

Appendix - I

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:

Sl. 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
<u>SCHEDULED CASTES</u>			
1.	The Constitution (Scheduled Castes) Order, 1950	10-8-1950	All the States except Jammu and Kashmir, Nagaland and Sikkim
2.	The Constitution (Scheduled Castes) (Union Territories) Order, 1951	20-0-1951	Arunachal Pradesh, Chandigarh, Delhi and Mizoram
3.	The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956	22-12-1956	Jammu & Kashmir

1	2	3	4
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
<u>SCHEDULED TRIBES</u>			
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

1	2	3	4
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 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 convenience, 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, Majnwar, 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 specialisation 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.

Source: Report of the Commissioner for SCs and STs, Twenty Eighth Report, 1986-87, pp. 548-552.

## Appendix - II

## WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

1. The Ministry of Labour has formulated several special schemes, which provide significant benefits to the members of scheduled Castes and scheduled Tribes. The schemes are as follows:

## SPECIAL SCHEMES FOR SCHEDULED CASTES/TRIBES

- (i) Coaching-cum-Guidance centres for Scheduled Castes and Scheduled Tribes.
- (ii) Strengthening of Employment Exchanges/University Employment Information and Guidance Bureau (UEIGB) for promotion of self-employment;
- (iii) Setting up of vocational rehabilitation centres for the handicapped;
- (iv) Schemes implemented under the Labour Welfare Funds;
- (v) Rehabilitation of Bonded Labour;
- (vi) Survey and Research Studies.

## COACHING-CUM-GUIDANCE CENTRES FOR SCHEDULED CASTES AND SCHEDULED TRIBES

2. The scheme was started in 1969-70. At present, twenty Coaching-cum-Guidance Centres are functioning in various States/ Union Territories. These centres provide occupational information, vocational guidance and confidence building training to the job seekers belong to Scheduled Caste and Scheduled Tribes and counselling to their parents. The applicants are provided guidance at the time of their registration with the Employment exchanges and also when they are sponsored against notified vacancies. They are given information on the job requirements and the type of tests/ interviews they are likely to undergo when called up by the employer. The Centres also follow up with the employer and get appointments made against vacancies reserved for the Scheduled Castes and Scheduled Tribes candidates. In addition, thirteen of these centres provide facilities for training in shorthand and

typing. The work done by the various Coaching-cum-Guidance Centres from January to December, 1992 is presented below:

Activity	Provisional Number of candidates covered
1. Registration Guidance	19434
2. Pre-submission guidance	4779
3. Confidence Building Programme	12568
4. Training in typing and shorthand	4082
5. Training Courses	3378

STRENGTHENING OF EMPLOYMENT EXCHANGES/UNIVERSITY EMPLOYMENT INFORMATION GUIDANCE BUREAU (UEIGB) FOR PROMOTION OF SELF EMPLOYMENT

3. This scheme was being implemented on a pilot basis as a Plan Scheme since 1983 in twenty eight selected districts. The Central Government contributed Rs. 60,000/- per district per year to meet the salaries of additional staff provided at the Employment Exchanges for guiding and motivating the job-seekers to take up self-employment. The scheme has now been converted into a Non-Plan Scheme from the financial year 1990-91. Six of 28 districts in which the scheme is being implemented are in tribal areas.

SCHEMES IMPLEMENTED UNDER LABOUR WELFARE FUNDS

4. A number of prototype schemes providing medical, housing, educational, recreational, water supply and family welfare benefits are being implemented for workers in mica, iron ore, chrome ore, limestone and dolomite mines and beedi workers under the Labour Welfare Funds. Some of these schemes have special dispensation for the Scheduled Castes and Scheduled Tribe Workers. These are outlined below:

- (i) Under the Type I and Type II housing schemes for different mine workers. 15% of the houses built by the mine management are reserved for the Scheduled Castes and Scheduled Tribes.
- (ii) Under the Build Your Own House Scheme for beedi workers, the exclusive ownership of land is not insisted upon and plots of smaller size are also considered in case of Scheduled Castes and Scheduled Tribes, who are allotted land by the State Governments and local bodies.
- (iii) Under the scheme for award of scholarships to wards of miners and beedi workers, 33.1/3 per cent of the total number of scholarships are reserved for weaker sections of workers, including Schedule Castes and Schedule Tribes.
- (iv) Under the scheme of providing financial assistance for supply of one set of dress and for providing Slates, Text Books, Note Books etc. 18 per cent of the financial assistance is reserved for the Scheduled Castes and Scheduled Tribes.

Source: Annual Report (1992-93) Ministry of Labour, Government of India, pp. 81-82.

# BACKWARD CLASSES DEVELOPMENT

The office memoranda dated 13th August, 1990 and 25th September, 1991 issued by the Government of India, providing for reservation in Civil Services and Posts for Socially and Educationally Backward Classes and other Economically Backward Sections not covered by any of the existing schemes of reservation, were challenged through various Writ Petitions.

The Supreme Court upheld the O.M. of 13th August, 1990, providing for reservation for OBCs in Government jobs subject to the exclusion of the socially advanced persons/sections (described by it as the 'creamy layer') from the notified "other backward classes". The Supreme Court directed the Government of India as well as the State Governments and the Union Territories to specify the bases for excluding the 'creamy layer' from the Other Backward Classes. It also directed the Government of India as well as each of the State Governments and the Administrations of Union Territories to constitute a permanent body for entertaining, examining and recommending upon requests for inclusion and complaints of over and under-inclusion in the lists of Other Backward Classes of citizens.

## 'Creamy Layer'

The Government set up an Expert Committee on 22 Feb. 1993 for recommending the socio-economic criteria for identification of socially advanced persons/sections ('creamy layer'). The Committee submitted its report on 10 March, 1993 which was accepted by the Government and tabled in both Houses of the Parliament on 16 March 1993.

## Discussion with Political Parties

In view of the apprehension expressed by various political parties that the application of the criteria suggested by the Expert Committee might result in exclusion of large number of OBCs from the benefits of reservation, the views of the political parties on the issue were sought and the matter was subsequently discussed in a meeting with the leaders of the political parties on 28th June, 1993. Barring two parties, namely, the Janata Dal and the Telugu

Desam Party, who were in favour of deferring the application of 'creamy layer' criteria for a period of ten years, there was consensus in favour of skimming off the 'creamy layer'. However, in respect of agriculturists it was urged that the criteria be further liberalised.

## Government decision on 'Creamy layer'

The cut-off limit of exclusion of 'creamy layer' among the agriculturists, was increased from 65% to 85% (in terms of irrigated land ceiling prescribed under the State land ceiling laws). The other parameters of the Expert Committee remained unchanged.

## OM, of 8.9.1993

An amended OM (in replacement of the OM of 13th August, 1990) was issued on 8th Sep. 1993 providing for reservation of 27% of the vacancies in civil posts and services under the Government of India for the OBCs, subject to the exclusion of the 'creamy layer'.

## List of Other Backward Classes

The OM of 8th September, 1993 provided that for the purpose of the aforesaid reservation, the OBCs would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists.

The Government accordingly notified the lists of Other Backward Classes on 10th Sep 1993 in respect of 14 States, namely, Assam, Andhra Pradesh, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Punjab, Tamil Nadu and Uttar Pradesh which had notified lists of OBCs for reservation in State services as on the date of judgment of the Supreme Court. These States together account for 30% population of the country. Subsequently, the States of Rajasthan and Orissa have also notified the lists of OBC's and the State of Sikkim has identified the list of OBC's:

In respect of those States/UTs where lists of OBCs

for reservation in State services did not exist, the State Governments/UT Administrations have initiated necessary action to identify the OBCs

**Permanent Commission for Backward Classes**

The National Commission for Backward Classes Act, 1993 has been enacted to provide for setting up of a permanent body at the Centre to recommend, from time to time, inclusion and/or exclusion of any caste/community from the lists of OBCs. The recommendations of the Commission would be ordinarily binding on the Government. The Commission has been constituted on 14th August, 1993 with Justice R.N. Prasad (Retd.) as the Chairperson.

**Reservation for Economically Backward Sections**

The Court has declared that the reservations of 10% of the posts in favour of other economically backward sections of the people, who are not covered by any of the existing schemes of reservation, is constitutionally invalid. Government will examine full implications of this verdict and in this process consult all political parties.

**Reservation in Promotion for SC/ST**

The Welfare Minister had assured both Houses of the Parliament in Dec. 1992 that there would be no immediate disturbance of the present dispensation regarding reservation in promotion for the SC/STs. He again made a statement on 19th August 1993 reiterating that the Government would take a view on the issues arising out of the judgement in the Mandal Case having regard to the constitutional obligations towards the advancement of backward class of citizens specially the SC and ST. The Department of Personnel and Training issued an order on 19th Aug. 1993 instructing all Ministries and Departments to ensure that existing provisions of reservation in promotion for SCs/STs are implemented without fail.

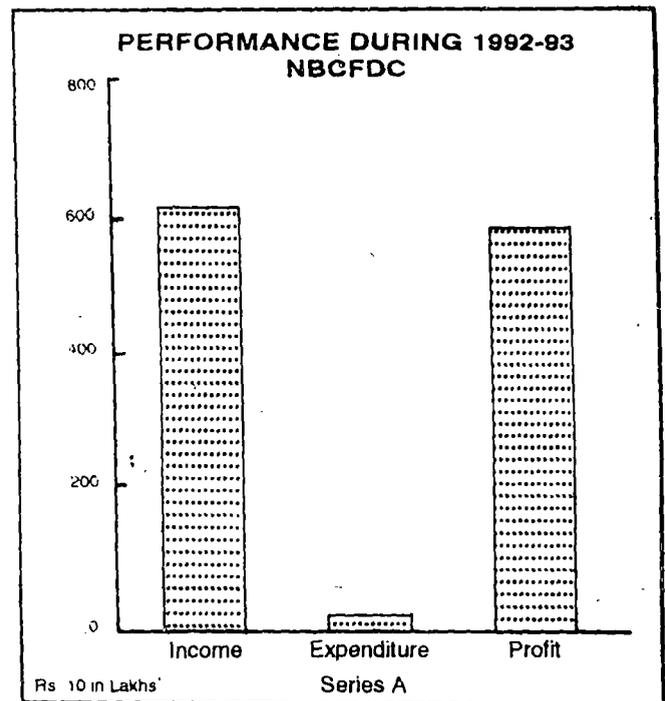
**NATIONAL BACKWARD CLASSES FINANCE AND DEVELOPMENT CORPORATION**

The National Backward Classes Finance and Development Corporation was set up on the 13th of January, 1992 as a company not for profit with an

authorised share capital of Rs. 200 crores. The main objective of the Corporation is to grant concessional finance to persons belonging to the poorer sections among the backward classes, promote their technical and entrepreneurial skills and act as an apex body for monitoring the work of all corporations and boards set up by the State Governments for the Welfare of backward classes.

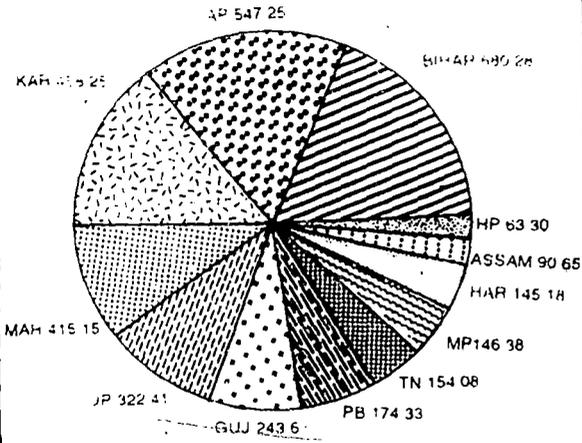
The paid up capital of the Corporation is Rs. 50 crores. A budget allocation of Rs. 32 crores has been made for the year 1993-94.

During the year 1992-93, the Corporation sanctioned loans to the tune of Rs. 34.40 crores to 25821 units and 28468 beneficiaries spread over 13 States. During the year 1993-94 the NBCFDC has set itself a target of Rs. 100 crores for sanctioning loans to the Backward Classes.



NBCFDC

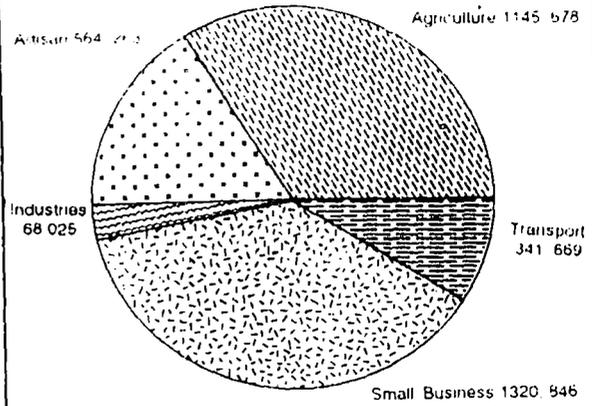
**STATE-WISE DISTRIBUTION OF LOAN SANCTIONED IN 1992-93**



Total Amount Sanctioned Rs. 3440.48 Lakh  
 Rs. 10 in Lakh, Rs. of 0.5 sanctioned to Goa, Total States 13

NBCFDC

**SECTOR-WISE DISTRIBUTION OF LOAN SANCTIONED IN 1992-93**

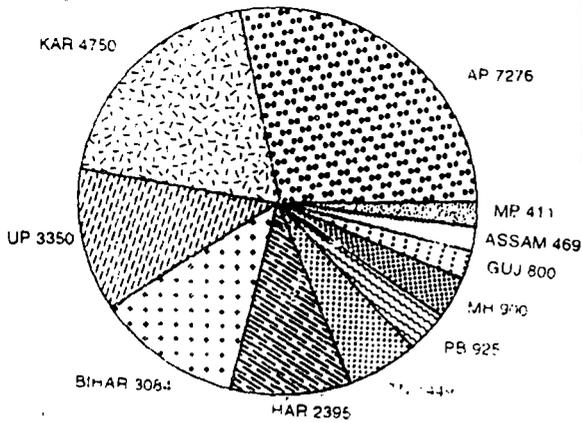


Total Loan Sanctioned Rs. 3440.46

Rs. 10 in Lakhs

NBCFDC

**NO. OF UNITS (STATE-WISE) IN 1992-93**

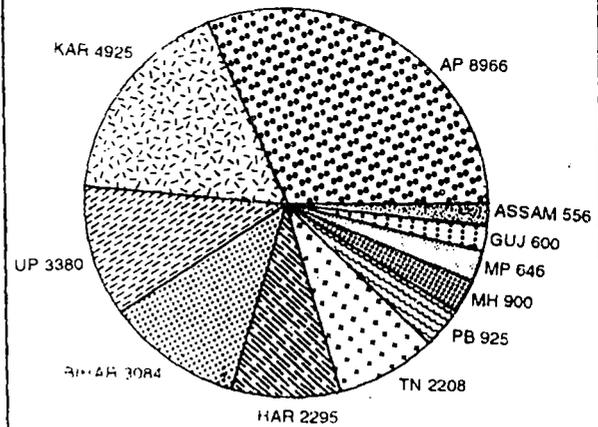


Total No. of Units 25,821

No. of States 13

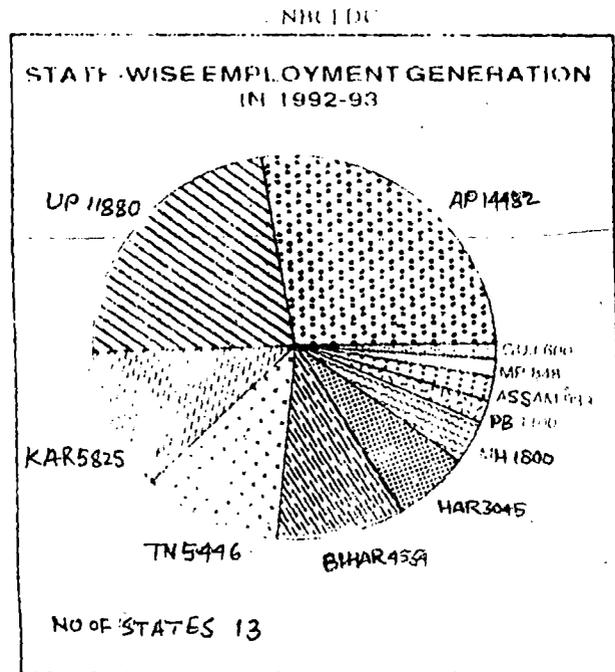
NBCFDC

**NO. OF BENEFICIARIES (STATE-WISE) in 1992-93**



Total No. of beneficiaries 28,468

No. of States 13



6. Total loans sanctioned Since inception till 10.2.94) 87.61
7. Loans disbursed Since inception till 10.2.1994 42.74
8. Profits 1992-93 5.92
9. Profits 1993-94 (till 31.8.1993) 2.50

**CREAMY LAYER AT A GLANCE.**

The rule of exclusion will apply to son(s) and daughter(s) of:

Persons holding Constitutional positions like President of India; Vice President of India; Judges of the Supreme Court and High Court; Chairman and Members of Union Public Service Commission and State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India.

Parents, either of whom is a Class I officer.

Parents both of whom are Class II officers.

Parents either or both of whom is or are in the rank of Colonel and above in the Army and equivalent posts in the Navy and the Air Force and the Paramilitary forces.

Families owning irrigated land which is equal to or more than 85% of the ceiling limit in terms of irrigated land as per State land ceiling laws.

Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth-tax Act for a period of three consecutive years; (Income from salaries or agricultural land shall not be clubbed.)

**Income Tax Exemption**

The NBCEDC and State Corporations for the benefit of backward classes have been provided income tax exemption on their income respectively with effect from the Financial year 1992-93.

**National Backward Classes Finance and Development Corporation**

**ABSTRACT**

	Rs. in crore
1. Authorised Share Capital	200
2. Paid up Share Capital	50
3. Loans Sanctioned 1992-93	34.40
4. Loans Sanctioned 1993-94 (till 10.2.1994)	53.21
5. No. of States assisted	14 States

Source: Annual Report (1993-94), Ministry of Welfare, Government of India, pp. 27-30.