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**STANDING COMMITTEE ON SOCIAL JUSTICE AND
EMPOWERMENT
(2014 -15)**

(SIXTEENTH LOK SABHA)

**MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT (DEPARTMENT OF SOCIAL
JUSTICE AND EMPOWERMENT)**

**THE CONSTITUTION (SCHEDULED CASTES)
ORDERS (AMENDMENT) BILL, 2014**

FIFTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2014/Agrahayana, 1936 (Saka)

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ORDERS (AMENDMENT) BILL, 2014

Presented to Lok Sabha on 19.12.2014

Laid in Rajya Sabha on 19.12.2014



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NEW DELHI

December, 2014/Agrahayana, 1936 (Saka)

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*** Will be available later on.**

**COMPOSITION OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND
EMPOWERMENT (2014-2015)**

SHRI RAMESH BAIS - CHAIRMAN

**MEMBERS
LOK SABHA**

2. Shri Jasvantsinh Sumanbhai Bhabhor
- *3. Chh. Udayan Raje Bhonsle
4. Kunwar Bharatendra
5. Shri Dilip Singh Bhuria
6. Shri Santokh Singh Chaudhary
7. Shri Jhina Hikaka
8. Shri Prakash Babanna Hukkeri
- **9. Sadhvi Niranjani Jyoti
10. Shri Bhagwant Khuba
11. Shri Sadashiv Lokhande
12. Smt. Maragatham K.
13. Shri Kariya Munda
14. Prof. A.S.R. Naik
15. Shri Asaduddin Owaisi
16. Sadhvi Savitri Bai Phule
17. Dr. Udit Raj
18. Smt. Satabdi Roy
19. Prof. Sadhu Singh
20. Smt. Neelam Sonkar
21. Vacant

**MEMBERS
RAJYA SABHA**

22. Smt. Jharna Das Baidya
23. Shri Ahamed Hassan
24. Smt. Sarojini Hembram
25. Shri Prabhat Jha
- #26. Shri. Avtar Singh Karimpuri
27. Smt. Mohsina Kidwai
28. Shri Praveen Rashtrapal
29. Shri Nand Kumar Sai
30. Smt. Vijila Sathyananth
31. Smt. Wansuk Syiem

* Chh. Udayan Raje Bhonsle ceased to be a Member of the Committee w.e.f. 7.10.2014.

** Sadhvi Niranjani Jyoti ceased to be a Member of the Committee w.e.f. 9.11.2014 consequent upon her appointment as Minister.

Shri. Avtar Singh Karimpuri ceased to be a Member of the Committee consequent upon his retirement from Rajya Sabha w.e.f. 25.11.2014.

LOK SABHA SECRETARIAT

1. Shri Ashok Kumar Singh - Joint Secretary
2. Shri Ashok Sajwan - Director
3. Shri Yash Pal Sharma - Senior Executive Assistant

INTRODUCTION

I, the Chairman of the Standing Committee on Social Justice and Empowerment having been authorized by the Committee to submit the Report on their behalf, do present this Fifth Report of the Committee on "The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014" pertaining to the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment).

2. The Bill was introduced in Rajya Sabha on 11th February, 2014 and was initially referred to the Standing Committee on Social Justice and Empowerment on 5.3.2014 for examination and Report. The examination could not be completed in view of announcement of General Elections, 2014 and the dissolution of 15th Lok Sabha. The Bill was again referred to the Committee by the Hon'ble Speaker, Lok Sabha on 16.9.2014 under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report.

3. The Committee heard the views of National Commission for Scheduled Castes and took oral evidence of the representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) Registrar General of India and the Ministry of Law and Justice (Legislative Department) on 26.11.2014.

4. The Committee wish to express their thanks to the representatives of the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment), Registrar General of India, Ministry of Law and Justice (Legislative Department) and National Commission for Scheduled Castes for their cooperation in placing before them their considered views and perceptions on the provisions of the Bill and for furnishing written notes and information that the Committee had desired in connection with the examination of the Bill.

5. The Committee considered and adopted the Draft Report on "The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014" at their sitting held on 17.12.2014.

6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

**New Delhi;
17 December, 2014
26 Agrahayana, 1936 (Saka)**

**RAMESH BAIS,
Chairman,
Standing Committee on Social
Justice and Empowerment.**

REPORT
CHAPTER I
INTRODUCTORY

1.1 The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014 (**Annexure-I**) was introduced in Rajya Sabha on 11.2.2014. The objects and reasons of the Bill are to include certain synonymous communities in respect of entries in the list of the Scheduled Castes for the States of Haryana, Karnataka and Odisha and the Union Territory of Dadra and Nagar Haveli. The Bill also seeks to effect change in Part XXIV of the Constitution (Scheduled Castes) Order, 1950 relating to Uttaranchal by changing the name of 'Uttaranchal' to 'Uttarakhand'.

Background

1.2 The Constitutional provisions in regard to specification of "Scheduled Castes" are as under:-

Article 366: Definitions

"(24) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purpose of the Constitution".

"Article 341: Scheduled Castes

(1) 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 this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by-law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

1.3 The Ministry informed that the criteria followed for consideration of specification of a caste etc. as a Scheduled Caste is 'extreme social, educational and economic backwardness arising out of traditional practice of untouchability.'

1.4 After promulgation of the Constitution, in exercise of powers conferred by clause (1) of Article 341 of the Constitution of India, the President made following six Orders between 1950 and 1978, for specifying castes as Scheduled Castes in relation to various States/Union Territories:-

- (i) The Constitution (Scheduled Castes) Order, 1950,
- (ii) The Constitution (Union Territories) Scheduled Castes Order, 1951,
- (iii) The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956,
- (iv) The Constitution (Dadra & Nagar Haveli) Scheduled Castes Order, 1962,
- (v) The Constitution (Pondicherry) Scheduled Castes Order, 1964,
- (vi) The Constitution (Sikkim) Scheduled Castes Order, 1978.

1.5 The Ministry further informed that the first Order of 1950, as amended from time to time, is for 25 States and as follows:-

- (i) Andhra Pradesh, (ii) Assam, (iii) Bihar, (iv) Chhattisgarh, (v) Goa, (vi) Gujarat, (vii) Haryana, (viii) Himachal Pradesh, (ix) Jharkhand, (x) Karnataka, (xi) Kerala, (xii) Madhya Pradesh, (xiii) Maharashtra, (xiv) Manipur, (xv) Meghalaya, (xvi) Mizoram, (xvii) Orissa, (xviii) Punjab, (xix) Rajasthan, (xx) Tamil Nadu, (xxi) Tripura, (xxii) Uttar Pradesh, (xxiii) Uttaranchal, (xxiv) West Bengal and (xxv) Telengana.

1.6 The second Order of 1951, as amended from time to time, is for 3 Union Territories as follows:-

- (i) Delhi, (ii) Chandigarh and (iii) Daman and Diu.

1.7 The above mentioned Orders have been amended from time to time by following Acts of Parliament enacted as per Article 341(2) of the Constitution between 1956 and 2007:-

- (i) The Scheduled Castes & Scheduled Tribes Orders (Amendment) Act, 1956,
- (ii) The Scheduled Castes & Scheduled Tribes Orders (Amendment) Act, 1976,
- (iii) The Constitution (Scheduled Castes) Orders (Amendment) Act, 1990,

- (iv) The Constitution (Scheduled Castes) Orders (Amendment) Act, 2002,
- (v) The Constitution (Scheduled Castes & Scheduled Tribes) Orders (Amendment) Act, 2002,
- (vi) The Constitution (Scheduled Castes) Orders (Second Amendment) Act, 2002,
- (vii) The Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 2002, and
- (viii) The Constitution (Scheduled Castes) Order (Amendment) Act, 2007.

1.8 Presently, 1264 castes etc. have been specified as Scheduled Castes in relation to various States and Union Territories (**Annexure-II**). Details in regard to their names are contained in six Presidential Orders, as amended from time to time (**Annexure-III**).

1.9 The Government of India has laid down Modalities (**Annexure-IV**), for considering proposals in regard to modifications in the lists of Scheduled Castes and Scheduled Tribes, which involve following steps:-

- (i) The complete proposal with ethnographic support, to modify the existing list of Scheduled Castes is made by the concerned State Government/Union Territory Administration.
- (ii) The proposal is then referred to the Registrar General of India (RGI), for seeking comments.
- (iii) The proposal once not agreed to by the RGI, is referred back to the concerned State Government/Union Territory Administration, for seeking further justification of their proposal, in the light of the comments of the RGI.
- (iv) The proposal, if received back from concerned State Government/Union Territory Administration, with further justifications, is again referred to the RGI for consideration.
- (v) If the proposal is not agreed to by the RGI second time, the Government of India may consider rejection of the proposal.
- (vi) The proposal agreed to by the RGI, is referred to the National Commission for Scheduled Castes (NCSC), for seeking comments.
- (vii) If the proposal is not agreed to by the NCSC, it is rejected with approval of Minister for Social Justice & Empowerment.
- (viii) Such proposals, which have been agreed to by the RGI and the NCSC are processed further and introduced as a Bill for consideration and passing by the Parliament, as required under Article 341(2) of the Constitution of India. After the Bill is passed by both the Houses of Parliament and assent of the President is obtained the amendments are notified.

Proposals contained in the present Bill

1.10 Proposals had been received from the State Governments of Haryana, Karnataka and Odisha and the Union Territory of Dadra and Nagar Haveli for certain modifications in the list of Scheduled Castes of these States and Union Territory. The NCSC and RGI have also conveyed their concurrence to the proposed modifications. To give effect to the proposed modifications, it is proposed to amend the following two Presidential Orders:-

- (i) The Constitution (Scheduled Castes) Order, 1950; - in respect of Haryana, Karnataka, and Odisha and
- (ii) The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.

1.11 The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014 comprises 10 amendments which are as follows:-

SI. No.	State/ Union Territory	Inclusion as synonym	Other modification	Total
1	Haryana	1	-	1
2	Karnataka	1	-	1
3	Odisha	6	-	6
4	Uttaranchal	-	1#	1
5	Dadra and nagar Haveli	1	-	1
	Total	9	1	10

*Changing the name of Uttaranchal to Uttarakhand.

1.12 The Ministry furnished a statement showing existing entry, proposed modification, entry as it would read after modification and remarks in respect of 10 proposed amendments as under :-

State/ Union Territory.	Existing entry	Proposed modification	Entry, as it would read after proposed modification	Remarks
1	2	3	4	5
Amendment in the Constitution (Scheduled Castes) Order, 1950				
Haryana	19. Kabirpanthi, Julaha	Inclusion of Kabirpanthi Julaha as synonym of Kabirpanthi, Julaha	19. Kabirpanthi, Julaha, Kabirpanthi Julaha,	Recommendation of Government of Haryana to include Kabirpanthi Julaha as a synonym of Kabirpanthi, Julaha has been

				endorsed by the Registrar General of India (RGI) and National Commission for Scheduled Castes (NCSC).
Karnataka	23. Bhovi, Od, Odde, Vaddar, Waddar, Voddar, Woddar	Inclusion of Bovi (Non-Besta), Kalluvaddar, Mannuvaddar as synonym of Bhovi, Od, Odde, Vaddar, Waddar, Voddar, Woddar	23. Bhovi, Od, Odde, Vaddar, Waddar, Voddar, Woddar, Bovi (Non-Besta), Kalluvaddar, Mannuvaddar	Recommendation of Government of Karnataka for inclusion of Bovi (Non-Besta), Kalluvaddar, Mannuvaddar as synonyms of Bhovi, Od, Odde, Vaddar, Waddar, Voddar, Woddar has been agreed to both by the RGI and NCSC.
Odisha	26. Dhoba, Dhobi	Inclusion of Rajak, Rajaka as synonym of Dhoba, Dhobi	26. Dhoba, Dhobi, Rajak, Rajaka	Government of Odisha informed that Rajaka and Rajak are synonyms of Dhoba, Dhobi, a Scheduled Caste in Odisha and they have the same and exact socio, cultural features. Both the RGI and NCSC have concurred.
	27. Dom, Dombo, Duria Dom,	Inclusion of Adhuria Dom, Adhuria Domb as synonym of Dom, Dombo, Duria Dom	27.Dom, Dombo, Duria Dom, Adhuria Dom, Adhuria Domb	Government of Odisha informed that Adhuria Dom, Adhuria Domb is a section of the notified community Dom, Dombo, Duria Dom. Both RGI and NCSC have concurred.
	44. Katia	Inclusion of Khatia as synonym of Katia	44. Katia, Khatia	Government of Odisha recommended inclusion of Khatia as a synonym of Katia, as the former appears to be a phonetic variation of later, having same socio-cultural and economic features. Both RGI and NCSC have concurred.
	45. Kela, Sapua Kela, Nalua Kela, Sabakhia Kela, Matia Kela	Inclusion of Gaudia Kela as synonym of Kela, Sapua Kela, Nalua Kela, Sabakhia Kela, Matia Kela	45.Kela, Sapua Kela, Nalua Kela, Sabakhia Kela, Matia Kela, Gaudia Kela,	Government of Odisha informed that Gaudia Kela is a synonym of notified community Kela, Sapua Kela, a Scheduled Caste in Odisha and has same and exact socio-cultural and economic features. Both RGI and NCSC have concurred.
	46. Khadala	Inclusion of Khadal, Khodal as synonym of Khadala	46.Khadala, Khadal, Khodal	Recommendation of Government of Odisha that Khadal and Khodal appear to be a minor phonetic variation of Khadala, a Scheduled Caste in Odisha has been endorsed by ORGI and NCSC.
	91. Turi	Inclusion of Betra as synonym of Turi	91.Turi, Betra	Government of Odisha recommended inclusion of Betra community as a synonym of Turi, a Scheduled Caste, on the ground that both the communities have same traditional occupation, common surnames and clans. Both RGI and NCSC have concurred.

Uttaranchal	Part-XXIV-Uttaranchal	Change of the heading of Part-XXIV-Uttaranchal	Part-XXIV-Uttarakhand	The name of the State of Uttaranchal has been changed to Uttarakhand vide the Uttaranchal (Alteration of Name) Act, 2006, w.e.f.01.01.2007.
Amendment in the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962				
Dadra and Nagar Haveli	2.Chamar	Inclusion of Rohit as synonym of Chamar	2. Chamar, Rohit	The Administration of Union territory of Dadra and Nagar Haveli informed that Rohit is a synonym of Chamar. Both, RGI and NCSC have concurred.

1.13 On being asked about the estimated population of these communities and their economic status, the Ministry stated that, “ the estimated population of the communities, proposed for inclusion in the list of Scheduled Castes in the present Bill is not available. It has been reported by the State Governments that these communities are socially, educationally and economically backward”.

1.14 The Secretary, Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) further clarified during evidence:-

“The other thing which you have asked is about their number, but we cannot give it to you. The reason behind it is that whatever census have been made so far, only scheduled caste people are counted and it is not even for backward classes. Therefore, we do not have the figures of the castes which are not included in scheduled castes.”

1.15 When asked about the procedure adopted by the National Commission for Scheduled Castes in identification of a caste as Scheduled Castes, it was informed that the Commission considers those proposals which are received from the Nodal Ministry of Social Justice and Empowerment as per the approved modalities. The modalities provide that the proposal should contain the proposal of the State Government concerned and comments of the RGI from the Ministry of Social Justice and Empowerment and the Commission will provide its comments thereafter. Accordingly, on receipt of the complete proposal as per the approved modalities, the

proposal is placed before the Commission for its consideration. The procedure adopted by the NCSC is as under :-

- (i) As per the decision taken by the Commission in its meeting held on 3/12/2012 Public hearings can be held in the areas relevant to the claims under examination.
- (ii) The proposals can be also examined by the Commission's State Office.
- (iii) The demographic data and other relevant information are collected from the concerned States, Ministry of Social Justice and Empowerment and RGI. This information are examined by the NCSC at the time of consideration of the proposals.
- (iv) If needed, personal hearing is also held with the officers of the State Government concerned to ascertain the social status of the proposed caste for inclusion/exclusion and reports taken.
- (v) Thereafter, on receipt of the complete information and proposal from the Nodal Ministry i.e. Ministry of Social Justice and Empowerment, and as per the approved modalities, the proposal is considered by the Commission and views of the Commission is communicated to the Nodal Ministry.

1.16 When asked regarding the procedure followed by RGI in identification of a caste as Scheduled Caste, the RGI in their written reply submitted that "the procedure followed by RGI in identification of a caste as a Scheduled Caste, is based on the criterion laid down by the Lokur Committee in 1965. The test of extreme social, educational and economic backwardness of castes arising out of traditional practice of untouchability is the sole criterion for identification of caste as a Scheduled Caste. The office of the RGI does not examine any case regarding inclusion/exclusion in/from the list of SCs on its own. It only takes up proposals which are referred to it by the Ministry of Social Justice & Empowerment".

1.17 In response to a specific query when the list regarding criteria for inclusion in the Scheduled Caste was first prepared, the Secretary stated as under:-

“The Hon’ble Member has rightly said that initially the list was prepared in the year 1931 and was based on the then census. The then Commissioner had visited village to village and analysed the situation there. The only criterion for being a Scheduled Caste is that there has to be a disability through untouchability. In case if there is some untouchability, then only it will be considered as SC otherwise not. The Hon’ble Member has stated that from other States too, there are demands to declare other castes also as SCs. We see things through ethnographic study and on this basis, the same has been classified as to what relationship one caste has to the other. You have just said that they meet each other and eat together, it is not related to untouchability. Original list was prepared in 1931 and it was the first published report and after it, amendments are being made. No amendments can become effective until it is approved by the Parliament. It is strict enough and hence nothing can be added to it. Even if a State wants so, it cannot add anything since this is the procedure”.

1.18 As regards, checks for inclusion of new Castes which are not SCs, the Secretary responded as under:-

“The modality therein is first seen by the RGI. RGI sees it according to ethnographic study as to whether this can be included in SC list or not. Until and unless it is approved by RGI for inclusion in Scheduled Caste, the process cannot be pushed forward. RGI says that this can be taken as Scheduled Caste based on old records. After that, it is sent to National Commission for Scheduled Castes. Then a survey is conducted on Commission level. Based on it, the Commission decides as to whether this should be included or not. If RGI approves it and negated by National Commission for Scheduled Castes, then also it cannot be done. Unless approval is obtained from both sides, no caste can be included in Scheduled Caste list. The procedure is so strict that nobody can take undue advantage. Our effort is to ensure benefits for Scheduled Castes and also to see that others don’t take undue benefit of it. In this way, the interests of Scheduled Castes are protected. Therefore, I would like to assure the Hon’ble Member that we will make efforts to check inclusion of the caste which are not Scheduled Castes.”

1.19 The Registrar General of India (RGI) was asked whether any anthropological studies have been done recently and efforts made to update the anthropological and ethnographic data of the castes. In response, the RGI informed that “they do not conduct field based anthropological studies for getting updated information on the socio-economic and ethnic profile of the concerned caste proposed for scheduling. The information on the concerned caste is availed from the old and contemporary published anthropological and ethnographic literatures of repute as well as Census

Reports of pre-independence period. In addition to that information furnished by the State Government/UT Administration is also taken into account. The data relating to the distribution, literacy occupations and other socio-demographic variables collected on concerned SC/ST during the decadal Censuses is used while examination of the proposals related to the exclusion of Caste from the SCs list”.

1.20 On the above issue, the Secretary further clarified during evidence:-

“It has not been done so far. One socio-economic caste survey was conducted and the same was being undertaken by Ministry of Rural Development and in urban areas, this task was taken up by Ministry of Housing and Urban Poverty Alleviation (HUPA). But the same has not been finalized so far. Once that report is received, we will get caste-wise figures. As on today, we have the number of scheduled castes but we don't have the number of other castes because it is not conducted on that basis. Therefore, as I said, we are unable to give it. xxx Since we ask the State Governments in this regard. But the State Governments also repeat the same that they do not have their number. They can have an idea but not an authentic figure. So, I have answered that we do not have the numbers.”

1.21 When asked how the percentage of reservation in a State is fixed, the Secretary clarified that in a State it can vary. It varies as per the population but in some States there is the cap of 50 percent.

1.22 On the issue of enhancement of reservation of Scheduled Castes, the Secretary responded as under:-

“Sir, the percentage of reservation in Government of India is fixed by DOPT. As you might be aware that last time when the Committee had met this was one of the issues that was raised and DOPT said that they would consider as to how it can be done. But as the hon. Member was saying that if the limit of 50 per cent is there, for Scheduled Castes, Scheduled Tribes and also for backward classes. So, this overall reservation should not exceed 50 per cent. Obviously if you want to increase for one, then it has to be decreased for some castes, either Scheduled Tribes or backward class. Something has to be affected. So, it is a decision that the DOPT would take in their wisdom. They are examining it as directed by the Committee.”

1.23 When asked regarding details of proposals pending, the Ministry furnished the following statement :-

State	Proposal in brief	Remarks
1	2	3
1. Kerala	1. Replacement of the existing entry Malayan (in the areas comprising the Malabar district) by "Malayan (in the areas comprising Kozhikode, Wayanad, Kannur and Kasaragode)"	Favourable comments from both the RGI and NCSC have been received recently. Further processing is underway.
	2. Inclusion of Peruvannan as synonym of Mannan, Pathiyannan, Perumannan, Vannan, Velan (Sl. No. 37)	
2. Chhattisgarh	3. Inclusion of Sarathi, Soot Sarathi, Sahis, Sais, Thanwar as synonym of Ghasi, Ghasia (Sl. No. 25)	
3. Odisha	Deletion of 4. Bariki (Sl. 8) 5. Kummari (Sl. No. 49) 6. Patratanti (Sl. No. 76)	
4. Bihar	7. Inclusion of Chnadravanshi (Kahar, Kamkar) in the list of Scheduled Castes as new entry	RGI has not agreed to the proposal of the State Government even on a second reference. Further processing is underway.
Total (7)		

1.24 In response to a query on the pending proposals with RGI, it was informed that at present, there are only two proposals one each from West Bengal and Haryana received this year in July - August are under the process of examination.

1.25 The National Commission for Scheduled Castes has furnished a statement showing the number of Reports submitted to President of India as well as laid in Lok Sabha/Rajya Sabha as under:-

Reports of the National Commission for Scheduled Castes	Period	Date of submission to the President of India	Laid in Lok Sabha on	Laid in Rajya Sabha on
Final Annual Report	2004-2005	13.07.2006	08.03.2010	11.03.2010
First Special Report	01.04.2006 to 30.09.2006	21.02.2007	10.12.2012	12.12.2012
Second Annual Report	2005-2006	19.05.2010	27.08.2013	19.08.2013

Third Annual Report	2006-2007	19.05.2010	10.12.2013	11.12.2013
Fourth Report	May, 2007 to November, 2009	30.03.2010	18.02.2014	19.02.2014
Supplementary Report for Fourth Report	December, 2009 to May, 2010	19.05.2010	18.02.2014	19.02.2014
Special Report on the AIIMS, New Delhi	--	19.05.2010	18.02.2014	19.02.2014
Fifth Report	2010-11 and 2011-12	19.09.2012	Yet to be laid	Yet to be laid
Sixth Report	2012-13	09.10.2013	Yet to be laid	Yet to be laid
Special Report of the National Commission for Scheduled Castes on Non-Implementation of Reservation Policy in BHU, Varanasi	2013	24.09.2013	Yet to be laid	Yet to be laid
Seventh Report	2013-14	Will be submitted in December, 2014		

CHAPTER II

Observations/Recommendations

2.1 The Committee note that “The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014” seeks to include certain synonymous communities in respect of entries in the list of the Scheduled Castes for the States of Haryana, Karnataka and Odisha and the Union Territory of Dadra and Nagar Haveli. The proposals for modification in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Dadra and Nagar Haveli) Scheduled Castes order, 1962 have been duly processed by the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) in consultation with the concerned State Governments/UT, Registrar General of India and the National Commission for Scheduled Castes. The Bill also seeks to effect change in Part XXIV of the Constitution (Scheduled Castes) Order, 1950 relating to Uttaranchal by changing the name of ‘Uttaranchal’ to ‘Uttarakhand’. The Committee approve the amendments in the Bill in its entirety. However, the Committees’ observation on some of the related aspects are spelled out in succeeding paras.

2.2 The Committee are unhappy to note that data on the estimated population of the communities proposed to be included in Scheduled Castes list through this Bill is not available with the Ministry of Social Justice and Empowerment. The Ministry informed that one social-economic caste survey was conducted in rural areas by the Ministry of Rural Development and in urban areas, by the Ministry of Housing and Urban Poverty Alleviation (HUPA). However, the report is yet to be received. The Ministry has merely relied on the views of the State Governments that these communities are socially, educationally and economically backward. The Committee, therefore, desire

the Ministry to pursue with both the above Ministries to make available the said report as early as possible so that socio-economic details of each caste are readily available for use by the various Government agencies especially for determining the social and economic condition of the castes for their inclusion in or exclusion from the SC list.

2.3 The Committee note with concern that the Registrar General of India/ Census Commissioner does not conduct field based anthropological studies for getting updated information on the socio-economic and ethnic profile of the concerned castes proposed for inclusion. The Committee also find that the necessary information of the concerned caste which is included in the list is obtained from the old and contemporary published anthropological and ethnographic literatures of repute as well as Census Reports of pre-independence period besides the information furnished by the State Government/UT Administration is also taken into account. The Committee do not fathom the rationale of RGI in referring to old literature of pre-independence period for determination of the socio-economic status of castes while clearing proposals for inclusion/exclusion of castes. The Committee, therefore, desire that the RGI should have the latest data on economic and social status of the castes proposed for inclusion/exclusion in the Scheduled Castes list.

2.4 The Committee observe that on one hand, new communities are being consistently added in the SC list, which results in giving benefits to more and more persons under the reserved category while on the other, the percentage of reservation remains the same. Considering the fact that Department of Personnel & Training (DOPT) deals with the issue relating to the reservation

policy, the Committee urge the Ministry to take up the matter with DOPT for appropriate action.

2.5 The Committee observe that the reports of National Commission for Scheduled Castes (NCSC) are not laid timely in the Parliament. Further, reports for the period 2010-11, 2011-12 and 2012-13 are yet to be laid in the Parliament. The Ministry has not given any reason for the same. The Committee desire the Ministry not only to explain the reasons for inordinate delay in laying the reports of the Commission but also to ensure that the reports are laid timely.

New Delhi;
17 December, 2014
26 Agrahayana, 1936 (Saka)

RAMESH BAIS,
Chairman,
Standing Committee on Social
Justice and Empowerment.

Annexure-II**Number of castes etc. specified as Scheduled Castes in regard to States/UTs.**

Sl. No.	State/ Union Territory	Number of castes etc.
1	2	3
States		
1	Andhra Pradesh	59
2	Arunachal Pradesh	0
3	Assam	16
4	Bihar	23
5	Chhattisgarh	44
6	Goa	5
7	Gujarat	36
8	Haryana	37
9	Himachal Pradesh	57
10	Jammu and Kashmir	13
11	Jharkhand	22
12	Karnataka	101
13	Kerala	53
14	Madhya Pradesh	48
15	Maharashtra	59
16	Manipur	7
17	Meghalaya	16
18	Mizoram	16
19	Nagaland	0
20	Orissa	93
21	Punjab	39
22	Rajasthan	59
23	Sikkim	4
24	Tamil Nadu	76
25	Telangana	59
26	Tripura	34
27	Uttar Pradesh	66
28	Uttaranchal	65
29	West Bengal	60
Union Territories		
30	Andaman & Nicobar Island	0
31	Chandigarh	36
32	Dadra & Nagar Haveli	4
33	Daman & Diu	5
34	NCT of Delhi	36
35	Lakshadweep	0
36	Pondicherry	16
	Total	1264

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

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

(a) Cases favoured by both the State Governments and the Registrar General of India (RGI) in their most recent reports would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. They would be forwarded to the Commission individually or in batches, as may be practicable, along with the comments of the State Governments and the RGI as well as any relevant material/information furnished by them or by representations.

(b) Some issues concern not one but several States e.g. the status of SC/ST migrants. These would also be referred to the National Commission if the RGI and majority of concerned States have supported modification.

(c) It may be suggested to the Commission that, while examining the above cases, they should associate, through panels or other means, expert individuals, organizations and institutions in the fields of anthropology, ethnography and other social sciences, in addition to the State Governments, RGI and the Anthropological Survey of India, on a regional basis. They may also consider holding public hearings in areas relevant to the claims under examination. These guidelines cannot be binding on the Commission, but may be suggested in the interest of fuller examination of the cases. The Commission would also be requested to give priority to cases in which the Courts have given directives regarding decision within a stipulated time period. (In such cases, extension of time would be sought from the courts where necessary, citing these modalities for the determination of claims). Such cases would be separately processed and sent for earlier decision.

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

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

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

(g) Claims in respect of which the comments of either the RGI or the State Government or of both are awaited would remain under consideration until their views

are received. Thereafter, they would be dealt with in accordance with the modalities at (a) to (f) above.

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

MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON WEDNESDAY, 26TH NOVEMBER, 2014.

The Committee met from 1500 hrs. to 1630 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

SHRI RAMESH BAIS - CHAIRMAN

MEMBERS

LOK SABHA

3. Shri Jasvantsinh Sumanbhai Bhabhor
4. Kunwar Bharatendra
5. Shri Santokh Singh Chaudhary
6. Shri Jhina Hikaka
7. Smt. Maragatham K.
8. Prof. A.S.R. Naik
9. Sadhvi Savitri Bai Phule
10. Dr. Udit Raj

RAJYA SABHA

10. Smt. Jharna Das Baidya
11. Smt. Sarojini Hembram
12. Shri Praveen Rashtrapal
13. Smt. Vijila Sathyananth
14. Smt. Wansuk Syiem

LOK SABHA SECRETARIAT

1. Shri Ashok Sajwan - Director
2. Shri Kushal Sarkar - Additional Director

REPRESENTATIVES OF THE MINISTRY/DEPARTMENT/COMMISSION

SL. NO.	NAME	DESIGNATION
REPRESENTATIVES OF MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT)		
1.	Shri Sudhir Bhargava	Secretary
2.	Shri Anoop Kumar Srivastava	Special Secretary
3.	Shri Sanjeev Kumar	Joint Secretary
REPRESENTATIVES OF THE REGISTRAR GENERAL & CENSUS COMMISSIONER, INDIA		
1.	Shri Deepak Rastogi	Additional Registrar General, India
2.	Dr. Pratibha Kumari	Assistant Registrar General
REPRESENTATIVES OF NATIONAL COMMISSION FOR SCHEDULED CASTES		
1.	Dr. Vinod Aggarwal	Secretary
2.	Smt. Smita S. Choudhari	Joint Secretary
REPRESENTATIVES OF MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)		
1.	Dr. Reeta Vasishtha	Joint Secretary & Legislative Counsel
2.	Shri K.R. Saji Kumar	Additional Legislative Counsel

2. At the outset, the Chairperson welcomed the Members and representatives of the Ministry of Social Justice and Empowerment (Department Social Justice and Empowerment), Registrar General and Census Commissioner, National Commission for Scheduled Castes and Ministry of Law and Justice (Legislative Department). The Chairperson drew the attention of the witnesses to Direction 55(1) of the Directions by the Speaker, Lok Sabha. He then asked the Secretary, Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment) to brief the Committee on the contents of "The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014" as well as its objectives and reasons.

3. The broad issues discussed at the meeting relating to the Bill are as follows :-
- (i) Criteria and procedure for accepting and rejecting proposals in the Scheduled Castes list.
 - (ii) Conducting fresh survey and making available ethnographic data of communities for inclusion in the Scheduled Castes list.
 - (iii) Increasing the percentage of reservation of Scheduled Castes in proportion to the population of 2011 Census.
 - (iv) The Government may consider for inclusion of Namasudra, dalit Christian and Madari communities in the list of Scheduled Castes.
 - (v) Reasons for delay in laying reports of National Commission for Scheduled Castes in Parliament
 - (vi) Need to discuss reports of National Commission for Scheduled Castes in Parliament.
4. The representatives of the Ministries responded to the queries raised by the Members to the extent possible. The Chairperson directed them to furnish written replies to those points which could not be replied to.
5. The Chairperson thanked the Secretaries and other officials of the Ministries for giving valuable information to the Committee and expressing their views in a free and frank manner on the issues raised by the Members.
6. The verbatim proceedings were kept on record.

The witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE TENTH SITTING OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND EMPOWERMENT HELD ON WEDNESDAY, 17TH DECEMBER, 2014.

The Committee met from 1500 hrs. to 1610 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

SHRI RAMESH BAIS - CHAIRMAN

MEMBERS

LOK SABHA

2. Shri Jasvantsinh Sumanbhai Bhabhor
3. Kunwar Bharatendra
4. Shri Dilip Singh Bhuria
5. Shri Santokh Singh Chaudhary
6. Shri Sadashiv Lokhande
7. Smt. Maragatham K.
8. Prof. A.S.R. Naik

RAJYA SABHA

9. Smt. Jharna Das Baidya
10. Shri Ahamed Hassan
11. Smt. Sarojini Hembram
12. Shri Praveen Rashtrapal
13. Shri Nand Kumar Sai
14. Smt. Vijila Sathyananth

LOK SABHA SECRETARIAT

1. Shri Ashok Kumar Singh - Joint Secretary
2. Shri Ashok Sajwan - Director
3. Shri Kushal Sarkar - Additional Director

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee and apprised them that the sitting has been convened to consider and adopt the First, Second, Third and Fourth Reports on Demands for Grants (2014-15) of the Ministries of Social Justice and Empowerment (Departments of Social Justice and Empowerment and Disability Affairs), Tribal Affairs and Minority Affairs respectively, Fifth Report on "The Constitution (Scheduled Castes) Orders (Amendment) Bill, 2014" and Sixth Report on "The Scheduled Castes and the Scheduled Tribes (Prevention of atrocities) Amendment Bill, 2014".

3. Thereafter, the Committee considered and adopted the above Reports without modifications and authorized the Chairman to finalize these draft Reports and present the same to Parliament.

The Committee then adjourned.