	Registrations	Placements effected during the years 1983, 1984, 1985								
		Central Government		U.T. Administrations		State Governments		All other establishments		Total 3+5+7+9
		Number	%age to the total	Number	%age to the total	Number	%age to the total	Number	%age to the total	
1	2	3	4	5	6	7	8	9	10	11
					SCHEDULED CASTES					
1983	780912	11546	18.5	856	1.4	28620	45.9	21276	34.2	62298
1984	745860	11054	17.7	1462	2.3	29652	47.6	20192	32.4	62360
1985	755089	7787	13.5	1820	3.1	26564	45.9	21743	37.5	57914
					SCHEDULED TRIBES					
1983	202998	6342	28.2	621	2.8	10330	46.0	5154	23.0	22447
1984	187663	4245	20.1	281	1.3	11143	52.7	5463	25.9	21132
1985	191787	4969	23.7	390	1.9	9781	46.7	5814	27.7	20954

ANNEXURE IV

Statement No. 2

Number of educated Scheduled Caste/Scheduled Tribe job seekers (Matriculates and above) on the live registers of Employment Exchanges - 1983, 1984, 1985

S.No.	Educational levels	Number on live registers					
		Scheduled Castes			Scheduled Tribes		
1	2	3	4	5	6	7	8
		1983	1984	1985	1983	1984	1985
1.	Below Matric (including illiterates)	1485552	1551395	1801436	458095	428045	494078
2.	Matriculates	596396	672834	781662	135919	153330	184488
3.	Persons who passed Higher Secondary (including Intermediates/undergraduates)	252365	262751	322299	47340	53562	67275
4.	Graduates(including post-graduates) (Total)	120857	130977	152112	22159	24669	28926
	(i) Arts	75461	81055	95398	15121	16438	9687
	(ii) Science	16209	19879	18778	2226	2726	2815
	(iii) Commerce	14769	15346	18857	2333	2980	3432
	(iv) Engineering	1166	1474	1989	147	169	330
	(v) Medicine	1337	1411	1474	202	215	246
	(vi) Veterinary	-	-	68	-	-	8
	(vii) Agriculture	1188	1275	1438	100	111	138
	(viii) Law	624	470	431	50	50	62
	(ix) Education	9125	9014	11797	1661	1661	1816
	(x) Others	978	1053	1882	319	319	392
	Total	2455170	2617957	3057489	663513	659606	774771

ANNEXURE IV

Statement No. 3

Statement showing the number on live registers and placements in respect of Scheduled Caste and Scheduled Tribe applicants during 1983, 1984, 1985 by broad occupational groups

S.No.	Occupational Groups	No. on L.R. at the end of the year						No. of placements at the end of the year					
		SC			ST			SC			ST		
		1983	1984	1985	1983	1984	1985	1983	1984	1985	1983	1984	1985
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.	Professional, technical and related workers	65568	68243	76784	11831	13042	14833	6336	6214	6368	1512	1679	1885
2.	Administrative, executive and managerial workers	357	373	364	108	87	89	27	11	45	8	6	14
3.	Clerical and related workers	79015	79878	91283	12598	14232	13945	6653	4948	5735	1411	1192	1410
4.	Sales workers	140	245	1177	11	20	9	33	5	15	4	8	5
5.	Service workers	223649	221346	231199	10051	6481	9615	11098	8336	8085	704	704	802
6.	Farmers, fishermen, hunters, loggers and related workers	8000	7196	12911	952	1002	1779	919	616	544	203	156	254
7.	Production and related workers, transport, equipment operations and labourers	168711	160910	213056	48089	39736	45162	9755	11090	10328	4465	2750	3531
8.	Work-seekers not classified by occupations	1909730	2079766	2430715	579813	585006	689339	27477	31140	26794	14140	14637	13052
	(a) Below matric including illiterates and others	1101605	1169196	1216573	407892	406826	409544	14015	16311	15878	8919	9572	9866
	(b) Matric and above but below graduates	715059	808020	1062792	154414	161290	250942	11647	12827	8811	4684	4467	2681
	(c) Graduates and above	93066	102550	151350	17567	16890	28853	1815	2002	2105	537	598	505
	Total	2455170	2617957	3057489	663513	659606	774771	62298	62360	57914	22447	21132	20954

ANNEXURE V

Some typical cases of dereservation proposals dealt with by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes

(1) The Ministry of Defence had submitted a dereservation proposal seeking dereservation of six vacancies reserved for the Scheduled Castes and three for the Scheduled Tribes in the posts of Foreman (Group C) filled by promotion on the basis of selection in the office of Controller of Inspection (Admn.), Pune. On scrutiny of the proposal it was observed that the seniormost SC candidate was becoming eligible for promotion on 28-2-1986 and that the Departmental Promotion Committee was being convened just 8 days before that date. No crucial date had been prescribed in the rules in respect of the eligibility of candidates or for convening of the DPC. In these circumstances it was for the concerned authorities either to postpone the DPC or to consider the SC candidate also who was short by only 8 days in fulfilment of the eligibility condition. This course of action was suggested particularly because as many as nine reserved vacancies were available and not a single SC or ST candidate was being promoted in that DPC and two vacancies (one each for SC and ST) were to lapse as no more vacancies occurred in the year 1986. But the DPC was held on 20-2-86 and the SC candidate referred to above was not considered. The matter was taken up with the Department of Defence Production requesting them to reconsider the matter. However, the Ministry of Defence (Directorate General of Inspection) declined to reconsider the matter on the plea that such cases of eligibility might occur after every 15 days or a month. However, it was confirmed by them earlier that there were only two SC candidates who were to become eligible for promotion in that year, i.e., on 28-2-1986 and 21-10-1986.

(2) The Cabinet Secretariat had proposed dereservation of 3 vacancies reserved for the Sch.Castes and 2 vacancies reserved for the Sch.Tribes in the posts of Field Officer(Tech.) (Group C) filled by promotion on the basis of selection subject to passing the qualifying test in the office of the Director, ARC. For these selections they had considered only those SC/ST employees who were covered by the extended zone of consideration at 5 times the number of vacancies in favour of SC/ST candidates, in which only 2 SC candidates could be covered whereas some more reserved category candidates were eligible for promotion. The Cabinet Secretariat was, therefore, requested to review the case in the light of the Government of India's instructions contained in MHA O.M. No.1/12/67-Estt(C) dated 11-7-68 and consider the SC/ST candidates who were eligible and were also covered by the separate zone of consideration as applicable in the case of promotion by selection to Group C and D posts. The Cabinet Secretariat confirmed that on re-examination of the case the ARC Directorate had found that a few Deputy Field Officers (Tech.) belonging to SC category were available in the separate zone of consideration and that they intended to consider them in the next DPC. This clearly showed that Government

instructions for consideration of eligible SC/ST candidates as covered by the separate zone were not applied resulting in denial of promotion to the otherwise eligible SC candidates even when reserved vacancies were available which were proposed to be dereserved. The matter was, therefore, again taken up with the Cabinet Secretariat to whom it was suggested that a review DPC should be convened and all the eligible SC/ST candidates available in the separate zone of consideration considered retrospectively alongwith general category candidates considered by the earlier DPC, instead of convening a fresh DPC. In the light of this suggestion a supplementary DPC was held by the Cabinet Secretariat to consider the cases of eligible Deputy Field Officers(Tech.) belonging to SC category for promotion to the post of Field Officer(Tech.) on 16-10-86 and on the recommendation of that DPC three Deputy Field Officers (Tech.) belonging to the Scheduled Castes were promoted and they were assigned notional seniority at their appropriate places vis-a-vis those candidates promoted on the basis of the selection made on the recommendation of the earlier DPC.

(3) The Office of the Comptroller & Auditor General of India had sought dereservation of 2 vacancies reserved for the Scheduled Tribes in the posts of Supervisor (Group C) filled by promotion on the basis of selection in the office of the Accountant General (A&E) II, Maharashtra, Nagpur. On scrutiny it was observed that they had considered the SC/ST candidates only upto the extended zone of consideration at 5 times the number of vacancies in favour of SC/ST employees as prescribed in the Department of Personnel and A.R. O.M. dated 24-12-80. The matter was taken up with them clarifying that in the case of promotion by selection to Group C and D posts the zone of consideration of the same size had to be applied separately to the vacancies reserved for SC/ST employees as envisaged in the Ministry of Home Affairs O.M.No.1/12/67-Estt(C) dated 11-7-68. It was pointed out to them that this matter had already been clarified in the Department of Personnel and Training O.M. dated 2-5-83 wherein it was stated that Group C and D posts continued to be governed by the Ministry of Home Affairs O.M. dated 11-7-68. The mistake was then rectified by the Comptroller & Auditor General's office by promoting the 2 Sch.Tribe employees who were eligible for promotion and were covered in the separate zone of consideration. Accordingly the dereservation proposal was withdrawn.

(4) In a few cases of dereservation pertaining to the Ministry of Home Affairs and the Ministry of Defence it came to notice that action to fill a number of vacancies including some reserved for the Scheduled Castes and Scheduled Tribes was initiated. While the general category candidates became available for appointment, action to fill the reserved vacancies was in progress and in the meantime ban orders were received in respect of all fresh recruitment. Three important points emerged from these cases. Firstly, the ban was erroneously applied to such cases in which recruitment action had already been initiated and some of the vacancies had also been filled. In fact, ban orders should not have been

applied in such cases as the same had to be applied only in respect of vacancies that arose after the receipt of ban orders or for such vacancies for which recruitment action had not been initiated yet. Secondly, in the particular cases referred to above the ban orders were also circumvented by appointing general category candidates on ad hoc basis against vacancies which were reserved for the SCs and STs. Thus, on the one hand ban orders were not actually implemented and, on the other, appointment of general candidates against the reserved vacancies deprived the SC/ST candidates of their due share. Thirdly, such ad hoc appointments of general candidates against the reserved vacancies were continued for a number of years and then it was proposed to regularise their services by seeking ex-post-facto approval of the Department of Personnel and Training and the Commissioner for Scheduled Castes and Scheduled Tribes for dereservation on the plea that those reserved vacancies could not be filled due to ban orders. It is indeed surprising that ban orders were applied to the recruitment of reserved category candidates and not to those of general candidates against the reserved vacancies. This office raised an objection on the above lines and did not agree to the proposals for dereservation. The Department of Personnel and Training had, however, succumbed to the suggestion to regularise their services at 'this late stage' instead of advising the concerned authorities to initiate action de novo to recruit SC/ST candidates and to terminate the services of ad hoc appointees after selection of SC/ST candidates.

ANNEXURE VI

Statement showing the percentage of SC and ST in the population of each State/UT (1981 Census), the percentage of reservations for SC and ST in the State services and the percentage of actual representation of SC and ST in State services

S.No.	State/UT	%age of population		%age of reservation prescribed		Date of actual representation	Percentage of actual representation							
							Group A		Group B		Group C		Group D	
		SC	ST	SC	ST		SC	ST	SC	ST	SC	ST	SC	ST
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
STATES														
1.	Andhra Pradesh	14.87	5.93	15	6	1-1-86	3.99	0.70	5.52	0.80	19.40	0.94	15.81	2.68
2.	Assam	6.24*	10.99*	7	5(Hills) 10(Plains)	NA	NA	NA	NA	NA	NA	NA	NA	NA
3.	Bihar	14.51	8.31	14	10	NA	NA	NA	NA	NA	NA	NA	NA	NA
4.	Gujarat	7.15	14.22	7	14	1-1-87	9.64	5.91	11.49	4.00	17.68	8.98	41.62	15.78
5.	Haryana	19.07	-	20	-	1-7-86	5.6	-	4.7	-	8.8	-	26.2	-
6.	Himachal Pradesh	24.62	4.61	15(Gr.A&B) 22(Gr.C&D)	7.5 5	1-1-83	5.40	3.90	7.80	3.70	12.00	3.40	20.50	5.80
7.	Jammu & Kashmir	8.31	-	8	-	1-1-87	2.08	-	(included in Group A)	-	3.08	-	4.29	-
8.	Karnataka	15.07	4.91	15	3	1-1-86	12.23	1.79	8.06	1.49	11.20	1.57	19.58	3.28
9.	Kerala	10.02	1.03	8	2	1-1-86	8.41		(included in Group A)		9.00		13.49	
10.	Madhya Pradesh	14.10	22.97	15(Gr.A&B) 16(Gr.C&D)	18(Gr.A&B) 20(Gr.C&D)	1-1-86	2.13	1.94	5.31	2.44	9.17	9.45	11.75	8.67
11.	Maharashtra	7.14	9.19	13@	7	1-1-86	6.90	2.29	7.91	2.28	12.83	5.02	21.30	7.45
12.	Manipur	1.25	27.30	2	31	1-9-86	0.81	13.83	0.91	17.96	1.46	29.18	1.36	26.40
13.	Meghalaya	0.41	80.58	NA	NA	1-4-84	1.04	68.70	0.70	73.35	0.86	77.13	1.73	73.00
14.	Nagaland	-	83.99	NA	NA	-	NA	NA	NA	NA	NA	NA	NA	NA
15.	Orissa	14.66	22.43	15	23	1-4-86	1.41	0.88	2.87	1.56	8.64	5.62	21.29	12.02

(Contd.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
16.	Punjab	26.87	-	25	-	1-4-86	9.23	-	12.39	-	9.56	-	14.38	
17.	Rajasthan	17.04	12.21	16	12	1-1-87	17.90	2.78	9.80	8.70	9.02	7.71	22.65	11.43
18.	Sikkim	5.78	23.27	NA	NA	1-1-81	6.18	32.16	2.39	27.78	4.12	27.00	11.34	29.12
19.	Tamil Nadu	18.35	1.07	18 (Combined for SC/ST)		1-1-87	7.00	0.40	14.3	0.10	13.70	0.1	16.60	0.40
20.	Tripura	15.12	28.44	15	29	1-1-87	4.40	5.69	6.65	7.73	9.59	19.20	16.26	19.21
21.	Uttar Pradesh	21.16	0.21	18(Group A&B) 25(Group C) 30(Group D)	2 2 2	1-1-86	7.40	0.45	7.11	0.37	13.66	0.42	17.58	0.50
22.	West Bengal	21.99	5.63	15	5	1-4-82	4.63	0.92	6.01	0.82	9.50	2.08	16.21	4.05
Union Territories														
1.	Andaman & Nicobar Islands	-	11.85	15 (Gr.A&B) - (Gr.C&D)	7.5 16	1-1-87	0.90	0.45	0.92	0.92	0.03	3.37	-	3.70
2.	Arunachal Pradesh	0.46	69.82	-	80	1-1-86	2.37	12.58	3.44	25.02	3.76	25.30	4.39	55.95
3.	Chandigarh	14.09	-	15(Gr.A&B) 14(Gr.C&D)	7.5 -	1-1-86	3.60	-	2.50	-	11.52	0.22	27.65	0.60
4.	Dadra & Nagar Haveli	1.97	78.82	15(Gr.A&B) 2(Gr.C&D)	7.5 43	1-1-87	7.14	-	6.89	6.89	5.97	33.14	8.23	79.42
5.	Delhi	18.03	-	15(Gr.A&B) 16.66(Gr.C&D)	7.5 7.5	1-1-87	7.3	0.9	9.2	2.1	10.63	1.19	31.3	3.4
6.	Goa,Daman & Diu	2.16	0.99	15(Gr.A&B) 2(Gr.C&D)	7.5 1	1-1-87	2.17	0.32	2.91	0.48	1.95	0.36	2.95	0.73
7.	Lakshadweep	-	93.82	15(Gr.A&B) - (Gr.C&D)	7.5 45	1-1-86	3.70	44.44	4.16	47.91	0.63	59.88	0.37	89.00
8.	Mizoram	0.03	93.55	-	45	1-1-86	4.40	73.2	1.55	87.41	0.54	90.12	2.17	88.54
9.	Pondicherry	15.99	-	15(Gr.A&B) 16(Gr.C&D)	7.5 -	1-1-87	3.95	-	11.56	0.80	9.33	0.42	14.78	1.23

* Census not held in Assam in 1981. These are projected figures.

@ Including reservation for Neo-Buddhists

ANNEXURE VII

Statement No.1

Statement showing the number and percentage of SC and ST in teaching posts in Central Universities as on 1-1-1987

Category of posts	No. of employees			Percentage of	
	Total	SC	ST	SC	ST
1	2	3	4	5	6
		(1) Aligarh Muslim University			
Professor	209	-	-	-	-
Reader	422	-	-	-	-
Lecturer	451	-	-	-	-
		(2) Banaras Hindu University			
Professor	327	-	-	-	-
Reader	499	-	-	-	-
Lecturer	404	2	-	0.5	-
		(3) Delhi University			
Professor	244	-	-	-	-
Reader	296	2	-	0.7	-
Lecturer	151	2	-	1.3	-
		(4) University of Hyderabad			
Professor	46	-	-	-	-
Reader	50	-	-	-	-
Lecturer	52	4	1	7.6	1.9
		(5) Jawaharlal Nehru University			
Professor	119	-	-	-	-
Associate Prof./Reader	136	2	-	1.5	-
Assistant Prof./Lecturer	82	4	2	4.9	2.5
		(6) North Eastern Hill University			
Professor	49	-	5	-	10.2
Reader	84	-	9	-	10.7
Lecturer	145	-	46	-	31.7
Research Associate	11	-	5	-	45.5
		(7) Pondicherry University			
Professor	8	-	-	-	-
Reader	6	-	-	-	-
Lecturer	12	1	-	8	-

(Contd.)

1	2	3	4	5	6
		(8) Visvabharati University			
Professor	64	-	-	-	-
Reader	137	1	-	-	-
Lecturer/Director of Physical Education	105	3	1	2.86	0.95
Instructor	6	1	-	16.67	-
Asstt.Lecturer/Tutor	143	2	1	1.40	70
		(9) Indira Gandhi National Open University			
Professor	3	-	-	-	-
Reader	2	-	-	-	-
Lecturer	2	-	-	-	-
Research Officer	1	-	-	-	-

ANNEXURE VII

Statement No. 2

Statement showing the number and percentage of SCs and STs in non-teaching posts in Central Universities as on 1-1-1987

Group of posts	Number of employees			Percentage of	
	Total	SC	ST	SC	ST
1	2	3	4	5	6
		(1) Aligarh Muslim University			
A	113	-	-	-	-
B	347	1	-	-	-
C	1765	12	4	0.68	0.23
D	2678	470	8	17.56	0.30
		(2) Banaras Hindu University			
A	74	-	-	-	-
B	155	-	-	-	-
C	1655	60	-	3.6	-
D	2486	504	-	20.3	-
		(3) Delhi University			
A	142	-	-	-	-
B	249	4	-	1.6	-
C	1369	96	3	7.0	0.2
D	1010	259	8	25.6	0.8
		(4) University of Hyderabad			
A	35	-	-	-	-
B	48	1	-	2.1	-
C	309	20	3	6.5	1.0
D	326	76	17	23.3	5.2
		(5) Jawaharlal Nehru University			
A	77	5	-	6.4	-
B	101	5	1	5.0.	1.0
C	456	55	-	12.0	0.3
D	390	69	1	17.7	0.3
		(6) North Eastern Hill University			
A	55	-	27	-	49.0
B	99	-	54	-	54.5
C	471	4	335	0.85	71.0
D	345	5	237	1.45	68.7

(Contd.)

1	2	3	4	5	6
		(7) Pondicherry University			
A	14	-	-	-	-
B	6	-	-	-	-
C	67	4	-	6	-
D	44	12	-	27	-
		(8) Visvabharati University			
A	53	1	-	1.89	-
B	95	4	2	4.21	2.10
C	704	107	12	15.20	1.70
D	574	89	92	15.50	16.02
		(9) Indira Gandhi National Open University			
A	24	-	-	-	-
B	9	-	-	-	-
C	53	1	-	1.9	-
D	23	3	1	13.0	4.3

ANNEXURE VIII

Statement No. 1

Statement showing the representation of SC/ST in teaching posts as on 1-1-1986

S.No.	Name of University	Professors			Readers/Associate Professors			Lecturers/Directors of Physical Education			Research Associates/Tutors/ Demonstrators/Instructors		
		Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST
1.	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh													
1.	Andhra University, Waltair	187	3	-	283	12	-	293	28	3	2	-	-
2.	Jawaharlal Nehru Technological University, Hyderabad	61	-	-	35	1	-	239	3	-	9	-	-
3.	Sri Venkateswara University, Tirupati	104	-	-	129	-	-	208	17	3	-	-	-
Assam													
4.	Dibrugarh University, Dibrugarh	7	-	-	44	-	1	69	-	3	-	-	-
5.	Gauhati University, Gauhati	51	-	-	106	-	1	186	1	2	-	-	-
Bihar													
6.	Indian School of Mines, Dhanbad	41	-	-	47	-	-	38	-	-	6	-	-
Gujarat													
7.	Sardar Patel University, Vallabh Nagar	26	-	-	60	-	-	69	-	-	3	-	-
8.	South Gujarat University, Surat	17	-	-	29	-	-	31	2	-	-	-	-
Haryana													
9.	Kurukshetra University, Kurukshetra	49	-	-	96	-	-	195	4	-	-	-	-
10.	Maharshi Dayanand University, Rohtak	27	-	-	34	-	-	199	1	-	-	-	-
Karnataka													
11.	Indian Institute of Science, Bangalore	184	-	-	120	-	-	123	4	-	38	-	-

(Contd.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14
12.	Karnatak University,Dharwar	46	-	-	136	4	-	313	10	-	-	-	-
13.	University of Agricultural Sciences, Bangalore	86	1	-	270	-	1	366	9	-	477	68	2
Kerala													
14.	Cochin University of Science & Technology,Cochin	37	-	-	36	-	-	75	2	-	-	-	-
Madhya Pradesh													
15.	Vikram University, Ujjain	24	-	-	40	-	-	39	-	-	2	-	-
Maharashtra													
16.	Konkan Krishi Vidyapeeth, Ratnagiri	43	1	-	56	-	-	139	1	-	-	-	-
17.	Nagpur University,Nagpur	40	-	1	64	2	-	166	19	5	3	-	-
18.	Punjabrao Krishi Vidyapeeth, Akola	69	3	-	206	14	1	389	23	14	8	1	-
19.	Shivaji University,Kolhapur	18	1	-	28	-	-	102	5	-	-	-	-
20.	University of Bombay,Bombay	95	-	-	184	1	-	105	9	-	-	-	-
Orissa													
21.	Berhampur University,Berhampur	25	-	-	33	-	-	70	-	-	-	-	-
22.	Sambalpur University,Sambalpur	28	-	-	55	-	-	104	-	-	29	2	-
23.	Utkal University,Bhubaneswar	45	1	-	81	-	-	157	1	-	-	-	-
Punjab													
24.	Guru Nanak Dev University, Amritsar	44	-	-	73	-	-	130	1	-	12	-	-
Tamil Nadu													
25.	University of Madras,Madras	65	1	-	82	-	-	138	8	-	2	-	-

(Contd.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Uttar Pradesh													
26.	Agra University, Agra	12	-	-	17	-	-	33	-	-	-	-	-
27.	Garhwal University, Srinagar	5	-	-	11	-	-	150	8	2	-	-	-
28.	Gorakhpur University, Gorakhpur	38	-	-	144	-	-	133	1	-	4	-	-
29.	Indian Institute of Technology, Kanpur	167	-	-	-	-	-	130	3	-	12	-	-
30.	Kashi Vidyapeeth, Varanasi	13	-	-	23	-	-	81	1	-	-	-	-
31.	Kumaon University, Nainital	8	-	-	53	-	1	147	1	-	-	-	-
32.	University of Roorkee, Roorkee	112	1	-	175	-	-	154	-	-	12	-	-
West Bengal													
33.	Indian Institute of Technology, Kharagpur	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
34.	University of North Bengal, Raja Rammohunpur, Dist. Darjeeling	29	-	-	57	-	-	58	2	-	-	-	-
Chandigarh													
35.	Panjab University, Chandigarh	137	-	-	230	-	-	299	2	-	8	-	-
Delhi													
36.	All India Institute of Medical Sciences	52	-	-	69	-	-	151	3	-	47	-	-
37.	Indian Institute of Technology	141	1	-	155	-	-	62	-	-	-	-	-
	Total	2133	13	1	3261	34	5	5341	169	32	674	71	2

ANNEXURE VIII

Statement No. 2

Statement showing the representation of SC/ST in non-teaching posts as on 1-1-1986

S.No.	Name of University	Group A			Group B			Group C			Group D		
		Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh													
1.	Andhra University,Waltair	1425	93	5	-	-	-	-	-	-	1352	84	4
2.	Jawaharlal Nehru Technological University, Hyderabad	13	-	-	83	2	3	357	50	1	224*	79	1
3.	Sri Venkateswara University, Tirupati	2	-	-	43	2	-	862	41	8	658	118	17
Assam													
4.	Dibrugarh University,Dibrugarh	17	1	-	56	1	4	117	8	12	217	7	14
5.	Gauhati University,Gauhati	158	-	-	211	-	-	433	12	7	543	12	3
Bihar													
6.	Indian School of Mines,Dhanbad	11	-	-	17	-	-	161	13	7	205	39	8
Gujarat													
7.	Sardar Patel University,Vallabh Nagar	9	-	1	4	-	-	134	7	2	89	10	19
8.	South Gujarat University,Surat	28	-	1	201	13	17	-	-	-	132	10	56
Haryana													
9.	Kurukshetra University,Kurukshetra	98	1	-	326	8	-	544	24	-	608	66	-
10.	Maharshi Dayanand University, Rohtak	27	-	-	95	3	-	563	14	-	345	24	-
Jammu & Kashmir													
11.	University of Jammu, Jammu	7	-	-	35	-	-	349	26	-	228	79	-
Karnataka													
12.	Indian Institute of Science, Bangalore	465	4	1	72	3	-	802	143	9	553	151	13
13.	Karnatak University,Dharwar	22	-	-	58	1	-	529	24	1	413	19	-
14.	University of Agricultural Sciences, Bangalore	91	2	1	93	4	1	1580	138	14	631*	103	15

(Contd.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Kerala													
15.	Cochin University of Science & Technology, Cochin	14	1	-	98	7	-	343	25	-	68	6	1
Madhya Pradesh													
16.	Jiwaji University,Gwalior	NA	NA	NA	NA	NA	NA	5	5	-	12	12	-
17.	Ravishankar Vishwavidyalaya, Raipur	58	1	-	39	-	-	189	4	4	95	7	7
18.	Vikram University,Ujjain	1	-	-	18	1	-	304	12	-	161	55	-
Maharashtra													
19.	Konkan Krishi Vidyapeeth,Ratnagiri	5	-	-	13	1	-	521	41	3	760	97	25
20.	Nagpur University, Nagpur	22	1	-	25	4	1	571	74	30	495	79	101
21.	Punjabrao Krishi Vidyapeeth, Akola	5	-	-	16	2	1	1317	152	61	1934	290	195
22.	Shivaji University,Kolhapur	31	1	-	24	1	-	421	29	-	216	34	-
23.	University of Bombay,Bombay	62	-	-	151	-	-	878	115	6	763	98	12
Orissa													
24.	Berhampur University,Berhampur	6	-	-	32	-	-	253	16	3	170	12	2
25.	Sambalpur University,Sambalpur	7	-	-	6	-	-	367	9	4	170	17	15
26.	Utkal University,Bhubaneswar	6	-	-	78	1	-	656	34	-	349	36	7
Punjab													
27.	Guru Nanak Dev University, Amritsar	53	-	-	859	30	2	544	123	7	-	-	-
Tamil Nadu													
28.	University of Madras,Madras	21	-	-	131	1	-	581	31	-	424	74	-
Uttar Pradesh													
29.	Agra University,Agra	3	-	-	13	-	-	238	7	-	231	7	-
30.	Garhwal University,Srinagar	3	-	-	5	1	-	88	9	7	69	12	3
31.	Gorakhpur University,Gorakhpur	2	-	-	11	1	-	343	11	-	369	18	-
32.	Indian Institute of Technology, Kanpur	84	4	1	317	3	-	1088	101	3	391	62	2
33.	Kashi Vidyapeeth,Varanasi	6	-	-	-	-	-	141	8	-	103	4	-
34.	Kumaon University,Nainital	3	-	-	9	1	-	122	11	1	109	18	-

(Contd.)

1	2	3	4	5	6	7	8	9	10	11	12	13	14
35.	University of Allahabad, Allahabad	NA	NA	NA	NA	NA	NA	NA	NA	NA	437	5	-
36.	University of Roorkee, Roorkee	18	-	-	71	-	-	568	18	-	621	91	-
West Bengal													
37.	Indian Institute of Technology, Kharagpur	558	6	1	1278	115	18	-	-	-	768	160	30
38.	University of North Bengal, Raja Rammohunpur, Dist. Darjeeling	23	-	-	-	-	-	118	4	-	379	45	7
Chandigarh													
39.	Panjab University, Chandigarh	90	-	-	-	-	-	994	32	-	610	82	20
Delhi													
40.	All India Institute of Medical Sciences	43	1	-	96	5	1	1797	189	29	1106	402	36
41.	Indian Institute of Technology	28	2	-	249	10	-	935	116	-	509	104	3
	Total	3525	118	11	4833	221	48	19811	1686	219	17607	2628	616

* Including sweepers

CHAPTER IX

REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PARLIAMENT AND STATE LEGISLATURES

Reservation of Parliamentary/State Assembly seats for the Scheduled Castes and Scheduled Tribes is made under Articles 330, 332 and 334 of the Constitution. The period for which these seats are reserved is forty years from the commencement of the Constitution under Article 334 of the Constitution.

Representation of Scheduled Castes and Scheduled Tribes in Lok Sabha and Rajya Sabha .

Lok Sabha

2. Out of a total number of 544 seats 79 were reserved for the Scheduled Castes and 40 for the Scheduled Tribes. State-wise information regarding the total number of seats reserved for the Scheduled Castes and Scheduled Tribes is given below:

Table 1

S.No.	State/Union Territory	Number of constituencies		
		Total	SC	ST
1	2	3	4	5
STATES				
1.	Andhra Pradesh	42	6	2
2.	Assam	14	1	2
3.	Bihar	54	8	5
4.	Gujarat	26	2	4
5.	Haryana	10	2	-
6.	Himachal Pradesh	4	1	-
7.	Jammu & Kashmir	6	-	-
8.	Karnataka	28	4	-
9.	Kerala	20	2	-
10.	Madhya Pradesh	40	6	9
11.	Maharashtra	48	3	4
12.	Manipur	2	-	1
13.	Meghalaya	2	-	-
14.	Nagaland	1	-	-
15.	Orissa	21	3	5
16.	Punjab	13	3	-
17.	Rajasthan	25	4	3
18.	Sikkim	1	-	-

1	2	3	4	5
19.	Tamil Nadu	39	7	-
20.	Tripura	2	-	1
21.	Uttar Pradesh	85	18	-
22.	West Bengal	42	8	2
UNION TERRITORIES				
23.	Andaman & Nicobar Islands	1	-	-
24.	Arunachal Pradesh	2	-	-
25.	Chandigarh	1	-	-
26.	Dadra & Nagar Haveli	1	-	1
27.	Delhi	7	1	-
28.	Goa, Daman & Diu	2	-	-
29.	Lakshadweep	1	-	1
30.	Mizoram	1	-	-
31.	Pondicherry	1	-	-
Nominated Anglo-Indian Members		2	-	-
	Total	544	79	40

3. The party-wise position of Scheduled Caste/Scheduled Tribe Members of the Eighth Lok Sabha was as follows:

Table 2

S.No.	Name of Party	No. of Scheduled Caste MPs	Number of Scheduled Tribe MPs
1.	Congress (I)	60+1(unreserved seat)	33+7(unreserved seats)
2.	Congress (S)	1	1
3.	Telugu Desam	6	-
4.	Janata	1	-
5.	Akali Dal	2	-
6.	AIADMK	1	-
7.	RSP	2	1
8.	CPI (M)	4	2
9.	FB	1	-
10.	CPI	-	1
11.	Unattached	1	2
	Total	80	47

Rajya Sabha

4. There is no Constitutional provision for reservation of seats for the Scheduled Castes and Scheduled Tribes in Rajya Sabha.

Representation of Scheduled Castes and Scheduled Tribes in Lok Sabha from the general constituencies

5. According to available information about the General Elections to Lok Sabha held in December 1984 only two Members belonging to the Scheduled Castes were elected to Lok Sabha from two general constituencies, one each from Karnataka and Orissa respectively. So far as the Scheduled Tribes are concerned, 7 Scheduled Tribe Members were elected from unreserved constituencies which are located in the States/Union Territories having overwhelming Scheduled Tribe population, viz., Meghalaya, Nagaland, Arunachal Pradesh, Lakshadweep and Mizoram.

6. The Election Commission were requested to furnish a statement showing the number of SC/ST Members elected to Lok Sabha from unreserved constituencies right from the first General Elections held in 1952 to the last one held in December 1984. The statement furnished by them is given below:

Table 3

Year of election	SC/ST Members elected from unreserved constituencies	
	SC	ST
1952	5	1
1957	6	3
1962	1	2
1967	-	1
1971	1	4
1977	-	4
1980	2	3
1984	2	7

Seats reserved for Scheduled Castes and Scheduled Tribes in State Vidhan Sabhas

7. State-wise number of constituencies and constituencies reserved for the Scheduled Castes and Scheduled Tribes in the State Vidhan Sabhas is given below:

Table 4

S.No.	State/Union Territory	No. of Assembly constituencies		
		Total	SC	ST
1	2	3	4	5
STATES				
1.	Andhra Pradesh	294	39	15
2.	Assam	126	8	16
3.	Bihar	324	48	28
4.	Gujarat	182	13	26
5.	Haryana	90	17	-
6.	Himachal Pradesh	68	16	3
7.	Jammu & Kashmir	76	6	-
8.	Karnataka	224	33	2
9.	Kerala	140	13	1
10.	Madhya Pradesh	320	44	75
11.	Maharashtra	288	18	22
12.	Manipur	60	1	19
13.	Meghalaya	60	-	-
14.	Nagaland	60	-	-
15.	Orissa	147	22	34
16.	Punjab	117	29	-
17.	Rajasthan	200	33	24
18.	Sikkim	32+	2	12*
19.	Tamil Nadu	234	42	3
20.	Tripura	60	7	17
21.	Uttar Pradesh	425	92	1
22.	West Bengal	294	59	17
UNION TERRITORIES				
23.	Arunachal Pradesh	30	-	-
24.	Delhi	56±	9	-
25.	Goa, Daman & Diu	30	1	-
26.	Mizoram	30	-	-
27.	Pondicherry	30	5	-
	Total	3997	557	315

\+ Includes one seat reserved for Sangha constituency (Buddhist monasteries).

* Reserved for Sikkimese of Bhutia-Lepcha origin.

± Metropolitan Council constituencies.

Representation of Scheduled Castes and Scheduled Tribes in Vidhan Sabhas from the general constituencies

8. According to available information 1 Scheduled Caste and 13 Scheduled Tribe persons were elected to the Vidhan Sabhas from the unreserved constituencies. The details are given below:

Table 5

Month and year of election	Name of State	SC/ST members elected from unreserved constituencies		Total
		SC	ST	
1	2	3	4	5
December 1985	Assam	-	6	6
March 1985	Bihar	-	1	1
March 1985	Gujarat	-	1	1
March 1985	Himachal Pradesh	-	1	1
March 1985	Madhya Pradesh	1	4	5
	Total	1	13	14

Note: (1) The following States and UTs have intimated that no SC/ST members were elected from unreserved constituencies: Andhra Pradesh, Haryana, Jammu & Kashmir, Karnataka, Kerala, Maharashtra, Manipur, Meghalaya, Nagaland, Orissa, Punjab, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Arunachal Pradesh, Delhi, Mizoram and Pondicherry.

(2) Information is still awaited from the States of Rajasthan and West Bengal and the Union Territory of Goa, Daman & Diu.

Vidhan Parishads

9. As in the case of Rajya Sabha, there is no Constitutional provision for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the State Vidhan Parishads. The State Governments of Andhra Pradesh and Tamil Nadu abolished their Vidhan Parishads from 1-6-1985 and 1-11-1986 respectively. Information in respect of the remaining States for 1986-87 is given below:

Table 6

S.No.	State	No.of SC Members		No.of ST Members	
		Elected	Nominated	Elected	Nominated
1.	Bihar	1	1	3	-
2.	Jammu & Kashmir	-	-	-	-
3.	Karnataka	3	1	-	-
4.	Maharashtra	2	-	-	-
5.	Uttar Pradesh	5	-	-	-

CHAPTER X

NON-OFFICIAL ORGANISATIONS

Non-official organisations play a significant role in advancing socio-economic progress of the community in general and that of the Scheduled Castes and Scheduled Tribes in particular. Some of the agencies of all India character working for the welfare and development of the Scheduled Castes and Scheduled Tribes receive direct grants-in-aid from the Ministry of Welfare. Sometimes a departure is made from this general principle and some organisations of local character(State level or even district level) have been sanctioned direct grants-in-aid by the Government of India. Information regarding grants-in-aid sanctioned to 21 organisations working for the Scheduled Castes and 35 organisations working for the Scheduled Tribes during the years 1981-82 to 1986-87 has been given at Annexures I and II. The total amount of the grants-in-aid sanctioned during each year is mentioned below:

Table 1

Year	Scheduled Castes	Scheduled Tribes
1981-82	Rs. 63,54,761	Rs. 52,77,086
1982-83	Rs. 63,23,164	Rs. 53,97,766
1983-84	Rs. 66,67,857	Rs. 50,05,944
1984-85	Rs. 68,51,947	Rs. 61,54,129
1985-86	Rs. 70,92,787	Rs. 61,43,675
1986-87	Rs. 80,40,196	Rs. 80,53,717
Total	Rs.4,13,30,712	Rs.3,60,32,317

2. Similar information was also collected from the State Governments/UT Administrations who had given grants to non-official organisations working for the welfare of the Scheduled Castes and Scheduled Tribes in their respective States. The information received from 11 States and 2 Union Territories is furnished at Annexure III.

3. The activities of some of the organisations which were sanctioned grants-in-aid by the Scheduled Castes Development Division of the Ministry of Welfare during 1986-87 are mentioned below:

(1) Harijan Sevak Sangh, Delhi

Harijan Sevak Sangh continued its activities for the removal of untouchability. It has been laying special stress upon improvement of the working conditions of sweepers and scavengers. During 1986-87, 1862 dry laterines were got converted into water-borne ones and 4,887 new water-borne latrines were got constructed. The Ministry of Welfare provided funds for 72 workers under the scheme of removal of untouchability and for 48 workers under the Bhangi Kasht Mukti Scheme. Under the first scheme 41 blocks comprising 2,000 villages spread all over the country were taken up and about 1,055 villages were freed from the practices of untouchability. The Sangh ran 11 residential

primary schools in eight States and 2 in the capital for the children of sweepers and scavengers. It also provided hostel facilities to 245 Scheduled Caste students studying in Bapa Ashram Primary School, Delhi, and to 217 Scheduled Caste girls in Kasturba Balika Vidyalaya, New Delhi. During the year under review an amount of Rs.3,600 was given as financial help to 17 T.B. patients belonging to the Scheduled Castes. The Sangh also published its monthly magazine 'Harijan Seva' regularly.

(2) Ramakrishna Mission Ashrama, Divyayan Krishi Vigyan Kendra, Ranchi

Divyayan Krishi Vigyan Kendra, Ranchi, was started in 1969 for the economic, social and spiritual uplift of the local population predominantly comprising tribals. It imparts training to grassroot level farmers in improved agricultural techniques, horticulture, beekeeping, dairy, etc. It has two demonstration centres with a total area of 144 acres at Getalsud and Maheshpur, 35 Kms. from Ranchi. During the year under review it imparted training to 204 marginal farmers through 9 motivational courses. Further, 105 farmers were given special training in poultry, dairy, etc. During the year 62 audio-visual programmes were organised in the villages. An exhibition of farm products, handicrafts, animals, etc., was arranged in a Kisan Mela. Fifty rural night schools were established with the efforts of ex-trainees. Under Wasteland Development/Conservation of Forest Wealth Programme through 33 nurseries 50,667 free seedlings were distributed in 7 Blocks of Ranchi District. During the year 5,447 patients were served by the mobile dispensary and 2,563 patients by the free Homoeopathic Clinic.

(3) Ramakrishna Mission Ashrama, Puri (Orissa)

Ramakrishna Mission Ashrama, Puri, was running a Students' Home for 70 inmates comprising 15 Scheduled Caste and 48 Scheduled Tribe students and 7 students belonging to economically backward classes. Free board and lodging, coaching facilities and sports goods were also provided to these students. The Home strived hard to develop the physical, mental, moral and spiritual personality of the students. A good deal of integration has been achieved with the help of compulsory common worship and interdining. Festivals were observed with enthusiasm in the Home. Students were also taken out for excursion.

(4) Sri Ramakrishna Advaita Ashrama, Kalady (Kerala)

Ramakrishna Advaita Ashrama, Kalady, is running a Tribal Hostel for 70 boys. It was started in 1964-65 with 60 Scheduled Tribe students. Later on 10 Scheduled Caste boys were added to it in 1972-73. The Ashram provides congenial atmosphere to the inmates for their education and to grow spiritually and morally. This Ashram runs 3 schools. A Community Centre for the Scheduled Caste people is also functioning at Kalady. Regular weekly Sunday prayers, meetings and moral classes were organised by the Community Centre for the benefit of the Scheduled Castes and other Backward Classes.

(5) Ramakrishna Mission Ashrama,P.O.Narendrapur, 24 Parganas District (West Bengal)

Ramakrishna Mission Ashrama, Narendrapur, is an outstanding institution of the country with a large number of activities. It also runs different programmes for the benefit of the poor Scheduled Caste slum dwellers at Rambagan, North Calcutta. Twenty Scheduled Caste women trainees received training in tailoring from qualified instructors at Rambagan. This programme was found to be very useful among the Scheduled Castes. After completion of the training most of them earn reasonable wages as a result of which other women of the locality are also showing keen interest to receive this training. Twenty women received training in the Social Education Centre of the Mission at Rambagan and were able to develop the ability to read and write. The medical unit attached to the Ashrama provided medicines and diet to ailing Harijan patients free of cost. During the year under review 15,666 such patients from the locality received treatment. Fifteen Scheduled Caste boys underwent training in painting and 5 were admitted for lathe training. After completion of the training these boys are in a position to get employment. Thirty Scheduled Caste/Scheduled Tribe boys continued to live in the Junior Boys' Hostel at Narendrapur. Besides this 100 students belonging to the Scheduled Castes and Scheduled Tribes continued to live in the different hostels meant for senior boys.

(6) Ramakrishna Mission Vidyapith, P.O.Vivekananda Nagar, District Purulia (West Bengal)

This Vidyapith was running a residential school in which 30 Scheduled Caste/Scheduled Tribe boys were residing. These boys were also imparted training in painting, tailoring, book binding, music, etc. Patients from the adjoining 30 villages were treated at the Medical Relief Centre of the Mission.

4. The activities of some of the organisations which were sanctioned grants-in-aid by the Tribal Development Division of the Ministry of Welfare during 1986-87 are mentioned below:

(1) Bhartiya Adimjati Sevak Sangh, New Delhi

Bhartiya Adimjati Sevak Sangh undertakes activities for the welfare of the Scheduled Tribes through its central office in New Delhi as well as through its State branches and also State level organisations affiliated to the Sangh. The Sangh has been receiving grants-in-aid from various Ministries for running their schemes in the tribal areas. However, the Ministry of Welfare has given grants-in-aid for nine schemes including the following institutions: Training Centre, Rupa (Arunachal Pradesh); Gujarat Tribal Women's Training Centre, Jhalod (Gujarat); Worker's Training Centre, Nagpur; Tribal Kanya Ashrams at Diphu, Haflong and Kokrajhar (Assam); Primary Kanya Ashram School and Junior High School in Jaunsar Bawar area in Dehradun District. Besides Short-Stay-Homes for women and girls

were continued at Kalsi (Uttar Pradesh) and Malegaon and Nagpur (Maharashtra). The Ministry of Welfare also sanctioned one more such home at Bilaspur (Himachal Pradesh). The Sangh had started Life Membership Scheme in 1958 at the instance of the late Dr.Rajendra Prasad and the late Pandit G.B.Pant in order to maintain the continuity of work in the tribal areas for which there was a need of dedicated and sincere workers. The Sangh continued this scheme as before and the Life Members worked in their fields wholeheartedly. The Sangh has an employment cell, a library and a museum. It also continued publication of its quarterly journal 'Vanyajati'.

(2) The Nilgiris Adivasi Welfare Association, Kotagiri, The Nilgiris District (Tamil Nadu)

The Nilgiris Adivasi Welfare Association is devoted to the cause of the overall development of tribals of the Nilgiris and adjoining areas. The Association started its work by opening a single room hospital at Kolikarai in 1959. A small Nutrition Centre was added to the hospital in 1969. Later on a T.B.Centre was also opened for 25 patients. Gradually the activities of the Association grew and many schemes were taken up for the welfare of tribal people such as medical and health care, mother and child nutrition, education and some socio-economic projects. This Association was established and nurtured by a great social worker, the late Padmashri Dr. S.Narasimhan who was hailed as the Albert Schweitzer of India. An idea of the excellent work being performed by this organisation among some of the most primitive and backward tribes of the Tamil Nadu - Kerala border can be had from the fact that it ran 6 hospitals/dispensaries in the tribal areas where 32,206 outdoor patients and 598 indoor patients were treated. The Association was also running 12 creches/ Balwadis which provided nutrition to 354 mothers and children. Under the Child Sponsorship Programme during 1986-87 the Association helped 683 tribal families to enable them to send their children to school. The sickle cell anaemia disease is prevalent among the forest-dwelling tribes of the Nilgiris. Therefore, a Sickle Cell Anaemia Centre is run by the Association to meet this problem. So far the main work has been of testing blood to identify sufferers and advising them to come for treatment. Rehabilitation of Paniya tribal bonded labourers began in 1965 and it has gained momentum in recent years. So far 25 Paniya families have been enabled to develop 1/2 acre each for tea plantation. Approximately 80 acres of land were under cultivation by Paniya families rehabilitated by the Association. The work of the Association is being guided by a dedicated octogenarian English lady, Miss Victoria Armstrong, an old associate of the late Dr.Narasimhan.

(3) Banasthali Vidyapith (Rajasthan)

Banasthali Vidyapith provided free education to tribal girl students from the North-Eastern States. A hostel building for these students was also constructed. As against the capacity of 102 students during 1986-87, 92 students received education in the Vidyapith. An amount

of Rs.5,24,575 was disbursed to these students under the scholarship scheme.

(4) Ramakrishna Mission, Shillong

Ramakrishna Mission, Shillong, is running a Students' Home for 25 tribal students. It is also running an outdoor dispensary where 46,642 patients including SC/ST patients were treated free. During the year under report 29,292 tribal patients were treated through the mobile dispensary. The Vivekananda Library of the Mission has a collection of more than 11,500 books on various subjects in different languages which serve the purpose of educational and moral uplift of the people. The Scheduled Caste people also participated in the community feeding of cooked prasad on the occasions of the birth anniversaries of some prophets.

(5) Gharmora Model Satra Mills & Plains Cultural Institution, North Lakhimpur (Assam)

The Institution has been implementing general education for tribal students from classes I to VIII. It was running weaving, knitting and tailoring centres for girl students to enable them to earn their livelihood. Cane and bamboo craft work was undertaken for the grown up SC/ST male students to make them skilled craftsmen. The carpentry centre also provides to SC/ST students permanent source of earning livelihood. Fifty stipendary trainees received training under this scheme. The SC/ST students were taken outside in various cultural troupes. Cattle rearing, fisheries and duck farming were also taught to the students.

(6) Ramakrishna Mission Boys' Home, P.O.Rahara, District 24 Parganas (West Bengal)

Forty tribal boys were being looked after by the Home. These boys were provided with all the facilities required for their physical, moral and intellectual development. They were also provided with good quality general education and facilities for technical and vocational training alongwith opportunities for co-curricular activities including sports and games. During 1987 the tribal boys participated in the All India Orphanage Sports Meet organised by the Dakshin Kalikata Sevashram, Calcutta, and obtained championship certificate.

5. In view of the fact that the important role which voluntary organisations are expected to play in the development of weaker sections, the Working Groups on the Development of Scheduled Castes and Scheduled Tribes during the Seventh Five Year Plan made a number of important observations and recommendations. The Planning Commission themselves are concerned about distinguishing voluntary agencies with other forms of organisations such as social and cultural organisations. They, therefore, gave a set of criteria for recognising voluntary agencies working in the field of development. This, inter alia, envisaged that these agencies should not be linked directly or indirectly with any political party and they should be explicitly committed to socialism, secularism and democracy. Moreover, they

must also declare that they will adopt legal and non-violent means in the furtherance of their goals and objectives. These guidelines are unexceptionable and should be adopted by the State Governments as well.

6. So far as the association of voluntary agencies in tribal development work is concerned they can play a crucial role in the remote areas where the functioning of the governmental agencies is not satisfactory for a variety of reasons. These areas can be effectively covered by selfless voluntary workers who may be drawn to these areas on account of their commitment to the cause of the weaker sections. Even elsewhere the voluntary organisations can play an important role in mobilisation of the tribal people and organising them into voluntary groups for social and economic development programmes. The basic problem in the tribal areas is lack of confidence between the people and the administration and the voluntary workers can serve as a valuable bridge between them.

7. It is also noticed that a number of voluntary organisations in the tribal areas are receiving foreign assistance. The Government had desired that whenever any foreign body/individuals wanted to finance any programmes of welfare in the tribal areas, the funds should be channelised through recognised all India voluntary organisations working in the tribal areas after obtaining clearance from the Ministry of Home Affairs which at that time was also incharge of tribal welfare. However, even though the clearance from the Government of India is obtained by voluntary organisations before receiving foreign assistance, a special check by the Ministry of Welfare which is now incharge of tribal welfare is not made. This question needs a careful consideration in view of the rise in the flow of foreign money into the tribal areas.

8. The assistance for voluntary work has been significantly stepped up during the Seventh Five Year Plan under general programmes of the Government of India as also by the Ministry of Welfare. Nevertheless, there are certain handicaps which these organisations face. Firstly, it is expected that a part of the total expenditure by these organisations will be met from their own resources and contributions from individuals and institutions. It is unfortunate that the sources of funds for charity have largely dried up. But when it comes to the question of the Scheduled Castes and Scheduled Tribes it is still more difficult to raise funds from the public. In the former case there is not much enthusiasm amongst them and in the latter case there is general ignorance. Consequently, the requirement of contribution from the voluntary agencies is generally met by the device of the so-called voluntary deduction from the payments to the employees of these organisations. It may be remembered that the workers in these organisations generally get much less amount than those in the organised sector. These cuts, therefore, are unusually harsh. Even the people dedicated to this cause feel the pinch. Moreover, the meagre honoraria which these people receive become a deterrent even to

dedicated persons to join these organisations. The quality of work, therefore, suffers. It would be worthwhile that the terms of grants-in-aid for the voluntary agencies working among the Scheduled Castes and Scheduled Tribes are suitably revised.

ANNEXURE I

Statement showing the grants-in-aid received by various non-official organisations during the years 1981-82, 1982-83, 1983-84, 1984-85, 1985-86 and 1986-87 (for Scheduled Castes)

S.No.	Name of organisation	Actual amount released during					
		1981-82	1982-83	1983-84	1984-85	1985-86	1986-87
1.	Harijan Sevak Sangh, Delhi	18,84,230	19,07,360	21,28,866	23,72,366	28,49,935	28,83,782
2.	Indian Red Cross Society, New Delhi	7,52,265	8,99,441	15,85,992	11,79,010	13,25,196	13,37,609
3.	Servants of India Society, Poona	6,21,900	7,09,080	3,71,168	8,32,949	6,00,392	6,54,347
4.	Hind Sweepers Sevak Samaj, New Delhi	4,57,640	3,60,702	5,22,162	4,33,054	3,46,491	4,92,502
5.	Ramakrishna Mission Ashrama, Ranchi	2,08,719	4,99,699	2,92,371	3,68,230	3,30,982	5,41,724
6.	Ramakrishna Mission Ashrama, Puri	2,29,640	2,13,235	2,26,880	2,27,280	2,41,500	2,50,160
7.	Sri Ramakrishna Advaita Ashrama, Kalady (Kerala)	2,60,051	1,46,376	-	-	-	-
8.	Ramakrishna Mission Sevasram, Silchar (Assam)	1,47,920	-	-	-	-	-
9.	Thakkar Bapa Ashram, Nimakhandi (Orissa)	64,962	61,800	67,088	77,228	90,646	-
10.	Ramakrishna Mission Ashrama, Narendrapur (West Bengal)	3,17,033	3,68,737	2,92,044	3,70,820	4,37,381	7,08,106
11.	Ramakrishna Mission Vidyapith, Purulia (West Bengal)	48,040	82,160	77,164	79,760	85,240	1,05,590
12.	Social Work and Research Centre (SWRC), Tilonia (Rajasthan)	7,85,000	6,27,400	2,66,110	28,660	-	-
13.	Bharatiya Harijan Girijan Samaj Unnati Mandal, Bhiwandi (Maharashtra)	2,25,656	2,07,456	3,66,264	6,80,640	5,99,624	5,67,936
14.	Sri Ramakrishna Ashram, Nimpith (West Bengal)	1,72,480	1,00,000	1,00,000	1,73,200	1,73,200	2,00,000
15.	Bharatiya Depressed Classes League, New Delhi	1,45,225	-	-	-	-	-
16.	Akhil Bharat Anusuchit Jati Parishad, New Delhi	34,000	1,39,718	-	-	-	-
17.	Sunderban Seva Sangha, P.O. Paschim Radhanagar, District 24-Paraganas (West Bengal)	-	-	3,71,748	-	-	2,10,000
18.	'JAGRAN' - E-7/10-8, Vasant Vihar, New Delhi	-	-	-	28,750	-	-
19.	Ramakrishna Mission Ashrama, Malda (West Bengal)	-	-	-	-	12,200	13,440
20.	Mahanam Sevak Sangha, Sri Sri Mahanam Angan, Raghunathpur, Jayanagar , Calcutta	-	-	-	-	-	50,000
21.	Bengali SC/ST Welfare Association (Regd.), 22/13, Sector-1, Pushp Vihar, New Delhi	-	-	-	-	-	25,000
	Total	63,54,761	63,23,164	66,67,857	68,51,947	70,92,787	80,40,196

ANNEXURE II

Statement showing the grants-in-aid received by various non-official organisations during the years 1981-82, 1982-83, 1983-84, 1984-85, 1985-86 and 1986-87 (for Scheduled Tribes)

S.No.	Name of the organisation	Actual amount released during					
		1981-82	1982-83	1983-84	1984-85	1985-86	1986-87
1	2	3	4	5	6	7	8
1.	Bharatiya Adimjati Sevak Sangh, New Delhi	7,73,945	9,80,344	3,60,814	5,38,043	-	7,20,846
2.	Ramakrishna Mission Ashrama, Cherrapunjee, P.O. Cherra Bazar (Meghalaya)	15,14,244	9,62,770	11,55,819	13,66,048	14,42,471	19,23,406
3.	Nagaland Gandhi Ashram, P.O. Chuchuyimlong, District Mokokchung (Nagaland)	65,432	70,086	53,722	1,88,180	-	-
4.	Ramakrishna Mission, Shillong	3,58,997	1,22,940	3,36,590	1,03,701	1,59,980	1,78,310
5.	Shri Ramakrishna Society, Duncun Village, Dimapur (Nagaland)	1,86,651	-	75,546	-	-	-
6.	Ashok Ashram, Kalsi, P.O. Ashok Ashram, Dist. Dehradun	2,26,004	-	-	-	-	-
7.	Nilgiris Adivasi Welfare Association, Kotagiri, The Nilgiris (Tamil Nadu)	1,65,492	1,75,256	1,66,669	1,93,830	1,93,284	1,64,346
8.	Gharmora Model Satra Hills & Plains Cultural Institution, North Lakhimpur (Assam)	1,52,794	1,22,085	1,11,299	1,42,893	1,62,203	2,99,271
9.	Nikhil Bharat Banbasi Panchayat, P.O. Jhargram, Dist. Midnapore (West Bengal)	5,54,450	7,53,684	6,55,018	7,29,164	-	-
10.	Akhil Bharatiya Dayanand Seva Sangh, Maharishi Dayanand Bhawan, Ramlila Maidan, New Delhi	1,43,488	1,01,916	1,20,336	2,45,280	2,76,332	4,63,644
11.	Ramakrishna Mission School, Along, Siang District (Arunachal Pradesh)	1,14,437	7,25,816	4,74,401	6,48,054	3,47,443	5,82,000
12.	Banasthali Vidyapith, P.O. Banasthali (Rajasthan)	-	3,74,367	1,90,200	2,77,300	4,08,800	4,04,615
13.	Ramakrishna Mission, P.O. Narottam Nagar, District Tirap (Arunachal Pradesh)	-	66,649	1,07,775	72,000	57,081	1,91,824
14.	D.A.V. College Trust & Managing Society, Chitragupta Road, New Delhi	-	68,000	-	-	-	1,60,880

(Contd.)

1	2	3	4	5	6	7	8
15.	Servants of India Society, Pune	1,66,114	3,08,614	3,11,997	4,20,288	5,60,518	6,40,999
16.	Prantiya Samaj Kalyan Kendra, North Lakhimpur (Assam)	1,01,348	95,008	1,06,080	1,55,453	1,69,677	1,77,667
17.	Kasturba Gandhi National Memorial Trust, Kasturbagram, Indore (Madhya Pradesh)	-	-	-	-	3,85,873	-
18.	Himalaya Seva Sangh, New Delhi	1,33,870	-	-	-	-	-
19.	Harijan Sevak Sangh, 97/3, Naskarpara Road, Ghusuri, Howrah (West Bengal)	-	2,30,349	1,55,355	1,83,355	2,90,221	2,57,652
20.	Social Work & Research Centre, Tilonia, Ajmer (Rajasthan)	16,080	-	-	-	-	-
21.	Akhil Bharatiya Adivasi Vikas Parishad, 15, Canning Lane, New Delhi	40,000	40,000	86,070	28,869	62,086	43,904
22.	Ramakrishna Mission Ashram, Chhatribari Road, Guwahati	2,28,540	52,192	45,113	65,639	5,95,345	99,592
23.	North-Eastern Hill University, Shillong	3,00,000	-	-	-	-	-
24.	Bal Bhawan Society, Kotla Road, New Delhi	35,200	-	14,731	-	50,000	-
25.	Ramakrishna Mission Sevashram, Silchar (Assam)	-	1,47,690	1,55,610	1,61,784	2,17,776	4,08,490
26.	Ramakrishna Mission Vivekananda Society, Jamshedpur (Bihar)	-	-	48,000	1,04,760	1,36,064	1,59,933
27.	Sri Ramakrishna Advaita Ashrama, Kalady (Kerala)	-	-	2,11,727	2,06,576	1,61,169	2,27,655
28.	Ramakrishna Mission Hospital, New Itanagar (Arunachal Pradesh)	-	-	20,000	-	-	7,97,000
29.	Ramakrishna Mission Ashrama, Vani Vilasa Mohalla, Mysore	-	-	32,000	-	49,933	32,000
30.	Kendriya Nehru Smarak Parishad, Lucknow	-	-	11,072	32,192	-	-
31.	Tagore Society for Rural Development	-	-	-	2,15,600	-	-
32.	R.K. Mission Tuberculosis Sanatorium, Ranchi	-	-	-	75,120	44,719	85,139
33.	Buddha Vidya Niketan School, Buddhist Temple Road, Shillong		-	-	-	1,04,300	-
34.	Ramakrishna Mission, Ramakrishna Vivekananda Nagar, Rajahmundry District (Andhra Pradesh)	-	-	-	-	2,68,400	-
35.	Ramakrishna Mission Boys' Home, P.O. Rahara, District 24-Parganas (West Bengal)	-	-	-	-	-	34,544
	Total	52,77,086	53,97,766	50,05,944	61,54,129	61,43,675	80,53,717

ANNEXURE III

Statement showing grants-in-aid given by the State Governments to non-official organisations during 1986-87

(in Rs.)

S.No.	Name of the State	Scheduled Castes	Scheduled Tribes	SC, ST & Others	Total
1	2	3	4	5	6
1.	Andhra Pradesh	-	1,80,000	-	1,80,000
2.	Bihar	-	1,20,000	2,57,910	3,79,910
3.	Gujarat	1,19,000	4,10,000	503,56,000	508,85,000
4.	Haryana	13,87,123	-	-	13,87,123
5.	Himachal Pradesh	83,500	2,30,000	4,04,800	7,18,300
6.	Madhya Pradesh	-	-	121,96,300	121,96,300
7.	Maharashtra	-	174,71,246	322,78,000	497,49,246
8.	Orissa	1,39,000	76,000	65,000	2,80,000
9.	Rajasthan	41,233	1,29,600	3,98,569	5,69,402
10.	Tripura	36,360	54,000	-	90,360
11.	Uttar Pradesh	-	-	129,37,000	129,37,000
12.	Dadra & Nagar Haveli	-	-	1,71,904	1,71,904
13.	Delhi	-	-	1,99,971	1,99,971

CHAPTER XI

LISTS OF SCHEDULED CASTES AND SCHEDULED TRIBES

Under Clause (1) of Article 341 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 public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of the Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be. Similarly under Clause (1) of Article 342 the President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities which shall for the purposes of the Constitution be deemed to be Scheduled Tribes 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 Parliament vide Clause (2) of Articles 341 and 342.

2. The President has since issued 15 Orders as per details in the following table:

S.No.	Name of the Order	Date of notification of the Order	Name(s) of State(s)/ UT(s) for which the Order is applicable
1	2	3	4
	SCHEDULED CASTES		
1.	The Constitution(Scheduled Castes) Order, 1950	10-8-1950	All the States except Jammu & Kashmir,Nagaland and Sikkim
2.	The Constitution(Scheduled Castes)(Union Territories) Order, 1951	20-9-1951	Arunachal Pradesh,Chandigarh, Delhi and Mizoram
3.	The Constitution(Jammu & Kashmir)Scheduled Castes Order, 1956	22-12-1956	Jammu & Kashmir
4.	The Constitution(Dadra and Nagar Haveli)Scheduled Castes Order, 1962	30-6-1962	Dadra & Nagar Haveli
5.	The Constitution(Pondicherry) Scheduled Castes Order,1964	5-3-1964	Pondicherry
6.	The Constitution(Goa,Daman & Diu)Scheduled Castes Order,1968	12-1-1968	Goa, Daman & Diu
7.	The Constitution(Sikkim)Scheduled Castes Order, 1978	22-6-1978	Sikkim

1	2	3	4
	SCHEDULED TRIBES		
8.	The Constitution(Scheduled Tribes)Order, 1950	6-9-1950	All the States except Haryana, J & K,Nagaland, Punjab, Sikkim and Uttar Pradesh
9.	The Constitution(Scheduled Tribes)(Union Territories) Order, 1951	20-9-1951	Arunachal Pradesh,Lakshadweep and Mizoram
10.	The Constitution(Andaman and Nicobar Islands)Scheduled Tribes Order, 1959	31-3-1959	Andaman & Nicobar Islands
11.	The Constitution(Dadra and Nagar Haveli)Scheduled Tribes Order, 1962	30-6-1962	Dadra & Nagar Haveli
12.	The Constitution(Uttar Pradesh)Scheduled Tribes Order 1967	24-6-1967	Uttar Pradesh
13.	The Constitution(Goa, Daman & Diu)Scheduled Tribes Order, 1968	12-1-1968	Goa, Daman & Diu
14.	The Constitution(Nagaland) Scheduled Tribes Order,1970	23-7-1970	Nagaland
15.	The Constitution(Sikkim) Scheduled Tribes Order,1978	22-6-1978	Sikkim

Criteria for Scheduled Castes

3. The very first question in relation to the lists of SCs and STs arises as to the basis on which a community is listed as a Scheduled Caste or a Scheduled Tribe. So far as the Scheduled Castes are concerned this term was used for the first time in the Government of India Act, 1935. In April 1936 the British Government issued the Government of India (Scheduled Castes) Order, 1936, specifying certain castes, races and tribes as Scheduled Castes in the then provinces of Assam, Bengal, Bihar, Bombay, Central Provinces & Berar, Madras, Orissa, Punjab and United Provinces. Prior to the Government of India Act, 1935, the term used for these communities was Depressed Classes. Though the expression Depressed Classes had been in usage before 1931, the Census Report of 1931 (Volume I, Part I(Appendix I), Page 472) mentioned the following tests for classifying certain castes as Depressed Classes:

(1) Whether the caste or class in question can be served by clean Brahmans or not.

(2) Whether the caste or class in question can be served by the barbers, water-carriers, tailors, etc., who serve the caste Hindus.

(3) Whether the caste in question pollutes a high caste Hindu by contact or by proximity.

(4) Whether the caste or class in question is one from whose hands a caste Hindu can take water.

(5) Whether the caste or class in question is debarred from using public conveniences, such as roads, ferries, wells or schools.

(6) Whether the caste or class in question is debarred from the use of Hindu temples.

(7) Whether in ordinary social intercourse a well educated member of the caste or class in question will be treated as an equal by high caste men of the same educational qualifications.

(8) Whether the caste or class in question is merely depressed on account of its own ignorance, illiteracy or poverty and but for that would be subject to no social disability.

(9) Whether it is depressed on account of the occupation followed and whether but for that occupation it would be subject to no social disability.

* * *

"From the point of view of the State the important test is the right to use public convenience—roads, wells, and schools, and if this be taken as the primary test, religious disabilities and the social difficulties indirectly involved by them may be regarded as contributory only. Some importance must be attached to them, since obviously if the general public regards the persons of certain groups as so distasteful that concerted action is resorted to in order to keep them away, persons of those groups do suffer under a serious disability".

4. The above criteria, which in other words mean discrimination based on the obnoxious practice of untouchability, appear to hold good for purposes of specifying the Scheduled Castes. However, some anomalies have been observed in respect of the lists of the Scheduled Castes such as:

(i) There may be communities which do suffer from the practice of untouchability and social disabilities and may not have been included in the list of the Scheduled Castes of a State. An example may be taken from West Bengal. There is a considerable number of members of Dom community residing in Calcutta and other places as well in West Bengal. Most of them are migrants from Bihar and Uttar Pradesh. They have been living for a long time in West Bengal and are not included in the list of the Scheduled Castes of that State.

(ii) There are some communities which are included in the list of the Scheduled Castes even though they were regarded as aboriginal tribes during the pre-Independence period and have also been declared as Scheduled Tribes after Independence in other States. For example, there are more than 10 tribal communities in the southern part of Uttar Pradesh which have not been declared as Scheduled Tribes and instead have been included in the list of the Scheduled Castes. These communities are Agariya, Baiga, Bhuiya, Chero, Gond, Kharwar, Kol, Korwa, Majhwar, Pankha(it should be Panika) and Saharya. This is typical of a situation in which the tribal communities occupying compact areas through which administrative boundaries happen to pass get divided and through chance of history may be recognised as a tribal community on one side of that line while not being so recognised on the other even though they may be otherwise indistinguishable in all respects. In fact, no Scheduled Tribes were recognised in U.P. until 1967. Even when the lists of the Scheduled Castes and Scheduled Tribes were amended through an Act of Parliament in 1976, this serious anomaly was not removed. It is hoped that whenever these lists are amended next by Parliament this and similar anomalies will be removed..

Criteria for Scheduled Tribes

5. Unlike the case of the Scheduled Castes where some definite criteria have been adopted for determining the status of a community as a Scheduled Caste, the issue of adopting certain definite criteria for treating a community as a Scheduled Tribe and the practical application of those criteria is complex. The expression Scheduled Tribes has been used for the first time in the Constitution only and the earlier expressions used in pre-Independence days were aboriginal tribes, backward tribes, etc. It may be mentioned in passing though that for the colonial rulers almost the entire Indian people were backward or primitive or uncivilised and due care was not exercised in using the term tribe in an objective or scientific manner. However, it may be stated in the context of the primitive societies all over the world that there is no universal definition of a tribe acceptable to all social scientists. But in the Indian context the definition of a tribe given by the noted Indian anthropologist, the late Dr.D.N.Majumdar, has maximum acceptance. Dr.Majumdar defined a tribe as follows:

"A tribe is a social group with territorial affiliation, endogamous, with no specialization of functions, ruled by tribal officers, hereditary or otherwise, united in language or dialect, recognising social distance from other tribes or castes but without any stigma attached in the case of a caste structure, following tribal traditions, beliefs and customs, illiberal of naturalization of ideas from alien sources; above all conscious of a homogeneity of ethnic and territorial integration".

6. It is true that due to various factors and forces and the different stages of transition through which various tribal communities have been passing, an Indian tribe today may not answer all the descriptions or characteristics included in Dr.Majumdar's definition. But we can say that if a community answers majority of these characteristics it can be treated as a tribe. In the first Report of the Commissioner for Scheduled Castes and Scheduled Tribes(1951) it was stated that the State Governments were requested to suggest tests for determining as to which of the tribes should be treated as Scheduled Tribes. In Appendix IV of that Report the criteria suggested by 14 State Governments were indicated. They offered conflicting views. However, the following appeared to be the features common to the tribes in various States:

(i) Tribal origin

(ii) Primitive way of life and habitation in remote and less easily accessible areas

(iii) General backwardness in all respects.

7. The first Commissioner, Shri L.M.Shrikant, had suggested that a special committee should be appointed by the Government to thrash out this question further with a view to having a common formula to be applied in the event of respecification of the Scheduled Tribes. There was no definite response from the Government to that suggestion. In the subsequent decades amendments were carried out in the lists of SCs and STs through Acts of Parliament in 1956 and 1976. Even though the changes in the lists have been made in accordance with the provisions of law, the process adopted for the purpose was not rigorous enough to ensure that the communities included in the schedules did satisfy the criteria referred to above or had the requisite characteristics in the entire State in which they were scheduled. Therefore, there are some examples where a community which may not possess any tribal characteristic, yet may find a place amongst the Scheduled Tribes. The sooner this dissonance between the sociological reality and the legal position is removed the better.

8. It is suggested that all claims for inclusion in the schedules or concerning the interpretation of the nomenclatures used therein should be enquired into in accordance with a clearly laid down process. This should invariably, inter alia, comprise enquiries at the local level by a competent team of investigators, which should also include the opinion of members of other SCs and STs in the area. Their findings should be placed before a specially constituted committee of social scientists having experience in the relevant areas at the national level. The Special Officer (Commissioner for SCs & STs) may also be apprised of the findings of the investigation and he may give his opinion, if necessary. The findings of the investigation and the opinions of the expert committee and the Special Officer may be placed before Parliament at the time of consideration of the Bill to amend the Presidential Order. It is extremely important that no addition is made to any list of the Scheduled Castes unless the criterion of 'untouchability' and to any list of the Scheduled Tribes unless the criteria of tribal characteristics are clearly and incontrovertibly satisfied.

A review of amendments of the Presidential Orders

9. According to Clause 2 of Articles 341 and 342 any amendments in the lists of the Scheduled Castes and Scheduled Tribes promulgated through the Presidential Orders can be effected only through Acts of Parliament. Such amendments have been made so far(until the year under report) twice, in 1956 and again in 1976. At the time of promulgation of the Constitution in 1950 there were Part A, Part B and Part C States and the lists of the Scheduled Castes and Scheduled Tribes were issued in respect of the 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. Not only that, large scale transfers of territories from one State to another took place on the basis of linguistic distribution of the people. So far as the lists of the Scheduled Castes and Scheduled Tribes are concerned no detailed exercise was undertaken by the Government of India and the State Governments to ascertain as to which of the communities in an original undivided State should be retained in the lists relating to that State after the reorganisation or which of the communities should be transferred from the lists of the original undivided State to the lists of the new State alongwith the transfer of certain territories or districts. To cite an example, Hyderabad was a Part B State which ceased to exist after the reorganisation of States. The Telengana region of the erstwhile Hyderabad State was integrated with the Andhra region transferred from the erstwhile Madras State to constitute the present State of Andhra Pradesh. Some districts of Hyderabad State, viz., Aurangabad, Parbhani, Nanded, Bhir and Osmanabad, were transferred to the erstwhile Bombay State and are commonly known as Marathwada region. Similarly some districts of Hyderabad State, viz.,Gulbarga, Raichur and Bidar, were transferred to the erstwhile Mysore State. The erstwhile Hyderabad State had a list of 32 Scheduled Castes. When Parliament modified the lists of the Scheduled Castes and Scheduled Tribes in 1956, all these 32 Scheduled Castes were included in the list of the Scheduled Castes of the erstwhile Bombay State in respect of the five Marathwada districts and also in the erstwhile Mysore State in respect of the three districts transferred from Hyderabad State. It was probable that all these 32 communities declared as Scheduled Castes in the erstwhile Hyderabad State were not uniformly distributed throughout that State and some of these communities may have been non-existent in the areas transferred from that State to Bombay and Mysore States. In that case those non-existent communities should not have been declared as Scheduled Castes in the transferred areas of Bombay and Mysore States. But this exercise was apparently not done and the easy way was found of adopting the lists of the Scheduled Castes and Scheduled Tribes almost in toto in the transferred areas of the other States. Similar examples can be quoted in respect of the present Madhya Pradesh.

10. In August 1967 the Scheduled Castes and Scheduled Tribes Orders(Amendment) Bill, 1967, was presented in Lok Sabha. Later a Joint Select Committee of both the Houses of Parliament was set up under the chairmanship of Shri Anil K. Chanda (who had earlier held the post of the Commissioner for Scheduled Castes and Scheduled Tribes from 1962 to 1966). The Joint Select Committee undertook extensive tours and deliberated upon the subject. But before the Report of the Joint Select Committee and the Bill could be discussed in Parliament, the Fourth Lok Sabha was dissolved and the Bill lapsed.

11. In 1976 the lists of SCs and STs were amended by the Scheduled Castes and Scheduled Tribes Orders(Amendment) Act, 1976, which came into force with effect from 27-7-1977. But in this amending Act only a partial issue of area restrictions was taken up and an ad hoc decision made to remove such restrictions. According to some sections representing the Scheduled Castes and Scheduled Tribes the area restrictions were acting as a 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 to date. For example, Dhobi is a Scheduled Caste only in three districts out of 45 districts of Madhya Pradesh. These three districts are Bhopal, Raisen and Sehore which constituted the erstwhile Part C State of Bhopal where Dhobi was included in the list of the Scheduled Castes. In the other three units, viz., the old Madhya Pradesh (Part A State), Madhya Bharat (Part B State) and Vindhya Pradesh (Part C State) which coalesced alongwith Bhopal to constitute the present day Madhya Pradesh, Dhobi was not included in the lists of the Scheduled Castes therein.

12. The removal of area restriction has resulted in some anomalous situations as in Gujarat. In the erstwhile Bombay State Mochi was a Scheduled Caste only in 14 districts including Dangs but in none of the other districts which were subsequently separated to form the present State of Gujarat. Thus, from the date of issue of separate lists of SCs and STs of Gujarat upto 1976 Mochi was treated as a Scheduled Caste only in Dangs District. In fact, members of Mochi community in Gujarat are not treated as untouchables and their socio-economic status is much better than that of the Scheduled Castes of Gujarat. However, due to the removal of area restriction in 1976 Mochi came to be recognised as a Scheduled Caste throughout the State of Gujarat, leading to a lot of resentment among the Scheduled Castes of that State.

13. Since no new caste or tribe was included in or excluded from the existing lists of SCs and STs in the 1976(Amendment) Act, the question of drawing up comprehensive lists of SCs and STs which had been pending since long was referred to a Joint Committee of both the Houses of Parliament by the Sixth Lok Sabha. The Committee, however, ceased to exist with the dissolution of the Sixth Lok Sabha by the President on 22-8-1979.

Some recent trends

14. Whereas there is less eagerness on the part of Hindu castes to identify themselves as Scheduled Castes, in many parts of the country members of certain Hindu castes try to identify themselves as Scheduled Tribe persons and thereby fraudulently avail of the benefits intended for the Scheduled Tribes to which they are actually not entitled. In this endeavour phonetic similarities between the names of their communities and those of certain Scheduled Tribes come to their help. An illustrative list of such cases is given below:

Andhra Pradesh

(1) Beda Jangam, Budga Jangam: In the 1956 list this community was notified as a Scheduled Caste in Telengana region only. After the removal of area restriction in 1976 it is now treated as a Scheduled Caste throughout the State with the result that members of the Jangam caste falsely claim to belong to the Scheduled Caste Beda/Budga Jangam.

(2) Konda Kapu and Kondareddi: These communities are included in the list of the Scheduled Tribes of Andhra Pradesh. In Telegu 'Konda' means hill. Therefore, it is obvious that the members of these communities are living in hills. But some members of the Hindu castes Kapu and Reddy living in plains try to pass off as Scheduled Tribe persons by obtaining false Scheduled Tribe certificates.

It is surprising that even in Tamil Nadu some people obtain false Scheduled Tribe certificates as being Konda Kapu/Kondareddi because, as stated earlier, the list of the Scheduled Tribes of the erstwhile Madras State was not scrutinised thoroughly and Konda Kapu and Kondareddi were retained in the list of Madras State after the reorganisation of States even though these communities are reported to be living only in Andhra Pradesh. According to 1961 Census the total number of Konda Reddis in Madras State was 8 persons only. This figure went upto 855 in 1971 Census obviously because during the intervening period of 10 years some people in Tamil Nadu who were actually not Konda Reddis declared themselves to be Konda Reddis.

Bihar

(3) Gond: Gond is a Scheduled Trite in Bihar. Gond is the single largest Scheduled Tribe of India, its population exceeding six millions. The main concentration of Gonds is in Madhya Pradesh, Andhra Pradesh and Maharashtra but they are also enumerated as a Scheduled Tribe in other States as well like Bihar, Orissa and West Bengal. Gondi language/dialect belongs to the Dravidian family of languages. It is true that some sections of Gonds have now almost forgotten their mother tongue and are now using the regional language

or the local dialect of Hindi as in the case of some parts of Madhya Pradesh. However, they continue to observe their traditional customs and practices. In western districts of Bihar, viz., Champaran, Saran, Siwan, Gopalganj, Bhojpur, etc., there is a Hindu backward caste known as Gond(गोंड). In English the names of the tribal community as well as the backward class community are spelt in the same manner. Only while writing the name of the Hindu backward caste in Devanagari a dot is put under the letter ड . This Hindu backward caste has absolutely no tribal characteristics and has no links with the Gond tribe. Its traditional occupation is parching of paddy with sand, this occupation being referred to in the Hindi belt as that of Bhadbhuja. This backward caste is also found in eastern districts of Uttar Pradesh. About 12 tribal communities in the southern part of U.P., mainly in Duddhi area of Mirzapur District, were not included in the list of the Scheduled Tribes and were, on the other hand, declared as Scheduled Castes in Uttar Pradesh. Now the members of this Hindu backward caste Gond try to obtain false Scheduled Tribe certificates from the competent authorities in Bihar and Scheduled Caste certificates from those in Uttar Pradesh. It is reported that thousands of members of this Hindu backward caste obtained false or irregular ST/SC certificates in Bihar/Uttar Pradesh.

(4) Kharwar: Kharwar is a Scheduled Tribe in Bihar, mostly found in Palamu District. There is a Hindu backward caste known as Kahar in Bihar. Every Hindu caste has a few gotras and these gotras are often shared by more than one caste group. One of the gotras among the Kahar caste is Kharwar. Taking undue advantage of this fact some members of the Kahar caste have obtained false ST certificates in the name of Kharwar, even from districts far off from Palamu where there is no chance of members of the Kharwar tribe residing.

Karnataka

(5) Maleru: There is a Scheduled Tribe known as Maleru residing in Shimoga and Chikmaglur districts of Karnataka. It is a small tribal community whose economic condition is quite poor. In the same area there is a community known as Maaleru which is supposed to be a mixed caste claiming Brahman male ancestry. The members of this caste are comparatively well off and are attached to temples. They have no tribal characteristics at all. In English generally the names of this tribal community as well as this Hindu caste are spelt in the same manner. Only in Kannada or Devanagari script the spelling of the name of the Hindu caste will be slightly different from that of the tribal community. A number of Maaleru caste persons have reportedly obtained false Scheduled Tribe certificates in the name of the Maleru tribe.

(6) Nayaka or Naikda: It is a small Gujarati speaking tribe living in Gujarat and some adjoining districts

of Maharashtra. It was included in the original list of the Scheduled Tribes of the erstwhile Bombay State. At the time of the reorganisation of States in 1956 when four districts, viz., Belgaum, Bijapur, Dharwar and Kanara, were transferred from Bombay to the erstwhile Mysore State a whole list of 19 Scheduled Tribes was also adopted in Mysore State in respect of these four transferred districts. The real fact is that there are hardly any members of this tribal community living in these four districts of Karnataka. Subsequently when the second amendment took place in 1976 removing the area restriction, this particular community came to be treated as a Scheduled Tribe throughout the present State of Karnataka. Consequently, members of certain non-tribal communities like Bedar or Berad and Valmiki have been declaring themselves to be members of the Scheduled Tribe Nayaka. These two communities are actually Denotified Communities(ex-Criminal Tribes). Bedar or Berad community was earlier included in the erstwhile list of Criminal Tribes in Belgaum, Bijapur and Dharwar. Similarly Valmiki community was included in the erstwhile list of Criminal Tribes in Bellary District of Mysore State. Many members of both these communities use the surname Naik and because of this they take undue advantage and declare themselves to be members of the Scheduled Tribe Nayaka and obtain false ST certificates. It may be mentioned here that the name of a tribe or community should not be confused with a surname. There is no restriction on any citizen of India adopting any surname. A surname does not necessarily indicate the caste or community of a person. Naik is one of those titles or surnames which are used throughout India right from Jammu & Kashmir to Tamil Nadu. A person writing the surname Naik may be a Hindu, a Muslim or a Christian. In a State like Orissa he may belong to a Scheduled Tribe or a Scheduled Caste or a Hindu caste. Therefore, simply because a person in Karnataka writes the surname Naik he cannot legitimately claim to belong to the Scheduled Tribe Nayaka. But unfortunately this undesirable practice is growing year after year and has now assumed alarming proportions. One consequence of this trend is that whereas the Scheduled Tribe population of Karnataka in 1971 was only 2.31 lakhs, it was recorded as 18.25 lakhs in 1981. It is reported that this is primarily because a large number of members of the Bedar caste, apparantly in an organised manner, have returned themselves as Scheduled Tribe persons at the time of 1981 Census. It is further reported that a large number of Bedar caste people have entered Government services on the basis of false Scheduled Tribe certificates.

Kerala

(7) Thandan: In Kerala Thandan was included in the 1956 list of the Scheduled Castes throughout the State except Malabar District. This area restriction was removed

in 1976 with the result that now some people in the northern part of the State who do not belong to the Scheduled Caste Thandan and are referred to as 'Thandan' by virtue of being chiefs of the Ezhava community are reported to be falsely claiming to be Scheduled Caste persons. The title used for Ezhava chiefs in this part of Kerala is Thandan.

Maharashtra

(8) Dhoba: Dhoba is one of the sub-tribes of Gond in Maharashtra. Some members of the Backward Class Dhobi (washermen) try to pass off as members of the Scheduled Tribe Gond.

(9) Halba, Halbi: Halba, Halbi is a Scheduled Tribe in Maharashtra mostly in Nag-Vidarbha region that was transferred from the old Madhya Pradesh to the erstwhile Bombay State in 1956. In other words this tribe is not found in western Maharashtra, Marathwada and southern Maharashtra. In Maharashtra there is a Hindu backward caste known as Koshti whose traditional occupation is weaving. A section of Koshtis call themselves 'Halba Koshti' and claim themselves to be members of the Scheduled Tribe Halba.

(10) Mahadev Koli: Mahadev Koli is a Scheduled Tribe in Maharashtra. But members of the Hindu Koli caste (fishermen)falsely claim to be Mahadev Kolis.

(11) Mana: As mentioned earlier, there are 52 synonyms/ sub-tribes mentioned against the entry relating to the Scheduled Tribe Gond in the lists of Maharashtra and Madhya Pradesh. One of these sub-tribes is Mana. In some parts of Maharashtra around Nagpur there is a Hindu backward caste Mana which does not possess any tribal characteristics. Some of its members try to take advantage of the fact that Mana is a section of the ST Gond and thus try to obtain false ST certificates.

(12) Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar: In the 1956 list it was a Scheduled Tribe in Ahmednagar District and certain talukas of Kolaba, Nasik, Poona and Thana districts. After the removal of area restriction in 1976 it is now treated as a Scheduled Tribe throughout the State and some members of the Rajput/Thakur caste falsely claim to belong to the Scheduled Tribe Thakar or Thakur.

Orissa

(13) Dewar: Dewar is included in the list of the Scheduled Castes of Orissa but there are hardly any members of this community residing permanently in that State. However, their population was enumerated as 3,736 in 1971 Census. In 1981 Census their population increased to 4,205 and surprisingly the urban population

(2,192) exceeded the rural population(2,058)—normally an extraordinary phenomenon for any Scheduled Caste or Scheduled Tribe.

Dewar community basically hails from Chhattisgarh region of Madhya Pradesh and, though small in numbers, is conspicuous on account of its nomadic life and performance of dance and music. It is probable that some Dewars of Madhya Pradesh may have strayed into the adjoining areas of Orissa like Sambalpur at the time of the drawing up of the list of the Scheduled Castes of Orissa. They do not speak Oriya. If due care had been exercised Dewar would not have been included in the list of the Scheduled Castes of Orissa. However, members of the fishermen community of Orissa commonly known as Keuta or Kaibarta put forth a claim that they are members of the Scheduled Caste Dewar. The reason for this was that a synonym of their community's name is Dhibara(Dheenwar in Hindi), though not commonly used, and they took advantage of this phonetic similarity between Dhibara and Dewar. Even the High Court of Orissa accepted their plea and it is reported that the Government of India did not take necessary steps to contest this claim effectively. The Ministry of Home Affairs issued orders vide No.BC-12016/22/80-SC&BCD IV dated 23-5-1981 to the effect that members of Dhibara/Keuta/Kaibarta community of Orissa might be issued Scheduled Caste certificates but only in the name of Dewar. Consequently, members of this fishermen caste, who are not at all treated as untouchables and whose economic condition is not bad, are at present availing of the benefits intended for the Scheduled Castes.

15. This trend of false claim of belonging to the Scheduled Tribes is accentuated on account of the phonetic similarities in the names of the communities as discussed above and also on account of the lack of determination to relate the tribal communities with the specific areas. From that angle it has perhaps become necessary to revise the lists of SCs and STs with area specific scheduling where appropriate and necessary. For instance, if it is a well known fact that Maleru is a small and backward Scheduled Tribe almost exclusively found in Chikmaglur and Shimoga districts of Karnataka, why should non-tribal people from far off areas in that State be given an opportunity to claim to be members of this tribal community? There may be a feeling in such cases that genuine SC/ST persons might experience difficulty in obtaining SC/ST certificates from their home districts when they move out of the same. This difficulty can be removed by issuing orders in respect of inter-district migration on the lines of the Ministry of Home Affairs orders No.BC-16014/1/82-SC&BCD I dated 18-11-82 and 6-8-1984 for issue of SC/ST certificates to inter-State migrants. Now without much botheration an SC/ST person can obtain an SC/ST certificate from a competent authority of the State where he is temporarily residing for the purposes of employment, etc., on the basis of the SC/ST certificate issued to his father/mother by a prescribed authority

of his home State. On the same analogy if an SC/ST person belonging to one district in a State migrates to another district within the same State for the purposes of education, employment, etc., he may be allowed to obtain an SC/ST certificate from a competent authority of the district where he is presently residing on the basis of the SC/ST certificate issued to his father/mother by a prescribed authority of his home district. The Government of India may consider issuing suitable orders on these lines. If this is done, there should be no objection to revise the lists of SCs and STs with area specific scheduling in cases wherever this is necessary to preclude scope for false certificates on a large scale. This and the need of genuine SC/ST persons to obtain SC/ST certificates expeditiously even when they move out to other parts of the State or, in respect of benefits from the Central Government, to other parts of the country, are not irreconcilable.

16. Use of area nomenclatures in the lists of SCs and STs has created another serious problem. For example, the list of the Scheduled Tribes of Himachal Pradesh includes Kanaura/Kinnara based on the name of Kinnaur District. There is a caste system even among the Buddhist population of that district. Besides any permanent resident of that district, even if he is a non-tribal, can claim to be a Scheduled Tribe person on account of the vulnerable nomenclature used in the list. Similarly the list of the Scheduled Tribes of Uttar Pradesh includes 'Jaunsari' based on the name of Jaunsar Pargana of Dehra Dun District. The people of the two Parganas of Jaunsar and Bawar in that district have attracted attention of anthropologists for a long time on account of the practice of polyandry. They are divided into several castes, viz., Brahman, Rajput (Khash), Badi, Bajgi and Kolta. The last two communities are by evil custom treated as 'untouchables' and the condition of Koltas is particularly depressing as they are bonded labourers and their womenfolk are exploited and taken away to cities and towns in the plains for immoral trafficking. It is only Koltas and Bajgis who really deserve the Scheduled Tribe or Scheduled Caste status by specific names of their communities, otherwise they stand little chance of availing of any benefits which are monopolised by Brahmans and Rajputs in the name of Jaunsaris. The area name adopted for the communities living therein was based on the premise that all the people living in that area had a common social system and could be reasonably classified as such. But the fact is that a number of other people from outside had also come and settled there, who were not a part of the local social system. When this anomalous situation came to the notice of the Government, a legal interpretation followed which entitled all these outsiders as well the privilege of the Scheduled Tribe status. In extreme cases even some well-to-do non-tribal persons of Dehra Dun city who owned some property or houses at Chakrata, a charming hill station, or elsewhere in Jaunsar Bawar area before the promulgation of the Presidential Order in respect of the Scheduled Tribes of Uttar Pradesh in 1967, availed of the benefits meant for the Scheduled Tribes by claiming to belong to the Scheduled Tribe 'Jaunsari'.

17. Of late the racket of false SC/ST certificates has assumed alarming proportions in several States. A full discussion on that problem is proposed to be included in the next Report. However, in this Report the need for a review of the lists of the Scheduled Castes and Scheduled Tribes and the need to avoid making any new mistakes are being stressed because of the fact that the next decennial Census (1991) is not far off. It would be in the best interests of members of the real deprived communities (Scheduled Castes and Scheduled Tribes) if necessary steps are taken well before the 1991 Census to ensure that members of communities not included in the lists of the Scheduled Castes and Scheduled Tribes are not permitted or facilitated at any cost to claim the status of SC/ST persons. While taking these steps the following points, inter alia, may be kept in view:

(a) The names of the communities should be spelt in the singular form and not in the plural form. In the present lists there is no uniformity in this regard even in the lists of the individual States/UTs.

(b) Area nomenclatures should not be used in the lists and only the names of specific communities should be included therein.

(c) In some maner it may be clearly indicated that a surname is not to be confused with the name of a community and merely because a non-SC/ST person uses a surname which is identical or quite similar to the name of a Scheduled Caste/Scheduled Tribe he cannot be allowed to claim to be a Scheduled Caste/Scheduled Tribe person.

(d) It should be made clear that non-SC/ST persons must not be allowed to claim the status of SC/ST persons on account of phonetic similarities between the names of their castes and those of some Scheduled Castes/ Scheduled Tribes. Some well-known examples could be given to serve as a guideline.

(e) Wherever necessary area specific scheduling may be done due to the reasons discussed above.

(f) If a community is non-existent in a State, it should be excluded from the list of the Scheduled Castes or Scheduled Tribes, as the case may be, relating to that State. For this purpose a comparative study of the community-wise population figures of SCs and STs in 1961, 1971 and 1981 Censuses may be made distictwise. There are a number of cases where a Scheduled Caste/Scheduled Tribe does not actually exist in a State but since it is included in the list of the Scheduled Castes/Scheduled Tribes of that State members of some backward castes falsely claim to be members of that particular Scheduled Caste/Scheduled Tribe. Two glaring examples of Bedars/Valmikis of Karnataka claiming to be members of the Scheduled Tribe Naikda/Nayaka and Keutas/Kaibartas of Orissa claiming to be members of the Scheduled Caste Dewar have been discussed above in detail under items (6) and (13) of para 14 above.

CHAPTER XII

ANGLO-INDIANS

Representation in Lok Sabha

Article 331 of the Constitution provides that the President may, if he is of the opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People. In the Eighth Lok Sabha the President has nominated Shri Frank Anthony and Shri A.E.T. Barrow to represent the Anglo-Indian community in Lok Sabha.

Representation in Vidhan Sabhas

2. Article 333 of the Constitution provides that the Governor of a State may, if he is of the opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate one member of that community to the Assembly. According to the available information during the year under report one Anglo-Indian member each in the Vidhan Sabhas of Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal nominated by the Governors of these States to the Vidhan Sabhas continued to represent their community.

3. The original Article 334 of the Constitution provided for nomination of members of the Anglo-Indian community to Lok Sabha and State Vidhan Sabhas for a period of ten years. This Article was amended thrice extending this period of nomination by ten years on each occasion. Accordingly the present provision of nomination of members of the Anglo-Indian community to Lok Sabha and State Vidhan Sabhas is due to expire on 25-1-1990.

4. There is ambiguity about the status of the Anglo-Indian community insofar as their claim to be treated at par with other minorities is concerned. In fact, they claim to have the highest eligibility for being considered a minority on all the three common criteria, viz., language, religion and ethnic group. In January 1986 a representation was received from a Bangalore based organisation, The Anglo-Indian Activists. In this representation addressed

to the Prime Minister they desired that the benefit of the Prime Minister's 15-Point Directive about Welfare of Minorities should be extended to their community. This office enquired from the Minorities Commission whether that Commission was treating Anglo-Indians as a separate entity in the list of minorities and protecting their interests. The Minorities Commission replied that it was not treating Anglo-Indians as a minority and added that only Muslims, Christians, Buddhists, Sikhs and Zoroastrians were treated by it as religious minorities at the national level.

(B.D. SHARMA)
Commissioner for
Scheduled Castes and Scheduled Tribes

E R R A T A

Page No.	Para No.	Line No.	Incorrect	Correct
19	2.31	1	In view of the fact that the	The
		3	also that	(delete)
54	357(iii)	1	head	Demand
75	4.3	13	except	and accept
82	Heading of 4.17			Prefix (ii)
84	Heading of 4.23			Prefix (iii)
86	Heading of 4.29			Prefix (iv)
87	Heading of 4.32		(iv)	(v)
90	Heading of 4.37		(v)	(vi)
91	Heading of 4.42		(vi)	(vii)
99	5.15	7		Delete 'and'
137	12(iii)	1	head	Demand
137	12(v)	2	untilised	unutilised
174	1	1	During droppings	Dung droppings
177	11	5	ae	are
231	Table 4 S.No.6	2	5 districts	6 districts
231	Table 4	Total	48 districts	49 districts
232	9	15°	expenditious	expeditious
249	Annexure VI Scheduled Tribes	S.No.4 Col.1984	5	8
278	Heading of Col. 37	1	Total area not	Total area
278	Heading of Col.38	3	(Col.32 to Col.37)	(Col.32-Col.37)
278	Andhra Pradesh	Col.37	371100	371108
	Kerala	Col.37	65185	65177
		Col.38	1673	1681
	Maharashtra	Col.37	19224	191424
		Col.38	7980	8780
	West Bengal	Col.38	50567	58567
	Total	Col.36	640100	639292
		Col.37	2953001	2952193
		Col.38	270668	271476
511	S.No.8	Col.10	1	-