

NCRML

Report of the
**National Commission for
Religious and Linguistic Minorities**



सत्यमेव जयते

Ministry of Minority Affairs

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न्यायमूर्ति रंगनाथ मिश्र
(भारत के पूर्व मुख्य न्यायमूर्ति)
अध्यक्ष

JUSTICE RANGANATH MISRA
(Former Chief Justice of India)
CHAIRMAN



भारत सरकार
राष्ट्रीय धार्मिक और भाषायी अल्पसंख्यक आयोग
(अल्पसंख्यक कार्य मंत्रालय)
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR
RELIGIOUS & LINGUISTIC MINORITIES
(MINISTRY OF MINORITY AFFAIRS)

PREFACE

The National Commission for Religious and Linguistic Minorities (NCRLM) constituted by the Government of India hereby submits its Report.

Though the decision to set up this Commission was notified by the Government in October 2004, its constitution was delayed and we assumed office only in March 2005. Our original Terms of Reference, enormous by themselves, were later expanded to include in it a burning issue pending for decision in the Supreme Court of India. We, thus, needed more time than our original term and are thankful to the Government for making it possible.

Our Report is in two volumes. The present Volume contains substantive part of our work. After the introductory Chapter, in Chapters II to IX we have presented our findings and impressions, data and statistics, facts and figures, observations and assessments and analysis and conclusions, together with the viewpoints heard and information procured from various sources. The last chapter of this Volume (Chapter X) contains an itemized presentation of our recommendations in respect of each of our Terms of Reference.

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The recommendations on our additional Term of Reference – relating to Para 3 of the Constitutional (Scheduled Castes) Order 1950 – included in Chapter X are not shared by the Member-Secretary Mrs. Asha Das. She has given a special Dissent Note which appears after Chapter X. This is followed by another special note, written by the Commission Member Dr Tahir Mahmood and endorsed by the Chairman and the other two Members. This is in the nature of a rejoinder to the Dissent Note.

In the appendices to this Volume we have included the basic papers relating to the Commission and its work. Rest of the documents connected with the Report are found in Volume II, a list of whose contents is appended to this volume.

Our profound thanks are due to all those who helped or cooperated with us in any way in the performance and completion of our task. The list is long and includes Central and State Ministers; State Governors and Union Territory Administrators; Secretaries and other Officers of the Central and State Governments; officials of local self governments across the country; representatives of banks, financial institutions and corporations; community leaders and spokespersons; religious scholars and other subject experts; professors and other academics; and so on and so forth. We cannot name them individually but are indeed indebted to all of them. Our thanks are due also to all those organizations, institutions, agencies and individuals who shared part of our work as a result of their outsourcing.

R₂

The stupendous task of preparing this Report was assigned to us by the Government, and we owed the discharge of this responsibility in the best possible way to both the Government and the people of India. We hope that our Report will be helpful for both.


(Justice Ranganath Misra)
Chairman

New Delhi, 10 May 2007

NCRLM

CONTENTS

Chapter I	Introduction	1
Chapter II	Constitutional and Legislative Provisions Regarding the Minorities	3
Chapter III	Religious Minorities and their Status	12
Chapter IV	Linguistic Minorities and their Status	31
Chapter V	Status of Women among Minorities	41
Chapter VI	Criteria for Identifying backward Sections among Religious Minorities	56
Chapter VII	Measures for Welfare and Development of Minorities	72
Chapter VIII	Reservation as a Welfare Measure	114
Chapter IX	Demands for amending Constitution (SC) Order, 1950	139
Chapter X	Recommendations and Modalities for their Implementation	144
	Note of Dissent by Member - Secretary	156
	Note on Dissent Note (written by Member Dr T Mahmood and endorsed by Chairman & other two members)	169
Appendices		
1.	Texts of the Government Resolutions and Notifications	173
2.	List of Workshops sponsored by the Commission	180
3.	List of Studies sponsored by the Commission	181
4.	Names of the States/UTs visited by the Commission	182
5.	Contents of Volume II	183
6.	Sex Ratio of Population: 1991 and 2001 and 0-6 years: 2001	184
7.	Schedule of Socio-economic Parameters	185

INTRODUCTION

The Commission and its Task

On 29th October 2004 the Government of India resolved to constitute a National Commission consisting of (i) a Chairman, (ii) three Members – one of them being an Expert in Constitution and Law – and (iii) a Member-Secretary with administrative experience, to be entrusted with the following Terms of Reference:

- (a) to suggest criteria for identification of socially and economically backward sections among religious and linguistic minorities;
- (b) to recommend measures for welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and government employment; and
- (c) to suggest the necessary constitutional, legal and administrative modalities required for the implementation of its recommendations.

The Commission was asked to present a report on its deliberations and recommendations, within a period of six months from the date of assumption of charge by the Chairman.

2. The actual composition of the Commission was notified nearly five months later, in March 2005, by the Union Ministry of Social Justice and Empowerment.

3. On 21 March 2005 the following took charge as Chairman and Members of the Commission:

- (a) Justice Ranganath Misra: *Former Chief Justice of India & Ex-Chairman, National Human*

Rights Commission (Chairman)

- (b) Professor Dr. Tahir Mahmood: *Former Chairman, National Commission for Minorities & Ex-Dean, Faculty of Law, Delhi University*
- (c) Dr. Anil Wilson: *Principal, St Stephen's College, Delhi*
- (d) Dr. Mohinder Singh: *Director, National Institute of Punjab Studies, Delhi*

4. The Commission held its first meeting on the same date with Dr. Sundeep Khanna, Additional Secretary in the Union Ministry of Social Justice and Empowerment, as its Acting Secretary. At this meeting the Commission assumed for itself the abbreviation NCRLM – National Commission for Religious and Linguistic Minorities – and charted out its future programme of action.

5. The Commission was allotted an office at the Jawaharlal Nehru Stadium in Delhi and sanctioned a secretariat of 40 posts in various cadres (later increased to 44), which were gradually filled in the coming months.

6. Mrs. Asha Das, a former Secretary to Government of India, was later appointed as the Member-Secretary of the Commission and assumed charge of her office on 10 May, 2005.

7. After nearly five months of its work the Commission's Terms of Reference were modified so as to add the following to its original Terms of Reference:

To give its recommendations on the issues raised in WPs 180/04 and 94/05 filed in the Supreme

Court and in certain High Courts relating to para 3 of the Constitution (Scheduled Castes) Order 1950 in the context of ceiling of 50 percent on reservations as also the modalities of inclusion in the list of Scheduled Castes.

8. In view of the extensive work required to be done by the Commission to answer its various Terms of Reference, original and extended, its tenure was periodically extended – finally up to 15th May, 2007.

Procedure Adopted

1. As the Commission was authorised by the Government to adopt its own procedure, it was decided to gradually follow an action programme comprising of the following:

- (a) assessments of data available through Census Reports, NSSO survey reports and NFHS and other special agencies.
- (b) obtaining people's views and public opinion on each of its Terms of Reference through a multi-lingual press notification;
- (c) collecting necessary information, through personal meetings and questionnaires, from the Ministries and Departments of the Union Government and from the Governments of the States and Union Territories;
- (d) meeting representatives of and collecting relevant information from the central and state-level governmental and parastatal commissions, corporations, federations, boards and organisations, etc. especially working for the minorities like the central and state Minorities Commissions, National Minorities Development and Finance Corporation and its state channelising agencies, Central Wakf Council and state Wakf Boards, etc.
- (e) collecting necessary information from major outfits, organisations, associations and institutions of each of the minority communities;
- (f) having discussions with and collecting relevant information from public

sector undertakings, financial institutions, major banks and select NGOs;

- (g) visiting the States and Union Territories to interact with members and officers of the local governments and of the local minority community leaders and representatives;
- (h) inviting researchers, subject experts, academics, and representatives and spokespersons of various minorities, etc – individually and in groups – for a discussion of issues relevant to the Commission's work;
- (i) examining the old and recent reports of bodies and panels like Kaka Kelkar Commission, Mandal Commission, Backward Classes Commission, Gopal Singh Panel, etc.;
- (j) sponsoring seminars, symposia and workshops on the issues involved to be organised by outside institutions with a wide participation of subject experts, academics, researchers and field workers; and
- (k) procuring special studies of select topics relevant to the Commission's work by assigning these to individual experts and researchers.

2. Texts of the Government Resolution and Notifications relating to the Commission and its Terms of Reference are appended to this Volume of the Report (Appendix-1.1-1.5).

3. A list of Workshops and Studies sponsored by the Commission, names of the States/UTs visited, copy of Press release seeking views of NGOs and members of public on the Terms of Reference of the Commission and the contents of Volume II are appended to this Volume of the Report (Appendix-2-5).

4. Text of major notifications and questionnaires issued by the Commission in respect of its work, summary of reports on State visits and the findings and recommendations of studies and workshops sponsored by the Commission are being included in Vol. II of the report.

CONSTITUTIONAL AND LEGISLATIVE PROVISIONS REGARDING THE MINORITIES

Who are the Minorities?

1. The Constitution of India uses the word 'minority' or its plural form in some Articles – 29 to 30 and 350A to 350 B – but does not define it anywhere. Article 29 has the word "minorities" in its marginal heading but speaks of "any sections of citizens.... having a distinct language, script or culture." This may be a whole community generally seen as a minority or a group within a majority community. Article 30 speaks specifically of two categories of minorities – religious and linguistic. The remaining two Articles – 350A and 350B relate to linguistic minorities only.

2. In common parlance, the expression "minority" means a group comprising less than half of the population and differing from others, especially the predominant section, in race, religion, traditions and culture, language, etc. The Oxford Dictionary defines 'Minority' as a smaller number or part; a number or part representing less than half of the whole; a relatively small group of people, differing from others in race, religion, language or political persuasion". A special Sub-Committee on the Protection of Minority Rights appointed by the United Nations Human Rights Commission in 1946 defined the 'minority' as those "non-dominant groups in a population which possess a wish to preserve stable ethnic, religious and linguistic traditions or characteristics markedly different from those of the rest of population."

3. As regards religious minorities at the national level in India, all those who profess a religion other than Hindu are considered minorities since over 80 percent population of the country professes Hindu religion. At the national level, Muslims are the largest minority. Other minorities are much smaller in size. Next to the Muslims are the Christians (2.34 percent) and Sikhs (1.9 percent); while all the other religious groups are still smaller. As regards linguistic minorities, there is no majority at the national level and the minority status is to be essentially decided at the State/Union Territory level. At the State/Union Territory level – which is quite important in a federal structure like ours – the Muslims are the majority in the State of Jammu and Kashmir and the Union Territory of Lakshadweep. In the States of Meghalaya, Mizoram and Nagaland, Christians constitute the majority. Sikhs are the majority community in the State of Punjab. No other religious community among the minorities is a majority in any other State/UT.

4. The National Commission for Minorities Act, 1992 says that "Minority for the purpose of the Act, means a community notified as such by the Central Government"- Section 2(7). Acting under this provision on 23-10-1993, the Central Government notified the Muslim, Christian, Sikh, Buddhist and Parsi (Zoroastrian) communities to be regarded as "minorities" for the purpose of this Act.

5. The Supreme Court in *TMA Pai Foundation & Ors vrs State of Karnataka and Ors* (2002)

has held that for the purpose of Article 30 a minority, whether linguistic or religious, is determinable with reference to a State and not by taking into consideration the population of the country as a whole. Incidentally, ‘Scheduled Castes’ and ‘Scheduled Tribes’ are also to be identified at the State/UT level. In terms of Article 341 to 342 of the Constitution, castes, races or tribes or parts of or groups within castes, races or tribes are to be notified as Scheduled Castes or Scheduled Tribes in relation to the State or Union Territory, as the case may be.

6. The State Minorities Commission Acts usually empower the local governments to notify the minorities e.g. Bihar Minorities Commission Act, 1991, Section 2(c); Karnataka Minorities Commission Act 1994, Section 2(d); UP Minorities Commission Act 1994, Section 2(d); West Bengal Minorities Commission Act 1996, Section 2(c); A.P. Minorities Commission Act 1998, Section 2(d). Similar Acts of M.P. (1996) and Delhi (1999), however, say that Government’s Notification issued under the NCM Act, 1992 will apply in this regard – M.P. Act 1996, Section 2(c); Delhi Act 1999, Section 2(g); Section 2(d). In several States (e.g. Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, U.P. and Uttarakhand), Jains have been recognised as a minority. The Jain community approached the Supreme Court seeking a direction to the Central Government for a similar recognition at the national level and their demand was supported by the National Commission for Minorities. But the Supreme Court did not issue the desired direction, leaving it to the Central Government to decide the issue (Bal Patil’s case, 2005). In a later ruling, however, another Bench of the Supreme Court upheld the UP Law recognising Jains as a minority (Bal Vidya’s case, 2006).

Rights of Minorities

7. The Universal Declaration of Human Rights 1948 and its two International Covenants of 1966 declare that “all human beings are equal

in dignity and rights” and prohibit all kinds of discrimination – racial, religious etc. The UN Declaration against all Forms of Religious Discrimination and Intolerance 1981 outlaws all kinds of religion-based discrimination. The UN Declaration on the Rights of Minorities 1992 enjoins the States to protect the existence and identity of minorities within their respective territories and encourage conditions for promotion of that identity; ensure that persons belonging to minorities fully and effectively exercise human rights and fundamental freedoms with full equality and without any discrimination; create favourable conditions to enable minorities to express their characteristics and develop their culture, language, religion, traditions and customs; plan and implement national policy and programmes with due regard to the legitimate interests of minorities; etc.

8. In India, Articles 15 and 16 of the Constitution prohibit the State from making any discrimination on the grounds only of religion, race, caste, sex, descent place of birth, residence or any of them either generally i.e. every kind of State action in relation to citizens (Article 15) or in matters relating to employment or appointment to any office under the State (Article 16). However, the provisions of these two Articles do take adequate cognizance of the fact that there had been a wide disparity in the social and educational status of different sections of a largely caste-based, tradition-bound society with large scale poverty and illiteracy. Obviously, an absolute equality among all sections of the people regardless of specific handicaps would have resulted in perpetuation of those handicaps. There can be equality only among equals. Equality means relative equality and not absolute equality. Therefore, the Constitution permits positive discrimination in favour of the weak, the disadvantaged and the backward. It admits discrimination with reasons but prohibits discrimination without reason. Discrimination with reasons entails rational classification having nexus with constitutionally permissible objects. Article 15 permits the State to make “any special

provisions” for women, children, “any socially and educationally backward class of citizens” and Scheduled Castes and Scheduled Tribes. Article 15 has recently been amended by the Constitution (Ninety-third Amendment) Act, 2005 to empower the State to make special provisions, by law, for admission of socially and educationally backward classes of citizens or Scheduled Castes/Tribes to educational institutions including private educational institutions, whether aided or unaided by the State, other than minority educational institutions. Article 16, too, has an enabling provision that permits the State for making provisions for the reservation in appointments of posts in favour of “any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State”. Notably, while Article 15 speaks of “any socially and educationally backward class of citizens” and the Scheduled Castes and Scheduled Tribes without qualifying backwardness with social and educational attributes and without a special reference to Scheduled Castes/Scheduled Tribes, Article 16 speaks of “any backward class of citizens”.

9. The words ‘class’ and ‘caste’ are not synonymous expressions and do not carry the same meaning. While Articles 15 and 16 empower the State to make special provisions for backward “classes”, they prohibit discrimination only on the ground of ‘caste’ or ‘religion’. In other words, positive discrimination on the ground of caste or religion coupled with other grounds such as social and educational backwardness is constitutionally permissible and, therefore, under a given circumstance it may be possible to treat a caste or religious group as a “class”. Therefore even though Article 15 does not mention minorities in specific terms, minorities who are socially and educationally backward are clearly within the ambit of the term “any socially and educationally backward classes” in Article 15 and ‘any backward class’ in Article 16. Indeed, the Central Government and State Governments have included sections of religious minorities

in the list of backward classes and have provided for reservation for them. The Supreme Court in *Indira Sawhney & Ors. Vs. Union of India*, has held that an entire community can be treated as a ‘class’ based on its social and educational backwardness. The Court noted that the Government of Karnataka based on an extensive survey conducted by them, had identified the entire Muslim community inhabiting that State as a backward class and have provided for reservations for them. The expression ‘backward classes’ is religion-neutral and not linked with caste and may well include any caste or religious community which as a class suffered from social and educational backwardness.

10. Though economic backwardness is one of the most important – or, perhaps, the single most important – reasons responsible for social and educational backwardness alone of a class, the Constitution does not specifically refer to it in Articles 15 and 16. In *Indira Sawhney case*, the Supreme Court had observed–

“It is, therefore, clear that economic criterion by itself will not identify the backward classes under Article 16(4). The economic backwardness of the backward classes under Article 16(4) has to be on account of their social and educational backwardness. Hence, no reservation of posts in services under the State, based exclusively on economic criterion, would be valid under clause(1) of Article 16 of the Constitution.”

11. It is, however, notable that in the chapter of the Constitution relating to Directive Principles of State Policy, Article 46 mandates the State to “promote with special care the educational and economic interests of the weaker sections of the people..... and shall protect them from social injustice and all forms of exploitation. This Article refers to Scheduled Castes/ Scheduled Tribes “in particular” but does not restrict to them the scope of “weaker sections of the society”.

12. Article 340 of the Constitution empowered the President to appoint a Commission “to investigate the conditions of socially and educationally backward classes” but did not make it mandatory.

Other Constitutional Safeguards

13. The other measures of protection and safeguard provided by the Constitution in Part III or elsewhere having a bearing on the status and rights of minorities are:

- (i) Freedom of conscience and free profession, practice and propagation of religion (article 25)
- (ii) Freedom to manage religious affairs (article 26)
- (iii) Freedom as to payment of taxes for promotion of any particular religion (article 27)
- (iv) Freedom as to attendance at religious instruction or religious worship in certain educational institutions (article 28)
- (v) Special provision relating to language spoken by a section of the population of a State (article 347)
- (vi) Language to be used in representations for redress of grievances (article 350)
- (vii) Facilities for instruction in mother tongue at primary stage (article 350A)
- (viii) Special Officer for linguistic minorities (article 350 B)

Article 29

14. Article 29 and 30 deal with cultural and educational rights of minorities. Article 29 provides that:

- (1) any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same, and
- (2) no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

15. Unlike article 30, the text of article 29 does not specifically refer to minorities, though it is quite obvious that the article is intended to protect and preserve the cultural and linguistic identity of the minorities. However, its scope is not necessarily confined to minorities. The protection of article 29 is available to “any section of the citizens residing in the territory of India” and this may as well include the majority. However, India is a colourful conglomeration of numerous races, religions, sects, languages, scripts, culture and traditions. The minorities, whether based on religion or language, are quite understandably keen on preserving and propagating their religious, cultural and linguistic identity and heritage. Article 29 guarantees exactly that. There may appear to be some overlapping in language and expressions employed in article 15(1) and 29(2). However, article 15(1) contains a general prohibition on discrimination by the State against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them; whereas article 29(2) affords protection against a particular species of State action, viz, admission into educational institution maintained by the State or receiving aid out of State funds.

Article 30

16. Article 30 is a minority-specific provision that protects the right of minorities to establish and administer educational institutions. It provides that “all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice”. Clause (1-A) of the article 30, which was inserted by the Constitution (Forty-fourth Amendment) Act, 1978 provides that “in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right

guaranteed under that clause". Article 30 further provides that "the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion and language".

17. It would be worthwhile to note that minority educational institutions referred to in clause(1) of article 30 have been kept out of the purview of article 15(4) of the Constitution which empowers the State to make provisions by law for the advancement of any socially and educationally backward classes of citizens or SCs/STs in regard to their admission to educational institutions (including private educational institutions), whether aided or unaided.

18. Articles 29 and 30 have been grouped together under a common head namely, "Cultural and Educational Rights". Together, they confer four distinct rights on minorities. These include the right of:

- (a) any section of citizens to conserve its own language, script or culture;
- (b) all religious and linguistic minorities to establish and administer educational institutions of their choice;
- (c) an educational institution against discrimination by State in the matter of State aid (on the ground that it is under the management of religious or linguistic minority); and
- (d) the citizen against denial of admission to any State-maintained or State-aided educational institution.

19. Article 29, especially clause (1) thereof, is more generally worded, whereas article 30 is focused on the right of minorities to (i) establish and (ii) administer educational institutions. Notwithstanding the fact that the right of the minority to establish and administer educational institutions would be protected by article 19(1)(g), the framers of the Constitution incorporated article 30 in the Constitution with the obvious

intention of instilling confidence among minorities against any legislative or executive encroachment on their right to establish and administer educational institutions. In the absence of such an explicit provision, it might have been possible for the State to control or regulate educational institutions, established by religious or linguistic minorities, by law enacted under clause(6) of article 19.

Legal Framework for Protection of Religious Minorities

20. Legislations such as the Protection of Civil Rights Act, 1955 [formerly known as Untouchability (Offences) Act, 1955] and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been enacted by the Central Government to protect persons belonging to Scheduled Castes and Scheduled Tribes from untouchability, discrimination, humiliation, etc. No legislation of similar nature exists for minorities though it may be argued that, unlike the latter Act, viz, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, the former Act, viz, the Protection of Civil Rights Act, 1955 is applicable across the board to all cases of untouchability related offences regardless of religion. Therefore, if a Scheduled Caste convert to Islam or Christianity (or any other person) is subjected to untouchability, the perpetrators of the offences may be proceeded against under the provisions of the Act. However, no precise information is available in regard to the Act being invoked to protect a person of minority community. The law enforcing agencies appear to be harbouring a misconception that the Protection of Civil Rights Act, 1955 has been enacted to protect only Scheduled Castes against enforcement of untouchability related offences. There is, thus, a case for sensitising the law enforcement authorities/agencies in this regard. Having said that, one cannot resist the impression that the Protection of Civil Rights Act, 1955 has failed to make much of an impact due to its tardy implementation notwithstanding the fact that the offences under this Act are cognizable and triable

summarily. The annual report on the Protection of Civil Rights Act for the year 2003 (latest available) laid on the Table of each House of Parliament u/s 15A(4) of the Act reveals that only 12 States and UTs had registered cases under the Act during that year. Out of 651 cases so registered, 76.04 percent (495) cases were registered in Andhra Pradesh alone. The number of cases registered in nine States/UTs varied from 1 to 17. Only in three States, the number of cases registered exceeded 20. The report also reveals that out of 2348 cases (out of 8137 cases including brought/forward cases) disposed off by Courts during the year, a measly 13 cases constituting 0.55 percent ended in conviction. This appears to be a sad commentary on the state of affairs in regard to investigation and prosecution. To say that the practice of untouchability does not exist in 23 remaining States/UTs would be belying the truth that is known to the world. It only denotes pathetic inaction on the part of law enforcing agencies. The provisions of the Protection of Civil Rights Act need to be enforced vigorously with a view to ensuring that the law serves the purpose it has been enacted for.

21. With a view to evaluating progress and development of minorities, monitoring the working of safeguards provided to them under the Constitution and laws, etc. the Central Government had constituted a non-statutory Minorities Commission in 1978. In 1992, the National Commission for Minorities was enacted to provide for constitution of a statutory Commission. The National Commission for Minorities was set up under the Act in 1993. The functions of the Commission include:

- (a) evaluating the progress of the development of minorities under the Union and States;
- (b) monitoring the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures;
- (c) making recommendations for the effective implementation of safeguards

for the protection of the interests of minorities by the Central Government or the State Governments;

- (d) looking into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities;
- (e) causing studies to be undertaken into problems arising out of any discrimination against minorities and recommend measures for their removal;
- (f) conducting studies, research and analysis on the issues relating to socio-economic and educational development of minorities;
- (g) suggesting appropriate measures in respect of any minority to be undertaken by the Central Government or the State Government; and
- (h) making periodical or special reports to the Central Government on any matter pertaining to minorities and in particular difficulties confronted by them.

22. A Constitution Amendment Bill, viz. the Constitution (One Hundred and Third Amendment) Bill, 2004 has been introduced so as to add a new article, viz. Article 340A to constitute a National Commission for Minorities with a constitutional status. A Bill to repeal the National Commission for Minorities Act, 1992 has simultaneously been introduced.

23. In terms of Section 13 of the Act, the Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to Central Government, and the reasons for non-acceptance, if any, of any recommendation.....as soon as may be after the reports are received to be laid before each House of Parliament.

24. In the absence of a definite time frame for laying the annual report of the Commission, there has been considerable delay in tabling the annual reports of the Commission in the Parliament. The National Commission on

Minorities has submitted twelve (12) annual reports for the years 1992-93 to 2004-05. The annual reports for the years 1996-97, 1997-98, 1999-2000, and 2003-04 have been tabled in the Parliament only recently, some as recently as in the winter session 2006 of the Parliament. Therefore, there appear to be a case for amendment of the Act so as to provide for a reasonable time frame for the recommendations to be laid, along with memorandum of action taken before the Parliament/State Legislature. It may be advisable to incorporate a suitable provision in the Constitution Amendment Bill laying down definite time frame for laying the annual reports of the Commission on the tables of both Houses of Parliament along with action taken notes.

25. According to the provisions of Clause(9) of article 338 and 338A, the Union and every State Government shall consult the National Commission for Scheduled castes and the National Commission for Scheduled Tribes on all major policy matters affecting the Scheduled Castes and the Scheduled Tribes, respectively. Such a consultation is mandatory and can be construed to be an important constitutional safeguard for Scheduled Castes and Scheduled Tribes. A corresponding provision does not exist in the National Commission for Minorities Act, 1992. In the absence of such a provision the Government of the day may or may not consult the National Commission for Minorities on major policy matters impacting minorities, depending on exigencies. Therefore, the National Commission for Minorities Act, 1992 needs to be suitably amended with a view to incorporating in it a provision analogous to the provision in article 338(9) and 338A(9). This may instill a sense of confidence amongst minorities about protection of their interests.

26. While we are on safeguards, it should be noted that a very important mechanism of ensuring the welfare of Scheduled Castes is constitution of a Parliamentary Committee on

Scheduled Castes. The successive Committees have been doing yeoman's work towards safeguarding the interests of Scheduled Castes. Such a mechanism (of monitoring effective implementation of the constitutional and legal provisions safeguarding the interest of minorities and, also, implementation of general or specific schemes for the benefit of minorities by Government and its agencies/instrumentalities) is expected to be an effective step for ensuring the welfare of religious minorities.

27. The National Commission for Minority Educational Institutions Act, 2004 was enacted to constitute a Commission charged with the responsibilities of advising the Central Government or any State Government on any matter relating to education of minorities that may be referred to it, looking into specific complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice, deciding on any dispute relating to affiliation to a scheduled University and reporting its findings to the Central Government for implementation. The Act was extensively amended in 2006 (Act 18 of 2006), *inter alia*, empowering the Commission to enquire suo moto or on a petition presented to it by any minority educational institution (or any persons on its behalf) into complaints regarding deprivation or violation of rights of minorities to establish and administer an educational institution of its choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation. The Act also provides that if any dispute arises between a minority educational institution and a University relating to its affiliation to such University, the decision of the Commission thereon shall be final.

The Commission discussed the provisions of the Act as amended and felt the need to make clear-cut, concrete and positive recommendations for improving and streamlining the provision of the Act.

Linguistic Minorities

28. As already mentioned, the term linguistic minority or minorities has not been defined. If the country is taken as a unit, all who speak a language other than Hindi can be treated as linguistic minorities but not so if the State is taken as the unit. Within a State, there may be minorities who speak a language or languages other than the language spoken by the majority in that State. Dialects of a language spoken in a State may proliferate the number of minorities. However, as mentioned earlier, it has been settled in *TMA Pai Vs. Union of India (2002)* that a linguistic minority is determinable with reference to the State as a unit.

29. Part XVII of the Constitution is devoted to 'official language'. Chapter I of Part XVII, comprising articles 343 and 344 deal with the official language of the Union. Chapter II thereof deals with regional languages. Article 345 of the Constitution provides that subject to the provisions of articles 346 and 347 the Legislature of a State may by law adopt any one or more of the languages in the State or Hindi as language or languages to be used for all or any of official purposes. Article 347 provides that on a demand being made in that behalf, the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify. Article 347 can, thus, be treated as a specific measure directed towards linguistic minorities inhabiting a State facilitating preservation, and even propagation, of such a language. Read in conjunction with article 347, article 350 also affords protection to the language spoken by linguistic minorities. It provides that every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

30. Article 350-A of the Constitution contains a specific measure of protection of linguistic minorities. It provides that "it shall be the endeavour of every State and every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such direction to any State as he considers necessary or proper for securing the provision of such facility". Article 350-A, thus, is an amplification of the cultural and educational rights guaranteed under article 29(1) and article 30(1). Under article 29(1), a linguistic minority has the fundamental right to conserve its own language. Article 350-A directs every state to provide facilities for education at the primary stage in the language of a linguistic minority for the children belonging to such a community. Read with article 45, article 350-A provides an important policy direction to the State for preservation of the language of linguistic minorities. In *General Secretary, Linguistic Minorities Protection Committee vs. State of Karnataka*, a Government Order making Kannada a compulsory subject of study for children belonging to linguistic minority groups from the first year of primary education and compelling the primary schools established by linguistic minorities to compulsorily introduce it from the first year of primary education was held to be violative of article 29(1) and article 30(1) of the Constitution.

31. Article 350-B provides for appointment of a Special Officer for linguistic minorities by the President. It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution and report to the President upon those matters at such intervals as the President may direct. All such reports are required to be laid before each house of Parliament, and also sent to the Governments of States concerned. The provisions of article 350-B have to be read in conjunction with the rights conferred on religious minorities under

Chapter III of the Constitution, more specifically articles 29 and 30.

32. The Commission discussed the applicability of Protection of Civil Rights Act, 1955 to non-Hindus and agreed that all cases of untouchability related offences regardless of religion fall within the purview of the Act. It was felt that the provisions of Prevention of Atrocities (SC/ST) Act, 1989 need to be extended so as to cover OBCs, Minorities or the socially and economically backwards to protect them from discrimination and atrocities by non-backward sections of society.

33. The Commission discussed the provisions of Article 29 and 30 and felt that a comprehensive law is required to protect and safeguard the rights of minorities mentioned in these two Articles of the Constitution. The existing guidelines of Ministry of Human Resource Development and National Commission for Minorities need to be updated and incorporated in an elaborate law which will be overriding in so far as setting up and administration of minority educational institutions is concerned. The proposed law should ensure due and proper implementation of articles 29-30 including all their clauses in letter and spirit.

RELIGIOUS MINORITIES AND THEIR STATUS

Introduction

1. Religion depicts the main socio-cultural characteristics of a person. Different communities and people perceive religion differently. Some people have an established set of beliefs, rituals and traditional practices and worship one Supreme Being or deity that may be their own caste/tribe or village deity. Other people worship a number of Gods and Goddesses while some practice and perceive religion in their own way and belief others prefer to be atheist. India is a unique country where some religions like Hinduism, Buddhism, Jainism and Sikhism have originated and other religions of foreign origin flourished bringing 'unity in diversity'.

2. The word 'minority religion' has not been defined anywhere in the Constitution but it finds mention in various Articles in Part III of the Constitution.

3. The U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities has defined 'minority' as one including only those non-dominant groups in a population which possess and wish to preserve stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the population.

4. In exercise of the powers conferred by Clause (c) of Section 2 of the National Commission for Minorities Act 1992 (19 of 1992), the Central Government in 1993 notified the following communities as "the Minority communities" for the purposes of the said Act,

namely: Muslims, Christians, Sikhs, Buddhists, and Zoroastrians (Parsis). However, minorities are not limited to these five religions and States are free to declare/recognise others. Jains have been recognised as one of the religious minorities in nine States.

Socio-economic Characteristics of Religious Minorities

5. Indian social structure is characterised by unity as well as diversity. It has had numerous groups of immigrants from different parts of Asia and Europe. All the great religions of the world are represented in this country. People speak different languages. Diversity is seen in the patterns of rural-urban settlements, community life, forms of land tenure, and agricultural operations and in the mode of living. Some eke livelihood out of hills and forests, others out of land and agriculture and yet a few depend upon marine resources. The fusion of varying religions, the caste system and peoples occupational structure are the salient features of Indian society. Inter-caste relations at the village level are bound by economic ties, be it peasant, the leather worker, carpenter, blacksmith or the servicing communities.

5.1. The demography of minority communities, their rural-urban distribution, sex composition, literacy and educational status, marital status and livelihood patterns do indicate the lifestyle of the people. Pattern of landholdings, sources of income and health status narrate their quality of life. Today, socio-economic changes are taking place rapidly in the country affecting the majority as well

minority communities, due to diversification of economic pursuits, urbanisation, westernisation of education, inter-caste marriages etc. The salient features of minority communities in the country are discussed in succeeding paragraphs:

Demographic Features of Religious Minorities: Population Composition

6. According to 2001 census, out of country's total population of 10286.07 lakhs, the religious minorities are 2010.29 lakhs, which is approximately 18 percent. A large proportion of them belong to Muslims (13.4 percent), followed by Christians (2.3 percent), Sikhs (1.9 percent), Buddhists (0.8 percent) and Zoroastrians (Parsis) (0.0069 percent). Details are given in Table 3.1.

6.1 Population of those included in "Others" category has risen from 14.98 lakhs in 1961 Census to 66.39 lakhs in 2001. Their population is significant in Jharkhand (35.14 lakhs), West Bengal (8.95 lakhs), Maharashtra (4.09 lakhs), Madhya Pradesh (4.09 lakhs), Orissa (3.61 lakhs) and Arunachal Pradesh (3.37 lakhs). Another salient feature is that as against proportion of 0.6 percent population in 'others' category in the country's population, their proportion in Arunachal Pradesh is 30.7 percent, which is highest among all the States, followed by Jharkhand (13 percent). Thus, it is inferred from the above that religion-wise break-up

Table 3.1: Population of Religious Communities 2001

		In lakh	Percentage
S.No	Total	10286.07	100
1.	Hindus	8275.78	80.5
2.	Muslims	1381.88	13.4
3.	Christians	240.80	2.3
4.	Sikhs	192.15	1.9
5.	Buddhists	79.55	0.8
6.	Jains	42.25	0.4
7.	Others	66.39	0.6
8.	Religion not stated	7.27	0.1

Source: Census 2001

of 'Other's category may be culled out from census data, and people pursuing these religions identified so that suitable policy initiatives are thought of for these mini-minority religious sections of our society.

Religious Composition in Rural and Urban Areas

7. The 1991 and 2001 data indicate that Muslims are more urbanised than Hindus and Sikhs. The proportion of Hindus in rural areas declined from 84 percent in 1991 to 82.3 percent in 2001 and from 76.4 percent in 1991 to 75.9 percent in 2001 in urban areas. In contrast, the Muslim population increased in both rural and urban areas during the decade. Besides Muslims, a greater proportion of Christians, Buddhists and Jains are urban residents. In fact Jains are the most urbanised as compared to any other religious minority group. Religion-wise distribution of minority population is given in Table 3.2.

Overall Sex Ratio

7.1. According to the Census 2001, against the overall sex ratio of 933 for all religions put together, the sex ratio among Christians at 1,009 females per 1,000 males is the highest. In contrast, it is the lowest among the Sikhs at 893. Taking the all-India average, the sex ratio of 931 females per 1000 males is lower among the Hindus. The sex ratio among Muslims at 936, is slightly above the national average. However, Buddhists (953), Jains (940) and others (992) have improved sex ratio vis a vis all other religions.

7.2. A comparative analysis of State-wise overall sex ratio according to Census 1991 and Census 2001 and Child Sex Ratio (0-6 yrs) 2001 is given in the Appendix-III A. A glance through the sex ratio for 1991 and 2001 would reveal that the over all sex ratio has marginally improved. The sex ratio for all religious communities at all India level has gone up from 927 in 1991 to 933 in 2001. Similar is the situation for Muslims which has increased from 930 to 936, Christians from 994 to 1009 and Sikhs from 888 to 893 and

Table 3.2: Religion-wise Population Distribution on Residence Basis, 1991 and 2001

(in percent)

	1991			2001		
	Total	Rural	Urban	Total	Rural	Urban
All religion	100.0	100.0	100.0	100.0	100.0	100.0
Hindu	82.0	84.0	76.4	80.5	82.3	75.9
Muslim	12.1	10.5	16.7	13.4	12.0	16.9
Christian	2.3	2.2	2.8	2.3	2.1	2.9
Sikh	1.9	2.0	1.8	1.9	1.9	1.8
Buddhist	0.8	0.7	1.0	0.8	0.7	1.1
Jain	0.4	0.2	1.1	0.4	0.1	1.1
Other religions and persuasions	0.5	0.4	0.2	0.6	0.8	0.2
Religion not stated	0.0	0.0	0.0	0.1	0.1	0.1

Source: Census 1991 and 2001

others from 982 to 992. However, the sex ratio for Hindus has declined from 942 in 1991 to 931 in 2001, Buddhists from 963 to 953 and Jains from 946 to 940.

7.3. While analyzing the state-wise sex ratio, the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Assam, Manipur have shown an increasing trend not only at the respective State level but at the all India average and also for the individual religious minorities. On the other hand the States of Rajasthan, Uttar Pradesh, Arunachal Pradesh, West Bengal, though lower than all India national average, yet have shown an increasing trend for all the religious groups.

7.4. The States of Punjab, Haryana, Arunachal Pradesh, Chandigarh, Uttar Pradesh, Nagaland, Delhi and Andaman & Nicobar Islands have not only shown declining results but also give lowest sex ratios.

Sex Ratio of Population in 0-6 Age Group

8. As per Census 2001, as against child sex ratio of 927 for all religions, it was 976 for 'Others' and 964 for Christians followed by 942 for Buddhists and 950 for Muslims. However, child sex ratio was lower among Hindus (925) followed by Jains (870) and lowest among the Sikhs (786). The declining child sex ratio in the age group of 0-6 years in many states and union territories as brought to fore by the 2000

Census is a cause of serious concern. In fact, the child sex ratio has not been above 1000 in any religious community in the States.

8.1. The Child Sex Ratio (CSR) 2001 of 927 at all India level has shown a decline when compared with total sex ratio at 933. The CSR shows a declining trend for all the religious minorities except Muslims (950). The States of Goa, Haryana, Himachal Pradesh, Maharashtra, Punjab, Assam, Bihar, Meghalaya, Mizoram, Nagaland, Tripura, West Bengal have decline sex ratios when 1991 and 2001 are concerned. When sex ratio is compared with Child Sex Ratio 2001. The CSR is found to be lowered than the overall sex ratio. The worst position is shown by the States of Gujarat, Haryana, Himachal Pradesh, Maharashtra, Punjab, Rajasthan, Uttaranchal and Uttar Pradesh.

8.2. The declining sex ratio in the country barring a few States, and the adverse child sex ratio in 0-6 age group in most of the States calls for an in depth study and specific interventions to stem the downward trend and create an environment conducive to girl survival and growth.

Population of 60 Years and above

9. Table 3.3 below gives the religion-wise data of 60 years and above along with their percentage:

9.1. It is seen from the above that 7.45 percent of Indian population belongs to 60 years and above. Jains have maximum proportion of older persons (9.94 percent) followed by Sikhs (9.77 percent). The proportion of female elderly of Jains is also maximum (10.69 percent) followed by Sikhs (10.05 percent). As against this, the Sikhs have maximum male elderly proportion (9.53 percent) followed by Jains (9.23 percent). It has been seen that proportion of Muslims elderly is lowest (5.75 percent) as against 7.45 percent of total population of the country. The reasons for low population of older Muslims and modalities for raising their expectancy of life need to be found out and corrective measures taken in this regard.

Age at Marriage

10. As is evident from the details in Table 3.4, among men who married below the age of 21 years, 51.3 percent were Hindus, nearly

47 percent Muslims, 39 percent Buddhists, 26 percent Jains, 20 percent Christians and 13 percent Sikhs. Similarly, in the case of females who married below 17 years of age, the percentage values were 37 percent Hindus, 43.2 percent Muslims, 41.0 percent Buddhists, approximately 25 percent Jains and 36 percent 'Others'. The proportion for Christian, and Sikh Women was 16.4 percent and 17 percent respectively. Out of this, the proportion of girl child marriages (i.e. less than 10 years of age) was three percent of the total marriages prevalent mainly among Buddhists (2.8 percent), Hindus (2.6 percent) and Muslims (2.2 percent).

Average Household Size

11. According to a study sponsored by this Commission through the Centre for Research, Planning & Action, New Delhi, in January 2006 in five states (Maharashtra, Punjab, Tamil Nadu,

Table 3.3: Sex-wise Population of Persons of 60 Years and above among different Religious Minorities

Religion	Persons		Male		Female	
	Number in lakhs	Percentage	Number in lakhs	Percentage	Number in lakhs	Percentage
Total	766.22	(7.45)	377.68	(7.10)	388.54	(7.83)
Hindus	632.19	(7.64)	311.21	(7.26)	320.98	(80.05)
Muslims	79.49	(5.75)	39.85	(5.58)	39.64	(5.93)
Christians	20.06	(8.33)	9.58	(7.99)	10.48	(8.66)
Sikhs	18.78	(9.77)	9.67	(9.53)	9.11	(10.05)
Jains	4.20	(9.94)	2.01	(9.23)	2.19	(10.69)
Others	4.28	(6.45)	1.97	(5.91)	2.31	(6.99)

Source: Census 2001

Table 3.4: Religion-wise Data on Age at Marriage

(in percent)

	Male age at marriage		Female age at marriage		
	< = 20 years	> = 20 years	< 10 years	10-17	= > 18 years
All religions	34.6	65.4	3.0	40.5	56.5
Hindu	51.3	48.7	2.6	34.4	54.9
Muslim	46.6	53.4	2.2	41.0	56.9
Christian	19.8	80.2	1.2	15.2	83.6
Sikh	12.9	87.1	1.1	15.9	83.0
Buddhist	39.1	60.9	2.8	38.2	59.0
Jain	25.6	74.4	1.6	23.1	75.4
Others	18.6	81.4	2.3	33.7	64.0

Source: Census 2001

Uttar Pradesh and West Bengal), it was found that the average size of households among minority communities was 3.40 persons. The household size was smallest at 2.75 persons among Parsis while it was highest at 3.50 persons among Muslims. The survey found that 77.71 percent of the households were nuclear, 10.4 percent joint families and 12.25 percent single occupant. Muslim households had the largest share of joint families at 12.47 percent. As against this, the lowest share (4.5 percent) of joint families was found among the Parsis. Further Parsis also had the largest share of single occupant families at 21.69 percent.

Thus, it has been observed that:

- The Jains, Buddhists, Muslims and Christians are more urbanised as compared to Hindus and Sikhs.
- Sex ratio among the Christians is more favourable and lowest among Sikhs.
- Parsis, Jains and Sikhs have larger proportion of population of 60 years and above. Proportion of elderly Muslims is lowest at 5.75 percent as against national average of 7.45 percent.
- Among the different religious communities the highest proportion of girl child marriage was found among Buddhists and Muslims.
- Average size of households amongst minorities was 3.40 persons – smallest at 2.75 persons was among Parsis and the highest at 3.50 among Muslims.

Educational Status of Religious Minorities

12. Education is one of the significant social indicators having bearing on the achievement in the growth of an individual as well as community. This is perceived to be highly suitable for providing employment and thereby improving the quality of life, the level of human well being and the access to basic social services.

Literacy Rate

12.1. Status of literacy among different communities and caste is given in Table 3.5.

Table 3.5: Literacy Rate among Religious Communities, Scheduled Castes and Scheduled Tribes

(in percent)

Community/Caste	Male	Female	Total
India	75.3	53.7	64.8
Hindu	76.2	53.2	65.1
Muslim	67.6	50.1	59.1
Christian	84.4	76.2	80.3
Sikh	75.2	63.1	69.4
Buddhist	83.1	61.7	72.7
Jain	97.4	90.6	94.1
Others	60.8	33.2	47.0
Scheduled Castes	66.64	41.9	54.7
Scheduled Tribes	59.17	34.76	47.1

Source: Census 2001

12.2. Literacy rate among the Jains is the highest at 94.1 percent, followed by Christians (80.3 percent) and Buddhists (72.7 percent). Hindus (65.1 percent) and Sikhs (69.4 percent) have a marginally higher literacy rate than the national average of 64.8 percent. The lowest literacy has been recorded at 47 percent for 'Other Religions and Persuasions'. Muslims have a literacy rate (59.1 percent) lower than the national average literacy rate. Literacy among Scheduled Castes and Scheduled Tribes was abysmally low.

12.3. Analysis of literacy rates reveals that Muslims were better off than Scheduled Castes, Scheduled Tribes and those pursuing 'other religions' but lagged behind others. The literacy rate in the Parsi community is 97.9 percent. This could be due to the fact that education of Parsi children was emphasised as early as the late 19th century. The Jain population has also returned very high national literacy rate of 94.1 percent and is one of the most literate religious community.

Gender Gap in Literacy

12.4. Both males and females among the Jain population have very high literacy rate of 97.4 percent and 90.6 percent respectively at the national level followed by Christians at 84.4

percent for males and 76.2 percent for females. Thus, the gender gap in male-female literacy for these two religions is less than 10. Among the six major religions at the national level, the maximum gap between male and female literacy is among Hindus (23 percent) followed by Buddhists (21.4 percent) and Muslims (17.5 percent points).

12.5. There exists an interesting relationship between female literacy and proportion of child population in the 0-6 years age group. Generally, it has been argued that in developing countries high female literacy rate usually has a dampening effect on fertility rate other factors being constant. Thus, there is a negative relationship between female literacy and fertility. This indicates that irrespective of religious affiliations, creation of a conducive environment and promotion of education facilities leading to improved female literacy might bring down fertility rate. Among Jains high female literacy rate and lowest proportion of child population (0-6 years) and among Muslims low female literacy rate and higher proportion of children in the age group (0-6 years) support this contention.

Educational Level

12.6. On analysing the distribution of literates by educational level, it was found that Jains (21.47 percent) have the highest proportion of educated persons among all the religions among those who have completed graduation stage. This is followed by Christians (8.71 percent) and Sikhs (6.94 percent). Muslims

have the lowest proportion at 3.6 percent. Among Hindus, the proportion of those attaining the educational level of 'Graduate and above' is seven percent, which is more or less in the same order as the overall proportion of all religious communities taken together as per details given in Table 3.6.

12.7. Further, Muslims (65.31 percent) are better off at primary level of education but their proportion goes down as we go to secondary (10.96 percent) and senior secondary (4.53 percent) stages. Though Christians at the primary level with 45.79 percent are lower than the national average but levels increases at secondary (17.48 percent) and senior secondary (8.70 percent) stages. Other religions follow almost national average level.

Drop out Rates

12.8. The drop out rate indicates the wastage of school education and tends to undermine benefits of increased enrolments. According to the "Educational Statistics", published by the Ministry of Human Resource Development, during 1999-2000, out of students enrolled in classes I to V, over 40 percent dropped out. Similarly, out of students enrolled in classes I to VIII over 55 percent dropped out. The drop out rate in classes I-X was over 68 percent. Further, the drop out rate has been higher for girls.

12.9. Chief reasons for dropping out from schools could be inability of students to cope up with the studies or lack of interest among parents in the education of their children or

Table 3.6: Educational Levels among different Communities

Community	Upto Primary Level*	Middle	Secondary	Senior Secondary	Diploma	Graduation	Unclassified
All Religion	55.57	16.09	14.13	6.74	0.72	6.72	0.02
Hindus	54.91	16.18	14.25	6.92	0.71	7.01	0.01
Muslims	65.31	15.14	10.96	4.53	0.41	3.6	0.05
Christians	45.79	17.13	17.48	8.7	2.19	8.71	0.01
Sikhs	46.70	16.93	20.94	7.57	0.90	6.94	0.02
Buddhists	54.69	17.52	14.09	7.65	0.35	5.7	0.01
Jains	29.51	12.27	21.87	13.84	1.03	21.47	0.01
Others	62.12	17.48	11.24	4.55	0.26	4.35	0.01

* Includes literacy without Educational Level, Below Primary Level and Primary Level.

Source: Census 2001

Table 3.7: Status of Education in Religious Educational Institutions

	Madrasas	Gurukuls	Seminaries	Monasteries
Curriculum adopted (Subjects taught)	Mixed syllabus Generally concentrate on religious education	Teach both religious and modern subjects	Inter disciplinary subjects giving more emphasis on theological subjects	Provide monastic education (Buddhist Philosophy) with additional subjects like English, Mathematics and Hindi.
Level of Education	Varies from matric level to post-graduation level	Varies from Senior Secondary level to post-graduation level	Post-graduation level	
Affiliation of the educational institutions	Majority not affiliated	Mostly affiliated	Mostly affiliated	Not affiliated
Pattern of school	Separate for boys and girls	Separate for boys and girls	Co-educational	Separate for boys and girls

Source: Study report on the Role of Religious Educational Institutions in the Socio-Economic Development of the Community by Himalayan Region Study and Research Institute, 2007

economic considerations, like compulsion to work for augmenting family income or need for looking after younger siblings or unfriendly atmosphere in the schools etc. Among girls in rural areas, these factors mostly accounted for the dropouts.

Status of Religious Educational Institutions

12.10. The education systems of religious educational institutions like Gurukuls of Hindus, Madrasas of Muslims, Monasteries of Buddhists and Seminaries of Christians vary widely both in its content and purpose. A comparative study of religious educational institutions sponsored by this Commission through the Himalayan Region Study and Research Institute, New Delhi, in the States/UTs of Delhi, Haryana, Uttar Pradesh and Uttaranchal brings out those variations clearly as per details given in the Table 3.7.

12.11. As is seen from the above Table, by and large all religious educational institutions impart education from the primary to the higher levels. However all of them concentrate on religious education. Thus, the religious educational, institutions to a large extent provide religious knowledge and basic education but do not enable them to compete for admission to institutions of higher learning/professional courses and competitive examinations.

Health Status of Religious Minorities

13. Health is one of the most important inputs for human development. Improvement in the health and nutritional status of people is therefore, important consideration for determining the health standard of a community. Different indicators which determine the health status of different religious communities are discussed below:

Infant and Child Mortality Rate

13.1. Based on NFHS II Report, Table 3.8 indicates infant and child mortality rates among different communities:

Table 3.8: Infant and Child Mortality Rate among different Communities and Castes

(in percent)

Community/Caste	Infant mortality rate	Child mortality rate
Hindu	77.1	32.4
Muslim	58.8	25.4
Christian	49.2	19.7
Sikh	53.3	12.3
Jain	(46.7)	(11.3)
Buddhist/Neo-Buddhist	53.6	14.1
No religion	(77.6)	(77.2)
Scheduled castes	83.0	39.5
Scheduled tribes	84.2	46.3
Other Backward Class	76.0	29.3

Source: NFHS-II 1998-99, National Report

Note: Figures given in brackets () are based on 250-499 children surviving to the beginning of the age interval

13.2. As may be seen from Table 3.8, infant and child mortality rates among Hindus are much higher than Muslims, Christians, Sikhs, Jains, and Buddhists. However, the infant and child mortality rate are higher among Scheduled Castes and Scheduled Tribes. Among minorities infant and child mortality rates of other minorities are lower than Muslims. Mortality rate differentials among different religious communities or Scheduled Castes and Scheduled Tribes may be due to factors other than religion alone e.g. urban or rural residence or economic conditions of the family or availability of health facilities and access to them.

Nutritional Status of Women

13.3. Based on NFHS-II Report, nutritional status of women among different communities is indicated in Table 3.9.

Table 3.9: Nutritional Status of Women among different Religious Communities and Castes

Community/ Caste	Height		Weight for height	
	Mean height (cm)	Percentage below 145 cm	Mean Body Mass Index (BMI)	Percentage with BMI below 18.5 kg/m ²
Hindu	151.1	13.5	20.1	36.9
Muslim	151.5	12.3	20.5	34.1
Christian	152.1	10.3	21.4	24.6
Sikh	155.0	3.9	23.0	16.4
Jain	153.6	7.6	23.4	15.8
Buddhist/ Neo-Buddhist	149.9	17.3	20.4	33.3
No religion	149.8	24.1	20.6	34.5
Scheduled Castes	150.3	17.0	19.5	42.1
Scheduled Tribes	150.8	13.5	19.1	46.3
Other Backward Classes	151.0	13.5	20.2	35.8

Source: NFHS-II 1998-99 report

13.4. The cut off point for height, below which a woman can be identified as nutritionally at risk, varies among populations, but it is usually considered to be in the range of 140–150 centimeters. As may be seen from the above Christian, Sikh and Jain women are taller, on average, than women in any other group. The percentage of women who are below 145 centimeters in height varies from 3.9 percent for Sikhs and 7.6 percent for Jains to 24 percent for women belonging to no religion category. Among Scheduled Caste and Scheduled Tribe women below 145 centimeters in height are 17 percent and 13.5 percent respectively. Based on these criteria, nutritional status of women belonging to Sikhs and Jain communities is better than women belonging to other religious communities, Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Nutritional Status of Children

13.5. Nutritional status of children belonging to different religious communities, Scheduled Castes and Scheduled Tribes is given in the Table 3.10.

13.6. As may be seen from the Table 3.10, Scheduled Tribes, Scheduled Castes, Other Backward Classes, Hindu and Muslim children appear to be undernourished. As against this Jain, Sikh, Buddhist and Christian children are better nourished.

Antenatal Check-ups

13.7. Based on NFHS Report of 1998-99, status of ante-natal check-up among different communities/castes is given in Table 3.11.

13.8. As may be seen from the table more than one-third of women among Scheduled Tribes, Scheduled Castes, Muslims, no religion category, Other Backward Classes and Hindus have not gone for antenatal checkups. Further facility of doctors has been availed of by all the communities and castes but largely by Jains, Buddhists and Christians. As against this, facility of other health professional and traditional birth attendants has been availed

Table 3.10: Nutritional Status of Children of different Religious Communities

Community/Caste	Weight-for-age		Height-for-age		Weight-for-height	
	Percentage below -3 SD*	Percentage below -2 SD ¹	Percentage below -3 SD	Percentage below -2 SD ¹	Percentage below -3 SD	Percentage below -2 SD ¹
Hindu	18.4	47.7	23.3	46.0	2.9	16.0
Muslim	18.6	48.3	24.8	47.1	2.5	14.1
Christian	9.6	30.8	14.0	30.6	2.5	13.4
Sikh	8.4	26.8	16.0	35.4	1.1	7.0
Jain	1.3	20.9	0.8	13.2	0.0	11.9
Buddhist/Neo-Buddhist	7.5	43.7	8.7	32.5	0.9	11.9
Scheduled Castes	21.2	53.5	27.5	51.7	3.0	16.0
Scheduled Tribes	26.0	55.9	27.6	52.8	4.4	21.8
Other Backward Classes	18.3	47.3	23.1	44.8	3.4	16.6

Source: NFHS – II, 1998-99, National Report

*SD = Standard Deviation

¹Includes children who are below -3 SD from the International Reference Population median

Table 3.11: Status of Antenatal Check-ups among different Communities and Castes

(in percent)

	Antenatal check up only at home from health worker	Antenatal check-up outside home from:			No antenatal check up	Missing	Total
		Doctor	Other health professional	Traditional birth attendant, other			
Hindu	6.2	47.2	11.2	0.2	34.5	0.6	100
Muslim	3.3	50.7	8.5	0.4	36.4	0.7	100
Christian	3.0	73.4	7.5	0.2	15.4	0.4	100
Sikh	1.3	44.7	29.0	0.0	24.9	0.1	100
Jain	3.1	84.7	6.5	0.0	5.7	0.0	100
Buddhist/Neo-Buddhist	1.4	74.9	9.2	0.0	14.5	0.0	100
No religion	10.0	53.7	0.7	0.0	35.6	0.0	100
Scheduled Castes	5.9	41.7	13.3	0.2	38.2	0.6	100
Scheduled Tribes	10.0	34.7	11.5	0.3	43.1	0.4	100
Other Backward Classes	5.9	48.9	9.6	0.2	34.8	0.6	100

Source: NFHS-II 1998-99, National Report

of by all communities and castes, though by a small percentage of population.

Place of Delivery

13.9. Table 3.12 indicates the status of place of delivery among different communities:

13.10. As may be seen from the Table 3.12, among Hindus, Muslims, Sikhs, no religion category, Scheduled Caste, Scheduled Tribes and Other Backward Classes, more than 50 percent deliveries took place at home.

Against this, among Christians and Jains most deliveries took place at Health Facility Centres comprising both government hospitals and private institution. Large number of deliveries in private institutions may be due to the better economic conditions of these communities or because of their being urban based. Among those who remained at home for delivery without the care of medical personnel, proportion of Scheduled Tribes, no religion Category, Scheduled Castes, Muslims, Hindus and Other Backward Classes was more.

Table 3.12: Details Regarding Place of Delivery among different Communities, Scheduled Castes and Scheduled Tribes

Community/Caste	Place of delivery						Total
	Health facility/institution			Home			
	Public	NGO/trust	Private	Own home	Parents' home	Other	
Hindu	16.4	0.6	15.9	53.5	12.5	1.1	100.
Muslim	14.1	0.9	16.5	55.7	11.8	1.0	100.
Christian	19.8	2.6	32.0	35.0	10.2	0.4	100.
Sikh	10.8	0.9	35.3	45.4	7.3	0.4	100.
Jain	12.4	1.6	57.6	25.5	3.0	0.0	100.
Buddhist/Neo-Buddhist	38.9	0.0	16.3	30.5	14.0	0.4	100.
No religion	7.9	0.0	11.1	78.5	2.6	0.0	100.
Scheduled Castes	16.0	0.5	10.3	60.1	12.0	1.1	100.
Scheduled Tribes	10.7	0.7	5.7	70.4	11.4	1.1	100.
Other Backward Classes	16.3	0.8	19.0	49.8	13.0	1.1	100.

Source: NFHS-II 1998-99, National Report

Child Immunisation

13.11. Table 3.13 indicates the status of child-hood vaccination among different communities and castes.

Table 3.13: Status of Childhood Vaccination among different Communities, Scheduled Castes and Scheduled Tribes

Community/Caste	BCG	Polio	Measles	None
Hindu	72.5	13.1	51.5	13.3
Muslim	62.3	9.9	40.4	21.0
Christian	84.0	32.1	66.2	11.0
Sikh	86.4	14.0	75.7	11.1
Buddhist/Neo-Buddhist	94.6	15.6	77.3	1.1
Scheduled Castes	69.6	11.7	47.6	15.1
Scheduled Tribes	60.0	4.5	34.3	24.2
Other Backward Classes	71.6	18.7	50.7	11.6

Source: NFHS-II 1998-99, National Report

13.12. As may be seen from the Table 3.13, BCG vaccination has received good response from all communities and castes. As regards polio, Scheduled Tribes and Muslims have been lagging behind than others. The vaccination for measles has been widely accepted by Buddhists, Sikhs, Christian and Hindus as compared to other communities and castes.

Among those who have not accepted any of the immunisation programme, proportion of Scheduled Tribes and Muslim is high. This may be due to illiteracy or lack of awareness.

Use of Contraceptives

13.13. Based on NFHS – II Survey, 1998-99, Status of Contraceptives among different Communities and Castes is given in the Table 3.14.

Table 3.14: Use of Contraceptives by different Communities, Scheduled Castes, Scheduled Tribes and other Backward Classes

Community/Caste	Any method	Female sterilisation	Male sterilisation
Hindu	49.2	36.2	2.1
Muslim	37.0	19.6	0.8
Christian	52.4	36.5	2.1
Sikh	65.2	30.2	1.6
Jain	65.1	42.3	1.4
Buddhist/ Neo-Buddhist	64.7	52.5	5.0
No religion	30.1	16.7	0.0
Scheduled Castes	44.6	34.4	1.9
Scheduled Tribes	39.1	28.8	3.1
Other Backward Classes	46.8	37.2	1.6

Source: NFHS-II 1998-99, National Report

13.14. As may be seen from the Table 3.14, use of contraceptive is more among Sikhs, Jains, Buddhists and Christians. As against this use of contraceptives is least among Muslims followed by no religion category, Scheduled Tribes, Scheduled Castes, Other Backward Classes and Hindus. Further, male sterilisation is adopted by very few among all communities and castes. However, male as well as female sterilisation is lowest among no religion category and Muslims. As against this, female sterilisation is highest among Buddhists.

Fertility Rate

13.15. The Total Fertility Rate (TFR), and the mean number of children ever born to women of age 40–49 by religious community are given in the Table 3.15.

Table 3.15: Total Fertility Rate among different Communities Scheduled Castes, Scheduled Tribes etc.

Community/ Caste	Total Fertility Rate	Mean number of children ever born to ever married women age 40–49 years
Hindu	2.78	4.34
Muslim	3.59	5.72
Christian	2.44	3.47
Sikh	2.26	3.59
Jain	1.90	3.32
Buddhist/Neo- Buddhist	2.13	4.05
No religion	3.91	(5.62)
Scheduled Castes	3.15	4.85
Scheduled Tribes	3.06	4.74
Other Backward Classes	2.83	4.43

Source: NFHS-II 1998-99, National Report

13.16. As is evident from the data in Table 3.15, total fertility rate is very high, among no religion category (3.91 percent), Muslims (3.59 percent), Scheduled Castes (3.15 percent) and Scheduled Tribes (3.06 percent). Total fertility rate is lowest among Jains (1.9 percent). In other Communities, total fertility rate ranges

between 2.26 percent among Sikhs to 2.83 percent among Other Backward Classes. Similarly, average number of children ever born to married women of 40-49 years are highest among Muslims (5.72) followed by Scheduled Castes (4.85), Scheduled Tribes (4.74), Other Backward Classes (4.43), Hindus (4.34), and Buddhists (4.25) with lowest figure of 3.32 among Jains.

13.17. Summing up, the nutritional status and antenatal care is relatively better among Jains, Sikhs and Christians. Use of contraceptives is comparatively less among the Muslims, Scheduled Castes, and Scheduled Tribes. While Total Fertility Rate has been found to be more among the Muslims, Scheduled Castes, and Scheduled Tribes the use of contraceptive is low among them. There is an urgent need to pay greater attention to immunisation of children among Scheduled Tribes and Muslims.

Housing and Related Amenities

14. Housing is a basic necessity as well as an important economic activity. According to the Tenth Five Year Plan document, around 90 percent of housing shortage pertains to the weaker sections. The need for the increase in the supply of affordable housing to the economically weaker sections and those belonging to the low income category is emphasised through a programme of allocation of land, extension of funding assistance and provision of support services. The existing position of housing and related amenities among different communities is as under:

Availability of Type of House (i.e. Kutcha, Semi Pucca, or Pucca House)

14.1. Table 3.16(A) and 3.16(B) below indicates the status of different types of houses among religious communities

14.2. According to a study conducted by the Centre for Research, Planning & Action, New Delhi, in January 2006 in five states (Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh and West

Table 3.16(A): Distribution of different Type of Houses State-wise

(in percent)

State	Kutcha	Semipucca	Pucca
Maharashtra	7.68	34.88	56.93
Punjab	6.79	50.8	42.22
Uttar Pradesh	21.54	29.22	48.89
Tamil Nadu	13.75	66.71	19.25
West Bengal	58.96	37.34	3.3
All	22.31	42.71	34.63

Source: 'Socio-economic status of Minorities', survey conducted by the Centre for Research Planning & Action, New Delhi, in the States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal in 2006

Table 3.16(B): Distribution of different Type among different Communities

(in percent)

Community	Kutcha	Semipucca	Pucca
Muslim	34.63	41.2	23.76
Christian	22.58	49.67	27.26
Sikhs	6.68	53.34	39.97
Buddhist	3.94	43.01	53.05
Parsis	2.38	7.04	90.58
All	22.31	42.71	34.63

Source: 'Socio-economic status of Minorities', survey conducted by the Centre for Research Planning & Action, New Delhi, in the States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal in 2006

Bengal), only 34.63 percent of respondents had pucca houses. Further, the availability of pucca house varies from states to state ranging from 3.3 percent in West Bengal to 56.93 percent in Maharashtra.

14.3. This may be seen from the Table 3.16B, while 90.58 percent Parsis followed by 53.05 percent Buddhists were living in pucca houses, share of pucca houses was lowest among Muslims with 23.76 percent followed by Christians with 27.26 percent. Similarly, 42.71 percent of the respondent families lived in semi-pucca houses and 22.31 percent in kutcha houses. The percentage of households living in kutcha houses was highest among Muslims with 34.63 percent followed by Christians with 22.58 percent. Very few Sikhs, Buddhists and Parsis lived in kutcha houses, which indicates their better economic status vis-à-vis Muslims and Christians.

Ownership of Houses

14.4. It is true that ownership of a house empowers a person and enhances his status socially. Table 3.17 indicates the status of ownership of houses among different communities in five States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal and Scheduled Castes and Scheduled Tribes on all India basis.

14.5. As may be seen from the Table 3.17, 52.71 percent of respondents belonging to different communities in these five States lived in own houses and 36.10 percent in rented houses. The ratio of those living in rented houses was highest among Muslims (43.74 percent) followed by Christians (33.91) percent and Sikhs (33.29 percent). Ownership of houses was highest among Parsis (75.13) percent followed by Sikhs (65.89 percent). A few had other arrangements, such as living with relatives etc. As against this, Scheduled Castes and Scheduled Tribes with more than 90 percent owning houses fare better on

Table 3.17: Ownership of Houses by different Communities and Scheduled Caste and Scheduled Tribes

(in percent)

Community/Caste	Owned	Rented
Muslim	45.03	43.74
Christian	51.64	33.91
Sikhs	65.89	33.29
Buddhist	45.52	23.3
Parsis	75.13	19.05
All	52.71	36.10
Scheduled Castes*	90.4	6.5
Scheduled Tribes*	90.7	6.0

Source: Socio-economic status of Minorities", Survey conducted by the Centre for Research Planning & Action, New Delhi, 2006 in the States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh. and West Bengal and *Census 2001

an all India basis compared to the religious minorities.

Source of Lighting in the Houses

14.6. Table 3.18 indicates the source of lighting in the houses among different communities in five States of Maharashtra, Punjab, Tamil

**Table 3.18: Source of Lighting in Houses
State-wise and Community/Caste-wise**

(in percent)

Community/Caste	Electricity	Kerosene
Muslim	78.78	23.29
Christian	82.51	16.75
Sikhs	88.81	15.83
Buddhist	88.89	11.83
Parsis	99.21	0.79
All	83.72	17.75
Scheduled Castes*	44.3	54.7
Scheduled Tribes*	36.5	61.9

Source: Socio-economic status of Minorities" conducted by the Centre for Research Planning & Action, New Delhi, 2006 in the States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh. and West Bengal and *Census 2001

Nadu, Uttar Pradesh and West Bengal and Scheduled Castes and Scheduled Tribes on all India basis.

14.7. Since all households contacted in the survey in five States were in urban areas, 83.72 percent were observed to have electricity. This ratio was highest with 99.21 percent among Parsis and lowest with 78.78 percent among Muslims. A large percentage of religious minorities had electricity as compared to Scheduled Castes and Scheduled Tribes. As many as 62 percent Scheduled Tribes and

Table 3.19: Source of Drinking Water among different Communities, Scheduled Castes and Scheduled Tribes

Community/Caste	Within or near the house	Within 100-200 m (Near premises)	Beyond 200 m (Away from premises)
Muslim	81.06	10.35	7.09
Christian	82.84	8.05	6.90
Sikhs	76.13	7.78	14.87
Buddhist	67.38	22.22	8.60
Parsis	87.04	0.79	5.82
Total	80.40	9.25	8.28
Scheduled Caste*	27.0	53.5	19.5
Scheduled Tribe*	15.2	56.6	28.2

Source: Socio-economic status of Minorities" conducted by the Centre for Research Planning & Action, New Delhi, 2006 in the States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh. and West Bengal and *Census 2001

55 percent Scheduled Castes depended on Kerosene.

Water Supply in Houses

14.8. Table 3.19 reveals the status of water supply in the houses among different communities in five sample States and Scheduled Castes and Scheduled Tribes on all India basis.

14.9. The safe drinking water supply within the premises is one of the basic needs of the people. It is seen from Table 3.19, that more than 75 percent Parsis, Christians, Muslims and Sikhs had source of drinking water within or near their house. The share of Buddhist households with water supply within or near the house was only 67.38 percent. The data shows that considerable effort needs to be made to provide water to these communities at the premises where they live. The share of Scheduled Castes and Scheduled Tribes having the source of their drinking water within their premises is dismal, when compared to religious minorities.

Availability of Toilets

14.10. According to the Report of the Centre for Research Planning & Action, 77.97 percent of households surveyed had a toilet in the house. The availability of toilets was highest among Parsis (98.41 percent) followed by Sikhs (83.77 percent). Interestingly, Muslims had a higher percentage of households with toilets (80.33 percent) as compared with Christians and Buddhists. The condition of Scheduled Castes and Scheduled Tribes households is worse compared to religious communities. 76 percent Scheduled Castes and 83 percent Scheduled Tribes had no toilets. Details in this regard are given in the Table 3.20.

14.11. Analysis of the housing conditions of Minority Communities reveals that Parsis lived with better housing facilities followed by Christians. The Scheduled Castes and Scheduled Tribes had the satisfaction that they owned houses and did not depend on rental accommodation, but they lacked the

Table 3.20: Toilet Facilities in the Houses among different Communities and Scheduled Castes and Scheduled Tribes

(in percent)

Community/Caste	
Muslim	80.33
Christian	67.49
Sikhs	83.77
Buddhist	64.52
Parsis	98.41
All	77.97
Scheduled castes*	23.7
Scheduled tribes*	17.1

Source: Socio-economic status of Minorities" conducted by the Centre for Research Planning & Action, New Delhi, 2006 in the States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh. and West Bengal and *Census 2001

facilities of electricity, piped water supply and toilets.

Poverty and Employment

Poverty

15. In 1999-2000, a survey was got conducted by the Government of India for estimation of levels of poverty among various religious communities and it was noted, therefore, that poverty as a phenomenon was more acute in rural areas than urban areas for all religious communities except Muslims and Sikhs as shown in Table 3.21.

Work Participation Rate

15.1. According to Census 2001, work participation rate (WPR) or percentage of workers to total population for all religions is 39.1 percent. However, the group of 'Other Religions and Persuasions' has higher work participation rate of 48.4 percent followed by the Buddhist at 40.6 percent, Hindus 40.4

Table 3.21: Population of Religious Communities Living below the Poverty Line

	Percent below poverty line (Rural)	Percent below poverty line (Urban)
Hindus	27.80	21.66
Muslims	27.22	36.92
Christians	19.82	11.84
Sikhs	2.95	10.86
Others	33.05	18.51

Source: NSSO 55th Round, July 1999-june 2000.

percent and Christians at 39.7 percent. The lowest work participation rate of 31.3 percent at the national level is seen for the Muslim population preceded by Jains at 32.9 percent and Sikhs at 37.7 percent. Further, work participation rate of 9.2 percent among Jain women and 14.1 percent for Muslim women is the lowest in the country. Table 3.22 indicates the community-wise status:

Category of Workers

15.2. Table 3.23 indicates the distribution of workers community-wise among various categories.

15.3. As is seen from the table 33.1 percent of Hindus are cultivators followed by 32.4 percent for Sikhs and 29.2 percent for Christians. Only one-fifth (20 percent) of the Muslims are cultivators while among Jains, this is only 11.7 percent, much below the national average of 31.7 percent. The highest percentage of cultivators is 49.9 percent among the followers of 'other religion category.

15.4. Further, at the aggregated level, 26.5 percent of workers are agricultural labourers. The pattern among the six religious

Table 3.22: Work Participation Rate among Religious Minority Communities

(in percent)

	All	Hindu	Muslim	Christian	Buddhist	Sikhs	Jains	Others
Male	51.7	52.4	47.5	50.7	49.2	53.3	55.2	52.5
Female	25.6	27.5	14.1	28.7	31.7	20.2	9.2	44.2
Average	39.1	40.4	31.3	39.7	40.6	37.7	32.9	48.4

Source: Census of India 2001

Table 3.23: Distribution of Category of Workers Community-wise

(in percent)

	Workers by occupational category			
	Cultivators	Agricultural workers	Household industrial workers	Other workers
All religions	31.7	26.5	4.2	37.6
Hindu	33.1	27.6	3.8	35.5
Muslim	20.7	22.0	8.1	49.1
Christian	29.2	15.3	2.7	52.8
Sikh	32.4	16.8	3.4	47.3
Buddhist	20.4	37.6	2.9	39.2
Jain	11.7	3.3	3.3	81.7
Others	49.9	32.6	3.2	14.3

Source: Census of India 2001

communities reveals that Buddhists with 37.6 percent have maximum workers as agricultural labourers followed by 'other religion category' with 32.6 percent and Hindus with 27.6 percent. On the contrary, the number of agricultural workers among Muslims is 22.1 percent followed by Sikhs (16.8 percent) and Christians (15.3 percent). Only 3.3 percent among Jains are in the category of agricultural workers and fall below the national average. To sum up, 82.5 percent of population among the 'other religion category' is engaged in agricultural activities either as cultivators and/or agricultural labourers, followed by Hindus (60.7 percent) and Buddhists (58 percent). Among Muslims, Sikhs and Jains this is below 50 percent indicating that a majority of them are engaged in non-agricultural pursuits.

15.5. In the category of household industry workers, artisan character of Muslims workers is reflected in the data, where 8.1 percent Muslim workers are engaged. This is almost double than the national average of 4.2 percent. Among Hindus, 3.8 percent workers and around 3 percent each among Sikh and Jain workers are in this category. Christian and Buddhist workers constitute 2.7 percent and 2.9 percent, respectively.

15.6. The Indian economic structure is showing a shift towards non-agricultural sector. The category of 'Others Workers' includes all those workers who do not fall under the three distinct

categories above. This includes workers in the tertiary sector, such as services, manufacturing, trade & commerce and allied activities. Jains with 81.7 percent workers are classified as Other workers followed by 52.8 percent Christians and 49.1 percent Muslims. Among Hindus, Other Workers are 35.5 percent. The business character of Jain workers and the service sector work of the Christians are evident in this data set.

15.7. The NSSO in their 61st Round of survey found that more than half of the workers in the rural areas were self-employed, the proportion being the highest among the Muslim workers both Males (60 percent) and females (75 percent). In the urban areas also, the same pattern is observed. The proportion of regular wage/salaried workers was highest among Christians in both rural and urban areas among both males and females. The proportion of casual labourers was highest among Hindus for females in both rural (34 percent) and urban (18 percent) areas.

15.8. About 37 percent of Hindu households were dependent on 'self-employment in agriculture'. The corresponding proportion was 35 percent for the Christians and 26 percent for the Muslims. The proportions of households depending on 'self-employment in non-agriculture' were 14 percent for the Hindus, 28 percent for the Muslims and 15 percent for the Christians. In the case of 'rural labour' households, the proportions varied

from 32 percent (Muslims) to 37 percent (Hindus).

15.9. In urban areas the proportion of Hindu households depending on 'self-employment', 'regular wage/salary' and 'casual labour' were 36 percent, 43 percent and 12 percent respectively, whereas the corresponding shares for the Muslims were 49 percent, 30 percent and 14 percent respectively and for the Christians 27 percent, 47 percent and 11 percent respectively.

Average Income

15.10. According to a study conducted by Centre for Research, Planning & Action, New Delhi, in January 2006 in five states (Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal), average income per family per month is estimated at Rs. 2,103. This is the highest at Rs. 3173 in Maharashtra followed by Rs. 2274 in UP, Rs. 2155 in Punjab, Rs. 1449 in Tamil Nadu, Rs. 1324 in West Bengal. By religion, the highest income was recorded among Parsis at Rs. 3484 per month followed by Rs. 2478 among Buddhists, Rs. 2285 among Sikhs, Rs. 1906 among Christians and Rs. 1832 among Muslims as shown in the Table 3.24.

**Table 3.24: Average Family Income
State-wise and Community-wise**

(In Rs.)

State	Income	Religion	Income
Maharashtra	3173.34	Muslim	1832.20
Punjab	2155.39	Christian	1906.50
Uttar Pradesh	2274.60	Sikhs	2285.60
Tamil Nadu	1449.10	Buddhist	2477.90
West Bengal	1324.15	Parsis	3483.80
All	2103.24	All	2103.24

Source: Socio-economic status of Minorities" conducted by the Centre for Research Planning & Action, New Delhi, 2006 in the States of Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh. and West Bengal

Dependency Ratio

15.11. Based on Census 2001, Table 3.25 gives the details of dependency ratio among religious minorities

15.12. As may be seen from the above, Muslims have the highest young persons dependency

**Table 3.25: Dependency Ratio among
different Communities**

Community	Dependency Ratio	
	Young	Old
All religions	621	131
Hindu	604	133
Muslim	778	109
Christian	499	137
Sikh	526	166
Buddhist	577	146
Jain	390	154
Others	706	118

Source: Situation analysis by IIPS Mumbai in 2006

ratio of 778 and lowest dependency ratio of 109 which could be one of the possible reasons for their economic backwardness as compared with averages for all religious communities. On the contrary, Jains have shown lowest young persons dependency ratio of 390 followed by Christians with 499.

15.13. Summing up, more Muslim workers than any other religious community are involved in household industry work, which is indicative of their artisan nature. Jains have the lowest number of workers involved in agriculture, which is preceded by Muslims, Christians and Sikhs.

Visits to the States/UTs and Workshops Sponsored by NCRLM

16. To examine the socio-economic status and other related issues of minorities, this Commission visited 28 States and Union Territories and held discussions with the political leaders, officials and non-officials, community leaders, academicians etc. The Commission also sponsored workshops on Muslims, Sikhs, Parsis, Buddhists and Christians to familiarise itself with the social, economic and educational status of different minority communities. While Suggestions/Views of the States/UTs and Recommendations emerged out of the workshops have been furnished in Vol. II of the Report, important points are mentioned below:

Parsis

- i. The fertility rate among Parsis is very low and has affected its population. Reluctance of many couples to have children, in spite of being healthy and economically well off was responsible for a low replenishment rate to the existing Parsi members which when compounded with the increased longevity could hasten the shrinking of the community.
- ii. The socio-economically disadvantaged groups among Parsis are single woman often elderly without family support or any means of income; families on doles; rural based Parsi families without land and without able bodied persons, older couple without children, income/pension, or households and no earning member, chasniwallas, (cleaners) in Agiaries (fire temples) and the nasselsalars (Pallbearers).
- iii. The Parsi mechanism of social control is regulated by their three-tier system of traditional community councils viz. Anzuman at village level, Jangalvasi Jarthosha Gambhar at regional level and Parsi Panchayat at national level, which administer schools, housing projects, orphanages, advance credits and scholarship for post matric education in India as well as for higher studies abroad.

Sikhs

- i. Foeticide and declining sex ratios in infants particularly female child are the major social problems with the Sikh community.
- ii. Sikligar, Banjara, Labana and Ramgarhiah communities are most backward socially, educationally and economically among the Sikhs.
- iii. Educationally, the girl child among the Sikhs lag behind others and she requires proper, protection and care till they qualify secondary level of education.

Buddhists

- i. Two distinct classes of Buddhists – those inhabiting in the northern States from Leh to Arunachal Pradesh who are comparatively

well-off being landowners, and in the rest of the country largely comprising of converts after independence.

- ii. Buddhists by and large are depending on agriculture and/or wage employment.
- iii. Problem of landlessness among them is acute and wages paid to them are also quite low.
- iv. Since Buddhists do not have enough capital, they have not set up industries, business enterprises, educational institutions or hospitals.

Christians

- i. Christians have higher literacy rate as compared to other religious minorities as well as national literacy percentage of 65 percent.
- ii. Christians are generally engaged in service sector except in Nagaland and Meghalaya where they are engaged in agricultural related work.
- iii. Christians have higher per capita income.
- iv. Unemployment in Christian community is significantly lower than amongst Muslims and Sikhs.
- v. Christians are more concerned about health and have better infant mortality rate and child immunisation coverage.

Muslims

- i. Muslims are behind other religious communities in the areas of literacy and education, industrial promotion and economic pursuits. They lack technical and vocational education as well as training in trades in demand. [Census 2001 and visit to States]
- ii. The Villages, the Tehsils and the Districts having the concentration of Muslims community many a time lack entrepreneurial ventures and market for their products.
- iii. The Muslims have not been able to avail of the facilities of Waqf resources in the absence of proper management.
- iv. The work participation rate among Muslim women has been found to be low affecting the quality of their life.
- v. Among Muslims those who are known as

Faqueer, Seengwala (traditional medicine practice), Arzals are both economically and socially backward.

- vi. Various artisanal classes such as Weavers etc. are still languishing due to their old techniques of spinning and weaving, thereby they are not able to compete with artisans of neighbouring countries.

Observations of the Commission

17. According to 1931 and 1941 censuses, the Parsis and Jews were mainly urban, followed by Muslims, Christians and Jains. In regard to education, the Parsis, Jains, Jews and Christians showed higher percent of literacy in that order during 1891-1931 period. Thus, it is noticeable that minority religions, except Muslims, showed a greater percent of literacy than majority religions. Among Muslims, they have lower literacy where they are predominantly located, except Kerala. In regard to occupational structure, the minorities, such as, Parsis, Jews and Jains are comparatively more advanced than others. Syrian Christians and Moplas among Muslims in Kerala yield more influence and power.

18. Based on the data collected and analysed in the preceding paragraphs, following observations emerge:

18.1. One fifth of the country's population consists of religious minorities.

18.2. Minority communities except Sikhs and 'other religions' are more urban based.

18.3. Against the national sex ratio of 933 females for 1000 males, ratio among Christians (1009) Buddhists (953) and Muslims (936) is higher. However, sex ratio among Sikhs (893) is lesser than the national average. Population of females among Parsis (35, 652) is higher than males (33, 949) indicating fair sex ratio.

18.4. Foeticide and declining sex ratios in infants particularly female child are the major social problems with the Sikh community.

18.5. Literacy rate among Jains, Christians, Buddhists and Sikhs is more than the national average of 64.8. However, it is less among Muslims (59.1). The female literacy rate is also very low among Muslims. The literacy rate among Muslims is better than the Scheduled Castes and Scheduled Tribes.

18.6. It has been noticed that there has been sharp decline in the number of students from primary school stage to secondary level among Muslims, indicating higher dropout rate among them. The issue of raising level of education and arresting drop out rate of the students after the primary level needs special focus. An effective workable plan for providing primary education to all children irrespective of religion or caste is necessary.

18.7. Religious communities have their own religious educational institutions, such as, Gurukuls by Hindus, Madarsas by Muslims, Seminaries by Christians and Monasteries by Buddhists. Some of these institutions impart normal education, in addition to religious and traditional education. Through regular curricula, others give religious education. These institutions follow their own school of thought and there is no commonality in their syllabus and teaching methodology. While the religious educational institutions of Christians, Buddhists and Hindus are limited in number, and are attuned to training for employment and religious institution and position. Madarsas are large in numbers with focus on religious education through some provide facilities for normal education at par with other State educated institutions.

18.8. Extent of child marriages was noticed more among Buddhists and Muslims among the religious minorities.

18.9. While Total Fertility Rate has been reported to be more among Muslims, Scheduled Castes and Scheduled Tribes, use of contraceptives is far less among them.

18.10. The fertility rate among Parsis is very low and has affected its population. Reluctance of many couples to have children, in spite of being healthy and economically well off was responsible for a low replenishment rate to the existing Parsi members which when compounded with the increased longevity could hasten the shrinking of the community.

18.11. Average household size is bigger among Muslims, and smaller among Parsis.

18.12. Infant and child mortality rates among Muslims are highest in so far as Minorities are concerned but these rank lower than Scheduled Castes and Scheduled Tribes.

18.13. Housing conditions of minorities reveal that Parsis lived with better facilities followed by Christians. The Scheduled Castes and Scheduled Tribes have the satisfaction of owning houses. But they lacked the facility of electricity, piped drinking water supply and toilets.

18.14. Among Minorities, about one-third Muslims are living in kutcha houses, which lack basic facilities like drinking water, toilet etc. and likewise they live in rented houses.

18.15. National Average of Work Participation Rate is 39.1 percent and it is higher for Buddhists (40.6 percent) and Christians (39.7 percent) and less than national average for Muslims (31.3 percent) and Sikhs (37.7 percent). Further, as against all female WPR of 25.6 percent, it is only 20.2 percent for Sikh females and 14.14 percent for Muslim women.

18.16. As regards occupational pattern, it has been observed that while Sikhs are better placed on national map as cultivators, Muslims are prominently engaged in Household Industries. Proportion of Buddhists is significant among agriculture related activities. The Christians have returned themselves as working in non-agricultural and non-industrial activities, and perhaps, they are engaged in occupations classified as other activities. However, Christians in Nagaland and Meghalaya are predominantly engaged in agricultural related work.

18.17. Incidence of poverty is more among Muslims and Sikhs in urban areas and among Christians in rural areas.

18.18. Most significant aspect of Minority population of India is declining population of Parsis over the years. As against 76,382 persons in 1991, their population has been returned as 69,601 in 2001 census. Fertility improvement measures need to be taken into consideration rather than controls.

18.19. Census of India 2001 in their publication titled "The First Report on Religion Data" has brought out data on six religions only, namely, Hindu, Muslim, Christian, Sikh, Buddhist and Jain. All other religions and persuasions have been grouped together in "Others" category constituting approximately 0.6 percent of total population (66,39,626), details of which may be published State-wise, so that developmental project profiles could be drawn.

STATUS OF LINGUISTIC MINORITIES

1. In order to enhance the socio-economic status of the socially and economically backward amongst the religious and linguistic minorities and to suggest criteria for identifying them and propose measures for their mainstreaming, it is important to know who the 'linguistic minorities' are? Minorities are generally understood as a group of people constituting less than half the population of a given society, who are differentiated by religion or language and think of themselves as a distinct group. The term "Linguistic Minorities" as such has not been defined in the Constitution or any other law. The term 'Minority' has been defined in Section 2 of the National Commission for Minorities Act with reference to the religious minorities only.

2. A Special Sub-Committee on the protection of minority rights appointed by the UN Human Rights Commission in 1946 defined the minority as those non-dominant groups in a population which possess a wish to preserve stable ethnic, religious and linguistic tradition or characteristics markedly different from those of the rest of the population. Francesco Capotorti in his UN Sub-Commission Study Report of 1977 defined minority as "a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members being national of the State possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language". The Oxford Dictionary defines minority as "the smaller number or part; a number or

part representing less than half of the whole; a relatively small group of people, differing from others in race, religion, language or political persuasion." According to the Supreme Court judgment in *DAV College etc. v/s State of Punjab and others* (SCR 688; AIR 1971 SC 1737 (5th May, 1971)) "a linguistic minority for the purpose of Article 30(1) is one which must at least have a separate spoken language; it is not necessary that the language should also have distinct script."

3. Though not specially defined, several provisions of the Constitution are indicative of the essential ingredients of minorities. Article 30 states "all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice." The special characteristics of 'religious and linguistic' minorities are further elucidated by Supreme Court through various judgments. The Hon'ble Court in the matter of *TA Pai Foundation and Others vs State of Karnataka* held as under:

"Linguistic and religious minorities are covered by the expression "minority" under Article 30 of the Constitution. Since reorganisation of the States in India has been on linguistic lines for the purpose of determining the minority, the unit will be the State and not the whole of India. Thus, religious and linguistic minorities have been put at par in Article 30 and have to be considered State-wise".

Further in *Inamdar's case* (AIR 2005 Supreme Court, 3226) this definition has also been found to be wanting. The Apex Court has expressed

the following view:

“..... In this background arises the complex question of trans-border operation of Article 30(1). Pai Foundation has clearly ruled in favour of the State (or a province) being the unit for the purpose of deciding minority. By this declaration of law, certain consequences follow. First, every community in India becomes a minority because in one or the other State of the country it will be in minority – linguistic or religious. What would happen if a minority belonging to a particular State establishes an educational institution in that State and administers it but for the benefit of members belonging to that minority domiciled in the neighboring State where that community is in majority? Would it be a fraud on the Constitution?”

4. From the above, it is seen that the basic characteristics of minority status are: numerical inferiority; non-dominant status and stable features of distinct identity.

Linguistic Demography of India

5. Language is an instrument of culture and identity. It is a powerful master trait for group identity. Therefore, language is essential in the very survival of cultural communities. Languages are also an important part of any curriculum. The Constitution of India recognises 22 major languages which put together are spoken by a large majority of the people whereas hundreds of other languages and dialects are spoken by the people in rural/tribal areas in the country.

The essence of secularism in India is the recognition and preservation of the different types of people, with diverse languages and different beliefs, and placing them together so as to form a whole and united India. Articles 29 and 30 seek to preserve the differences that

exist, and at the same time, unite the people to form one strong nation.

6. Languages spoken in South-Asian Region belong to at least four major language families: Indo-European (most of which i.e. 74.24 percent speakers belong to its sub-branch Indo-Aryan); Dravidian (with 23.86 percent speakers); Austro-Asiatic (1.16%) and Sino-Tibetan (0.62%). The Wikipedia* figures are slightly different with : 72 percent Indo-Aryan; 25 percent Dravidian and only 3 percent people speaking Tibeto-Burman, Austro-Asiatic and other languages. However, former figures are generally endorsed by both Census reports and Ethnologue. Thus, biggest chunk of languages and mother tongues belong to Indo-Aryan sub-family of Indo-European languages. Among the modern Indo-Aryan languages, Hindi and Bangla happen to be the most well-known languages. The Western Hindi is a Midland Indo-Aryan language, spoken in the Gangetic plain and in the region immediately to its north and south. Around it, on three sides are Punjabi, Gujarati and Rajasthani. The Eastern Hindi is spoken in Oudh and to its South. In the outer layer, there are languages such as Kashmiri, Lahnda, Sindhi, Gujarati, Marathi in the northern and western regions and Oriya, Maithili, Bengali and Assamese in the east.

7. While the Indian Constitution does not define or use the word minor or minority languages, (although there is a mention of linguistic minority), as per Census of India –1961, different categories of languages documented in the country are listed in Table 4.1.

As against this, 1990-91 Census lists 216 mother tongues with a total number of speakers 10,000 or more at all India level, grouped into 114 languages of which 22 mentioned in the Constitution are called scheduled languages. The distribution of these languages is at once diverse, complex and unequal. Consequently,

*Wikipedia – the free Encyclopedia

Table 4.1: Languages/Mother Tongues in the Country

S.No.	Description	No. of Mother Tongues	Total No. of Speakers
1.	No. of mother tongues returns of the country.	1652	438,936,918
2.	No. of mother tongues attested in Linguistic Survey of India classification	572	436,224,545
3.	No. of mother tongues not traced in Linguistic Survey of India but tentatively classified.	400	426,076
4.	No. of mother tongues attested in Linguistic Survey of India but tentatively reclassified	50	1,908,399
5.	No. of mother tongues considered unclassified.	527	62,432
6.	Foreign mother tongues	103	315,466

Source: Census - 1961

some States irrespective of their size have more languages than others. In fact all the States of India have linguistic minorities and all languages are minority languages in some States, of course, of different types and according to the degrees of their importance.

8. The Census of 1990-91 has limited itself to only those languages and/or variants that are spoken by 10000 or more in India and thus, has left out many languages and its variants out of reckoning. There are some languages that are spoken by small number of speakers and for them this is the only language they know. Since, Article 350 A of the Constitution does not distinguish between the languages spoken by less than 10000 persons and more than 10000 persons, the decision of the Census to retain 10000 speakers as the benchmark is a deviation from the Constitution. For example, in Minicoy Island of Lakshdweep, almost all persons speak Mahal though the entire population of Minicoy Island is less than 10000 or so are the number of speakers. Mahal, though distinct from all other languages in the region, does not find a mention in the Census report.

Linguistic Profile of the States and Union Territories – some Statistics

9. The Indian Union consists of 28 States and 7 Union Territories with a population of approximately more than one billion (1028,

610,320 - Census 2001). Language Census has been a part of Indian Census and Census 1991 lists 216 mother tongues with a total number of speakers of 10000 or more at all India level grouped into 114 languages. The question of reorganisation of States of the Indian Union on linguistic basis led to the appointment of States' Reorganisation Commission on 29.12.1953. Based on the report of this Commission, a number of unilingual States were formed in the year 1956. It seems the main motivating force behind this scheme of re-distribution of States' territories was the idea of reducing the number of linguistic minorities by bringing people together who speak a common language. However, the reorganisation of States on linguistic basis could not solve all the problems of linguistic minorities simply because different States are basically multi-lingual as is evident from the Table 4.2.

10. The reorganisation of States as political and administrative units on linguistic basis also failed to reduce the conflict between the majority language speakers and minority language speakers. In fact, as reflected in the First Report of the Commissioner for Linguistic Minorities:

“The division of States on linguistic basis has given rise to the inevitable result that the regional language should gain prominence and should in course of time become the official language of the State. The other languages which are the mother-tongue

Table 4.2: Linguistic Profile of the States and UTs

S.No.	Name of the State/UT	Main Language	Minority Language
1.	Arunachal Pradesh	Hindi, Assamese, Adi, Apatani, Bhoti, Champati and Nishi	State Government claims that there no language has been recognised as a minority language.
2.	Andaman & Nicobar	Hindi	Bengali, Tamil, Telugu, Malayalam, Nicobari, Kurukh/Oraon
3.	Assam	Assamese	Bengali, Sadri, Hindi, Manipuri, Mishing, Karbi, Garo, Bodo, Nepali, Hmar
4.	Andhra Pradesh	Telugu	Urdu, Hindi, Oriya, Tamil, Kannad, Marathi.
5.	Orissa	Oriya	Hindi, Telugu, Santhali, Kui, Urdu, Bengali, Gujarati
6.	U.P.	Hindi	Urdu, Punjabi, Sindhi
7.	Uttarakhand	Hindi	Urdu, Punjabi, Nepali
8.	Karnataka	Kannad	Urdu, Telugu, Tamil, Malayalam, Marathi, Tulu, Lamani, Hindi, Konkani and Gujarati
9.	Kerala	Malayalam	Tamil, Kannad, Konkani
10.	Gujarat	Gujarati	Hindi, Marathi, Sindhi, Urdu, Telugu, Malayalam, Oriya, Tamil.
11.	Goa	Konkani	Marathi, Hindi, Kannad, Urdu, Malayalam
12.	Chhattisgarh	Hindi	Bengali, Oriya, Telugu, Marathi, Gondi, Kurukh, Halabi, Urdu
13.	Jammu and Kashmir	Dogri, Kashmiri	Urdu, Hindi, Punjabi, Ladakhi, Balti
14.	Jharkhand	Hindi	Bengali, Urdu, Santhali, Kharia, Mundari, Ho, Kurukh, Oriya, Kurmali, Khortha.
15.	Tamil Nadu	Tamil	Telugu, Kannad, Urdu, Malayalam, Hindi, Gujarati
16.	Tripura	Bengali	Hindi, Kokborok, Chakma, Mogh, Halam, Manipuri, Vishnu Priya Manipuri
17.	West Bengal	Bengali	Hindi, Santhali, Urdu, Nepali, Oriya, Telugu.
18.	Punjab	Punjabi, Hindi	Urdu
19.	Bihar	Hindi	Urdu, Bengali
20.	M.P.	Hindi	Bhili/Bhilodi, Gondi, Marathi, Urdu, Oriya
21.	Manipur	Manipuri	Thado, Paite, Tongkhul, Hmar, Mizo, Hindi, Nepali, Mao, Kuki, Bengali
22.	Maharashtra	Marathi	Urdu, Hindi, Gujarati, Kannad, Telugu, Bhili, Khandeshi
23.	Mizoram	Mizo	Bengali, Tripuri, Nepali, Hindi, Hmar, Pawai, Chakma.
24.	Meghalaya	Garo, Khasi	Assamese, Bengali, Hindi, Hajong, Nepali, Koch, Rabha, Sinteng.
25.	Rajasthan	Hindi	Urdu, Punjabi, Sindhi, Gujarati, Bhili/Bhilodi
26.	Sikkim	Nepali	Lepcha, Limbu, Bhotia, Hindi, Sherpa, Tamang, Newari, Gureng.
27.	Haryana	Hindi,	Punjabi and Urdu
28.	HP	Hindi	Lahuli, Bhoti, Punjabi, Kinnauri.
29.	Chandigarh	Hindi	Punjabi
30.	Daman & Diu	Gujarati	Hindi, Marathi
31.	Dadra & Nagar Haveli	Gujarati, Konkani	Hindi, Marathi
32.	Delhi	Hindi	Punjabi, Urdu, Sindhi, Telugu, Tamil, Bengali
33.	Nagaland	Ao	Angami, Kuki, Lotha, Sema, Chokri, Konya
34.	Pudducherry	Tamil	Hindi, Malayalam, French, Arabic, Telugu, Sanskrit
35.	Lakshadweep	Malayalam, Mahl,	-----

Source: Forty Second Report of the Commissioner Linguistic Minorities (2003-2004)

of the minority communities living in the State, naturally do not get equal prominence or status. The result is that those whose mother-tongue is the minority language have not only a sentimental grievance but also certain practical difficulties and inconveniences from which they suffer”.

11. According to the Census of India – 1961 no State/UT in India has fewer than 12 mother tongues. The number of mother tongues in different States/UT ranges from 12 – 410. Thus, we find that different States of India might have been declared uni- or bilingual for political exigencies or administrative convenience, but basically each of them is a multilingual and politically complex entity. Consequently, even if the State boundaries were drawn rigidly on the principle of uni- or bilingual criteria, the problem of linguistic minorities would remain unsolved.

12. There were 14 languages listed in the 8th Schedule of the Indian Constitution

when the constituent assembly adopted the Constitution of India on 26th November, 1949. In 1951, besides the 14 languages recognised in the Indian Constitution there were also mentioned 23 major tribal languages and 24 other minority languages in several other official documents, including the Census. Each of these languages had over one lakh speakers. However, in the later Census documents, the population figure of 10,000 was taken as a bench mark. Since then, there have been three amendments to the 8th Schedule during the last 55 years as a result of which there are 22 languages in the 8th Schedule. Details of these languages together with the number of speakers of each of these languages are given in Table 4.3.

Constitutional Provisions and Safeguards Promoting Linguistic Diversity

13. A number of provisions under the Constitution provide protection of interest of

Table 4.3: Scheduled Languages in Indian Constitution and their Speakers

Sr.No.	Languages	Speakers	Percentage
1.	Assamese	13,079,696	1.55
2.	Bengali	69,595,738	8.22
3.	Bodo*	1,221,881	0.15
4.	Dogri*	89,681	0.01
5.	Gujarati	40,673,814	4.81
6.	Hindi	337,272,114	39.85
7.	Kannada	32,753,676	3.87
8.	Kashmiri	56,693(outside J&K) 3,174,684 (1981 fig)	N.A. (1991) 0.48% (1981)
9.	Konkani	1,760,607	0.21
10.	Malayalam	30,377,176	3.59
11.	Manipuri	1,270,216	0.15
12.	Marathi	62,481,681	7.38
13.	Maithili*	7,766,597	0.93
14.	Nepali	2,076,645	0.25
15.	Oriya	28,061,313	3.32
16.	Punjabi	2,33,78,744	2.76
17.	Sanskrit	49,736	0.01
18.	Santhali*	5,216,325	0.62
19.	Sindhi	2,122,848	0.25
20.	Tamil	53,006,368	6.26
21.	Telugu	66,017,615	7.80
22.	Urdu	43,406,932	5.13

Source: Census of India, 1991

* Bodo, Dogri, Maithili and Santhali which were Non-scheduled languages in 1991 were declared Scheduled languages in 2003 by 92nd Amendment)

the linguistic minorities. These are:

(1) Art. 345 of the Indian Constitution states very clearly that “Subject to the provisions of Articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State”.

(2) Article 347 is more explicit and states:

“On a demand made in that behalf, the President may, if he is satisfied that a substantial proportion of the population of the State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purposes as he may specify.”

14. The right to conserve a minority language is also provided in the Constitution under “Cultural and Educational Rights” under Article 29 and Article 30 which read as under:

Art 29: Protection of interest of minorities:

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

(4) Art 30: Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(2) The State shall not, in granting aid to educational institutions, discriminate any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

15. Special provisions have also been made under Articles 350A and 350B to provide smaller communities educational opportunities in their mother tongue and to appoint a special officer for linguistic minorities:

(5) Art 350 A. Facilities for instruction in mother-tongue at primary stage – “It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.”

(6). Art 350 B. Special Officer for linguistic minorities – (1) There shall be a Special Officer for linguistic minorities to be appointed by the President. (2) It shall be duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.

16. These provisions are unique in their thoroughness and seek to accommodate the interest of linguistic minorities. When provisions under Articles 29 and 30 are considered along with other provisions in the Chapter of Fundamental Rights and elsewhere in the Constitution safeguarding the rights of religious, linguistic and racial minorities, it becomes clear that the sole purpose of these provisions is to give linguistic minorities the right to preserve and develop their language and to facilitate teaching in mother tongue to their children in early ages. But the minority status of the language in an area does not have a bearing on the social and economic status of those who speak the minority language. In fact every State has speakers of minority languages though the percentage of speakers varies

greatly from State to State. For example, 30 percent of the population of Tripura speaks minority languages but in Kerala they constitute a small percentage. Some States have no regional/principal language. Thus, Nagaland and Arunachal Pradesh have a large number of languages but none of them is in a position to claim the title of regional/principal language. Meghalaya has two nearly balanced languages, Khasi and Garo, along with other minority languages. The States have usually declared the majority language as their official language and a State may have more than one official language, with each language serving a specifically designated purpose or being used in a certain specified region.

17. Based on the multi-lingual profile of the states, these can be grouped into the

undermentioned five broad categories, from A to E as is shown in Table 4.4.

The ten States in set 'A' namely, Kerala, Punjab, Gujarat, Haryana, U.P., Rajasthan, H.P., Tamil Nadu, West Bengal and A.P. have negligible percentage of minor speech groups in terms of population, with the majority language spoken by more than 85 percent inhabitants of the State. Under set 'B' namely M.P., Bihar, Orissa, Mizoram and Maharashtra, the majority language groups are over 70 percent of the total population but one still finds a sizeable linguistic minority. Set 'C' has States namely Goa, Meghalaya, Tripura and Karnataka that have been hot beds of the language tensions. In many cases this is due to the fact that they have had a dominating linguistic minority

Table 4.4

Set	States	Major Lang.	Minor 1(%)	Minor (2%)	Others	languages (Major + Two Minor)
A.	Kerala	96.6	2.1	0.3	1.0	Malayalam (Tamil, Kannada)
	Punjab	92.2	7.3	0.1	0.4	Punjabi (Hindi, Urdu)
	Gujarat	91.5	2.9	1.7	3.9	Gujarati (Hindi, Sindhi)
	Haryana	91.0	7.1	1.6	0.3	Hindi (Punjabi, Urdu)
	U.P.	90.1	9.0	0.5	0.4	Hindi (Urdu, Punjabi)
	Rajasthan	89.6	5.0	2.2	3.2	Hindi (Bhili/Bhilodi, Urdu)
	H.P.	88.9	6.3	1.2	3.6	Hindi (Punjabi, Kinnauri)
	Tamil Nadu	86.7	7.1	2.2	4.0	Tamil (Telugu, Kannada)
	West Bengal	86.0	6.6	2.1	5.7	Bengali (Hindi, Urdu)
	A.P.	84.8	8.4	2.8	4.0	Telugu (Urdu, Hindi)
B.	M.P.	85.6	3.3	2.2	8.9	Hindi (Bhili/Bhilodi, Gondii)
	Bihar	80.9	9.9	2.9	6.3	Hindi (Urdu, Santali)
	Orissa	82.8	2.4	1.6	13.2	Oriya (Hindi, Telugu)
	Mizoram	75.1	8.6	3.3	13.0	Lushai (Bengali, Lakher)
	Maharashtra	73.3	7.8	7.4	11.5	Marathi (Hindi, Urdu)
C.	Goa	51.5	33.4	4.6	10.5	Konkani (Marathi, Kannada)
	Meghalaya	49.5	30.9	8.1	11.5	Khasi (Garo, Bengali)
	Tripura	68.9	23.5	1.7	5.9	Bengali (Tripuri, Hindi)
	Karnataka	66.2	10.0	7.4	16.4	Kannada (Urdu, Telugu)
D.	Sikkim	63.1	8.0	7.3	21.6	Nepali (Bhotia, Lepcha)
	Manipur	60.4	5.6	5.4	29.6	Manipuri (Thadou, Tangkhul)
	Assam	57.8	11.3	5.3	25.6	Assamese (Bengali, Boro/ Bodo)
E	Arunachal	19.9	9.4	8.2	62.5	Nissi/Dafla (Nepali, Bengali)
	Nagaland	14.0	12.6	11.4	52.0	AO (Sema, Konyak)

Source: Census of India, 1991

group, such as Bengali speakers in Tripura, Garo speaking in Meghalaya; Telugu speaking in Karnataka and Marathi community in Goa. The tension in Karnataka came from an unexpected quarter- particularly from the bordering speech community of Marathi speakers and this as well as many other tensions later had to do with control over scratch resources like Cauveri water sharing dispute with Tamil Nadu or land etc. Meghalaya had witnessed a similar tension due to large-scale migration of Bengalis, Marwaris, Biharis and Nepalise. In set 'D' States namely Assam, Sikkim and Manipur, the linguistic tensions have been quite volatile due to their linguistic composition as well as their inter group attitudes. Assam, unlike most of the North-East, was better integrated with mainstream India prior to independence; but it has been segmented number of times and has also witnessed large scale migration of outsiders. Manipur has remained volatile and unstable because of a long border with Myanmar and also due to ethnic - linguistic tensions, which may be due to their linguistic composition as well as inter-group attitudes. Set 'E' comprising States of Arunachal Pradesh and Nagaland is the most variegated geo-space in India with numerous tongues.

18. It is obvious from the foregoing that there is linguistic diversity in the country. Irrespective of the causes that have contributed to the presence of linguistic minorities in States, the fact remains that they have enriched the nation culturally. However, as mentioned earlier, the status of the language – minority or majority – does not determine the social and economic status of those who speak the language. In fact migrant settlers belonging to a linguistic minority are well to do and prosperous eg. Punjabi speaking migrants to District Udham Singh Nagar of Uttarakhand; Hindi speaking Marwari traders of Rajasthan in Assam and other parts of North-East region, West Bengal etc; Sindhi businessmen in different states; Gujarati speaking Bohra Muslims in Maharashtra and Madhya Pradesh; Sikh transport operators in non-punjabi speaking

states; Kannada speaking hoteliers in Goa, Andhra and Tamil Nadu; Hindi and Urdu speaking people in Andhra Pradesh etc. Language cuts across social and economic barriers – people speaking languages enjoying the status of 'majority' or 'minority' can be classified as socially and economically forward or backward due to their differing levels of achievements. People speaking the same language (linguistic minority) can be classified under different castes, creeds, religions, etc. For example in U.P. and Haryana where Hindi is spoken by majority and Urdu and Punjabi by minorities, the socially and economically backwards are found among both i.e. in linguistic majority and linguistic minority. Their 'backward' status is not due to the language they speak, but is a net result of other reasons including the environment. Language, therefore, cannot be an indicator of the social and economic status of any community.

19. This Commission has been asked to suggest criterion for identifying the socially and economically backward classes amongst the religious and linguistic minorities. As language cuts across caste, religion, race and people speaking the same language are found in every socio-economic group, it cannot be taken as an indicator for backwardness. India is a multi-lingual country. It has many languages and many more mother tongues. Therefore, linguistic minorities are a unique feature of this country. As per the Supreme Court judgment in *TMA Pai Foundation and Others vs. State of Karnataka* (8 (2002) SCC) linguistic minorities have to be determined Statewise. As the status of the linguistic minority changes from State to State, place to place, one family to another, language cannot determine the social and/or economic backwardness of the speaker. Linguistic minority like the linguistic majority in a State is a comprehensive whole and, therefore, comprises of people belonging to each category and strata in the society. It cuts across the rich and the poor, the socially, economically and educationally backward and forward, the Brahmins and the Scheduled

Castes and Scheduled Tribes and people belonging to all religions. It is, therefore, difficult to accept language as a criteria for determining the social and economic status of individuals or a group.

Issues Regarding Linguistic Minorities Presented before the Commission during State Visits

20. However, despite the above and unanimous view that socially and economically backwards cannot be identified on the basis of language, this Commission in the course of its visits to various States and Union Territories made a concerted effort to discuss the issues concerning the linguistic minorities in each of the State. Details of the issues raised and/or suggestions made by the States/UTs are contained in the Summaries of the State Visits annexed in Volume II of the Report. Briefly, the issues raised by those representing the linguistic minorities in the States related to inadequate facilities for promoting minority language in the State, vacancies in the schools of minority language teachers, lack of residential schools teaching in the language of the minority community etc. The absence of translators and typists in the minority language, delay in the disbursement of salaries to teachers, lack of government programmes, lack of books in the minority languages, need for inclusion of some minority languages in the 8th Schedule etc., were some of the issues raised by representatives of linguistic minority communities across the States.

These issues relate to facilities and opportunities for development of the languages and not to the social and economic status of the linguistic minorities.

Recommendations of Workshop on Linguistic Minorities held at Central Institute of Indian Languages, Mysore on 27 – 28 March, 2006

21. In order to ascertain the views of the experts from across the country, a Workshop

on Linguistic Minorities was organised at Mysore by Central Institute of Indian Languages for the Commission. Various issues pertaining to the Linguistic Minorities and minority languages were raised and discussed in the Workshop. Recommendations of Workshop are annexed in Volume II of the Report.

Views of the Commission

22. Unlike scheduled castes, scheduled tribes, backward classes and religious minorities, linguistic minorities are not caste or class or religion based. In fact, a majority community/group in one State or district or taluka may become a linguistic minority in another State or district or taluka in the same or another State. This is basically due to migration of the population from one place to the other in search for a vocation or employment or otherwise. The persons thus migrating belong to various castes or communities including scheduled castes, scheduled tribes, backward classes or any religious group. Hence it is not possible to prescribe any criteria based on language for the identification of backward sections among linguistic minorities as most of the backwards among them are already included as Scheduled Castes, Scheduled Tribes, Other Backward Classes or religious minorities in each State. Other linguistic minorities comprising highly educated, technical or skilled persons who have migrated for employment or economic development or otherwise do not need any concession required by the backward sections of the society. Therefore, if the benefits admissible to the Scheduled Castes, Scheduled Tribes and backward castes available in a State are extended to them on their migration to another State, the problem encountered by this section of the society on their migration to other State where they become linguistic minority will automatically get resolved. In addition if the safeguards provided by the Constitution are implemented by the States, the problems encountered by the linguistic minorities will be taken care of.

23. In view of the forgoing, while there is no justification for making language as the basis to determine the socio-economic backwardness of the people, it was felt that in a multi-lingual society like ours, exclusive adherence to a minority language, which may be the mother-tongue of a section of population, does affect the socio-economic and educational development of that linguistic minority specially in the initial

years. Therefore, steps for enhancing the skills of the linguistic minorities including learning/teaching of the majority language need to be emphasised. Those sections of population whose mother-tongue is other than regional/local language remain educationally backward and need to be given special attention for enhancing their educational status and communication skills.

STATUS OF WOMEN AMONG MINORITIES

Introduction

1. Women in India have made significant strides during the past six decades entering every field of education, and taking on the challenge of various professions. However, masses of women still remain restricted by the vicious circles of family expectations, gender-role discrimination, social stereotypes and stigma. Women from different socio-economic strata have a great deal of disparity in their life-situations. There are also significant differences in women's specific status across regions, caste and class, communities and religions. Status of women is a composite of their achievements according to various indices – economic, educational, social and political and is also determined by the developmental status of the area.

2. The Constitution of India not only grants equality to women but empowers the State to take special measures for protecting and advancing their interests in all walks of life and making necessary legal provisions to this effect. Accordingly, the State not only took protective discrimination/ affirmative action for removing the cumulative disadvantage of women but also played a pro-active role in organising women for action. In the last 60 years, the women's status has received a lot of attention as reflected in the national policies, plans, programmes and schemes resulting in advancement of women in all fields. Besides, special committees and commissions on women have been set up from time to time resulting in policy changes and setting up of institutional structures for

implementing programmes and schemes. Further, India is a signatory to all principal international covenants and conventions such as the Universal Declaration of Human Rights (1948) and the UN Declaration of the Rights of the Child (1959); the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979); and the Convention on the Rights of the Child (1989).

3. The Indian women appear to have come a long way from an obscurantist past and complete subordination to a position where theoretically they are the equals of men and there is a vast array of laws, policies and programmes trying to contend with the cumulative disadvantage of women arising out of the predominant patriarchal family and kinship structures, customs, traditions and beliefs. Yet at the level of reality, the promise of equality and dignity remains an unfinished agenda. There are gains in educational participation and literacy but the gender gaps are substantial. Women have higher longevity now but tremendously high MMR and higher female infant and child mortality persists in most parts of the country. Millions of girls and women are missing between each census. The child sex ratio (females per thousand males) in the age group 0-6 years, has touched an all time low and the entire north western region has turned out to be a major killer of females-born and unborn. Crimes against women are on the increase with more and more laws but negligible enforcement. Women are making a mark in all fields among the middle classes and the elite. At the grass root level, the elected women's representatives are coming into their

own, slowly but surely, but the Parliament and the State legislatures remain a male bastion.

4. Underdevelopment of rural areas and certain other regions are the principal factors for educational and social backwardness of the socially and economically weaker amongst Scheduled Castes, Scheduled Tribes, Other Backward Classes and minorities in general and of women and girls in particular. Girls and women belonging to these communities are way behind their urban elite middle class counterparts. There are still wide inter and intra regional disparities in development per se. There are islands of affluence (Punjab, Haryana, Delhi) in the Indo Gangetic plains which also account for bulk of the poor and the illiterate of the country (Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Chhattisgarh, West Bengal). These islands of affluence also dot the western coastal areas, central India and the southern peninsula where industry is concentrated and new services are growing in the information technology and other sectors. Bulk of the higher, technical and professional educational institutions are located in the south and the west, with Maharashtra, Karnataka, Andhra Pradesh and Tamil Nadu accounting for the majority of these institutions. This uneven distribution of resources and opportunities between different regions gets reflected in large inter and intra group disparities of gender, caste, ethnicity and religion between and among regions.

5. Apartheid of gender continues to stare at us despite proactive policies and laws for girls and women. The lives of girls and women continue to be controlled by the patriarchal belief systems and structures which use prescriptions and proscriptions and even naked force to keep women in their place. All decisions are taken by men and all assets are owned by them. The process of gender discrimination begins even before birth and continues throughout the life of a female. That there are 3.6 crores fewer females in the population of India is disturbing but even

more alarming is the sharper decline in the proportion in the age group 0-6 years. There are 0.6 crores fewer girls in this age group. Besides, women and girls do more work than males but get much less than their legitimate share in food, health, education and training. The traditional socialisation practices of a society with a marked son preference are highly discriminatory to the girl child not only in matters of food, health care, education and play but also succeed in making her believe that she is inferior and less competent than her male counterparts.

6. Religion acts as an important cultural factor, which reinforces the traditional perception of women as subordinate to males and under male control. The unequal position of women in the family is determined and reinforced by the dictates of the organised religion. None of the major religions – Hinduism, Buddhism, Islam and Christianity ever conceded complete equality to women and have in fact institutionalised the secondary position of women versus men through written and oral interpretations by the male clergy. The ideal of womanhood is still modelled on the Brahmanical tradition and linked to a strongly patriarchal culture assigning a secondary position to women. Also within each of the religious groups, there is no homogeneity as regards women's status. Women belonging to the same religion might yet have very different conditions of life, which are influenced by their earning capacity, employment, rural-urban setup, educational level, and so on. Within every minority groups, some women subsist below the poverty line (BPL), while others enjoy a higher standard of living.

Constitutional Provisions Regarding Rights of Women

7. In post independence India, a large number of constitutional and legislative measures and many forward looking policies and programmes have been directed at integrating all women in the mainstream of national development. The Constitution

of India provides certain safeguards for the protection of women's rights. These Constitutional provisions are intended for the well-being and all round development of women of all the communities. Our laws are not gender discriminatory and are equally applicable both to males and females.

Fundamental Rights and Duties

Article 14 - confers on men and women equal rights and opportunities in the political, economic and social spheres.

Article 15 - prohibits discrimination against any citizen on the grounds of religion, race, caste and sex.

Article 15 (3) - makes a special provision enabling the State to make affirmative discrimination in favour of women.

Article 16 - provides for equality of opportunities in matters of public appointment for all. Article 21 provides for protection of life and personal liberty.

Article 21 A - (86th Constitutional Amendment Act 2002) makes education a fundamental right of all children of the age of 6-14 years.

Article 23 - prohibits traffic in human beings and forced labour.

Article 24 - prohibits employment of children in factories etc.

Article 51- makes it a fundamental duty of all Indian citizens to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional and sectional diversities, to renounce practices derogatory to the dignity of women.

Article 51 A - (k) in part IV-A makes it a duty of a parent or a guardian to provide opportunities for education to his child or, as the case may be, ward between the age of 6 and 14 years.

Directive Principles of State Policy

The Directive Principles of State Policy have been the guiding beacons for social policies and legislation.

Article 39 (a) - states that the State shall direct its policy towards securing all citizens, men and women equally, have the right to an adequate means of livelihood.

Article 39 (d) - directs the State to ensure equal pay for equal work for men and women.

Article 39 (e) - ensures that the health and strength of workers, men and women, and the tender age of children are not abused.

Article 39 (f) - stipulates that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 41 - deals with right to work, to education and to public assistance in certain cases.

Article 42 - enjoins the State to ensure just and humane conditions of work and maternity relief.

Article 45 - (amended in 2002) gives a directive to the State to provide early childhood care and education for all children till they attain the age of six years.

Through Article 47 - the State is further committed to raising the nutritional levels, health and living standard for the people.

8. It may be seen from the above, India has one of the most impressive sets of laws for women and children/girls and yet little is known about them either by women themselves or by men.

9. Laws in India by and large cover the women belonging to each and every religious community. However, there is one notable

exception. This is in the realm of personal laws, that is the laws governing marriage, divorce, inheritance, child custody and maintenance etc. Since different religious communities display wide variations in their personal beliefs and customs, it was considered appropriate to respect the differences and make personal laws commensurate with the customary practices within each community. These laws have been framed keeping in mind the varied religious beliefs, since India is a multi-religious country. From time to time, there are some changes in the personal laws governing different communities. Often, these changes are suggested by members of the communities themselves, including women of the communities. Human rights organisations and women's groups have suggested appropriate changes in the various personal laws. A Common Civil Code governing personal laws for all the communities has been mooted in the Directive Principles of State Policy (Article 44). This is a sensitive issue and has not been handled adequately by any government so far. Registration of all marriages is perhaps the very first step in ensuring justice to women who are at times not even able to establish the validity of a religious marriage.

Institutional Arrangements to Safeguard the Interest of Women

National Commission for Women

10. The National Commission for Women (NCW), a statutory body set up in 1992, safeguards the rights and interests of women. It continues to pursue its mandated role and activities; viz. safeguarding women's rights through investigations into individual complaints of atrocities; sexual harassment of women at the work place; conducting Parivarik/Mahila Lok Adalats, legal awareness camps; review of women-specific and women-related legislation; investigation into denial of rights etc., and takes suo moto remedial action to restore women's legitimate rights. Ensuring custodial justice is another important function. Open Adalats (public hearing) is the most innovative and effective

method adopted by the Commission to hear individual grievances. Out of 41 pieces of legislation having direct bearing on women, the Commission reviewed and suggested remedial legislative measures in 32 Acts and forwarded the same to the Government for necessary action, besides drafting a Bill on Sexual Harassment at the Work Places and a Bill on SAARC Regional Convention for Prevention and Combating Trafficking in Women and Children. The NCW has suggested a draft Bill entitled 'Compulsory Registration of Marriages Bill, 2005', for consideration to the Government. It has also proposed amendments to the laws relating to rape.

Ministry of Women and Child Development

11. The Ministry of Women and Child Development is the nodal agency for all matters pertaining to the welfare, development and empowerment of women and children in the country and is responsible for the formulation and implementation of women specific programmes in the areas of economic rehabilitation of women from the weaker sections of society through training and employment; better employment avenues for women to bring them into the mainstream of national development; provision of short stay homes for women in difficulties, together with support services of counselling, medical care, guidance and treatment and development of skills; and provision of preventive and rehabilitative services to women and children who are victims of atrocities and exploitation. The schemes/programmes of the Ministry are implemented mainly with the support of State Governments, other Government agencies and non-Governmental organisations. The thrust of all these programmes is two pronged. Firstly, it is specific in the sense that certain programmes cater to women only as beneficiaries. Secondly, there are other programmes that help in mainstreaming and integrating them into society.

Demographic Profile of Women Among Minorities

12. The Demographic Profiles of Women Among Minorities indicate their growth in the population, sex ratio, literacy and education status, livelihood patterns and health status as per the details given in the succeeding paragraphs.

Population Growth

Table 5.1 shows the growth of Women population community-wise from 1961 to 2001.

13. As is evident from Table 5.1, population of women belonging to Religious Minorities has been on increase and gone up from 16.1 percent in 1961 to 18.9 percent in 2001. However, community-wise analysis indicates that there have been variations from decade to decade. Among Muslim females, from 1971 onwards there is a trend of increasing percentage share in the total female population of minority groups. The share of Muslims females (within total population of females of minority groups) rose from 66.3 percent in 1971 to 71.1 percent in 2001. As against this, Christians,

Sikhs, Buddhists and Jains maintained a reverse trend of declining proportion of females (within total population of females of minority groups). Between 1961 and 2001, this ratio decreased from 15.6 to 12.9 percent for Christian women; from 10.5 to 9.6 percent for Sikh women; from 4.7 to 4.1 percent for Buddhist women; and from 2.8 to 2.2 percent for Jain women. The increasing share of Muslim women (within total population of women of minority groups) could be attributable to the relatively high fertility rate among Muslims, as well as the better sex ratio in the Muslim community as compared to the sex ratio figures for 'all religious communities'.

14. With the exception of Parsis, all the other minority groups have shown an increasing trend in their absolute numbers, while their percentages within the Religious Minorities varied from group to group and decade to decade. In the case of Zoroastrians (Parsis), the figure of around 76382 in the 1991 Census has come down to 69601 in the 2001 Census, comprising of 33949 males and 35652 females. There is a clear visible but extremely unfortunate decline of a rich civilization of Zoroastrians and its people.

Table 5.1: Growth of Women Population Community-wise from 1961 to 2001 along with their Percentage to the Population of their Community

(figures in crores)

Females										
	1961		1971		1981		1991		2001	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
All Communities	21.29	-	26.40	-	32.13	-	40.33	-	49.64	-
Religious Minorities	3.41	16.1	4.44	16.8	5.45	16.9	7.11	17.6	9.39	18.9
Muslims	2.26	66.3	2.94	66.3	3.65	66.9	4.89	68.8	6.68	71.1
Christians	0.53	15.6	0.70	15.9	0.80	14.8	0.97	13.8	1.20	12.9
Sikhs	0.36	10.5	0.48	10.8	0.61	11.2	0.76	10.8	0.90	9.6
Buddhists	0.16	4.7	0.18	4.2	0.23	4.2	0.31	4.4	0.39	4.1
Jains	0.10	2.8	0.12	2.8	0.15	2.8	0.16	2.3	0.20	2.2
Zoroastrians (Parsis)	-	-	-	-	-	-	-	0.01	-	0.007

Source: Census 2001

Sex Ratio

Table 5.2: Sex Ratios Community-wise

(per thousand population)

	All Ages	0-6 Years
All Communities	933	927
Hindus	931	925
Muslims	936	950
Christians	1,009	964
Sikhs	893	786
Buddhists	953	942
Jains	940	870
Other religions	992	976

Source: Census 2001

15. Data from Census 2001 as indicated in Table 5.2 shows that Christians account for the highest sex ratio of 1009 females to 1000 males in 'All Age' groups at 'All India' level, while Sikhs have the lowest sex ratio of 893. The other minorities i.e. Muslims, Buddhists and Jains maintain levels slightly above the national average of 933 — that is, 936 for Muslims, 953 for Buddhists and 940 for Jains. The category 'Other Religions' exhibits a high sex ratio i.e. 992. However, those belonging to the majority religion, i.e. Hindus, exhibit the lowest sex ratio i.e., 931.

16. In respect of child sex ratio (number of female to male children in the age group 0-6 years), the 'All India' figure is 927. The 2001 Census reveals the alarming trend of declining child sex ratio. This trend is present in all the communities, though there are marked variations. Among the minorities, the Christians claim the highest child sex ratio of 964, while Sikhs reveal the lowest ie 786. The 0-6 sex ratios among Muslims and Buddhists are higher than the national average of 927 – it is 950 among Muslims, and 942 among Buddhists. For Jains, however, the 0-6 sex ratio is 870, which is much lower than the national average. Hindus have reported a child sex ratio of 925, which is a little lower than the national average. The 'Other Religions', however, have a child sex ratio of 976, which is the highest among all the categories.

Literacy Rate

17. While Table 5.3 indicates the overall literacy rate and female literacy rate of different communities/castes, Table 5.4 gives female literacy details in rural and urban areas.

18. Literacy and education attainment levels of education among women belonging to different communities vary and are the highest among Jains followed by Christians, Sikhs, Buddhists and lowest among the Muslims.

Table 5.3: Overall Literacy Rate and Female Literacy Rate among different Communities

(in percent)

Religion Community/castes	Overall Literacy Rate	Female Literacy Rate
All India	64.84	53.67
Hindu	65.09	53.21
Muslim	59.13	50.09
Christian	80.25	76.19
Sikh	69.45	63.09
Buddhist	72.66	61.69
Jain	94.08	90.58
Other religions	47.02	33.19
Scheduled Castes	54.7	41.9
Scheduled Tribes	47.1	34.76

Source: Census 2001

Table 5.4 : Overall Literacy Rate and Female Literacy Rate among different Communities in Rural and Urban Areas

(in percent)

Communities	Literacy Rate (Rural)		Literacy Rate (Urban)	
	Overall Literacy Rate	Female Literacy Rate	Overall Literacy Rate	Female Literacy Rate
All India	58.74	46.13	79.92	72.86
Hindu	59.06	45.75	81.32	73.90
Muslim	52.73	42.66	70.07	63.17
Christian	74.55	69.65	90.90	88.26
Sikh	64.21	57.15	83.56	79.18
Buddhist	66.93	54.56	81.60	72.91
Jain	87.47	80.34	96.13	93.75
Others religions	43.85	29.52	75.29	66.48

Source: Census 2001

The Jains have the highest overall literacy rate of 94.08 percent and among women of this community literacy rate is 90.58 percent. As against this, overall literacy rate of Muslims is 59.13 percent and their female literacy rate is 50.09 percent. However, among other religion category the overall literacy rate (47.02 percent) as well as female literacy rate (33.19 percent) and overall literacy rate of Scheduled Castes and Scheduled Tribes are also lower than Muslims.

19. Further, the literacy rate among women of different communities is higher in urban areas and lower in rural areas. This may be due to better educational facilities and infrastructure available in urban areas.

Gender Gap in Literacy Rate

20. Table 5.5 indicates the Gender Gap in the Literacy Rate in Rural and Urban Areas. The overall gap in male and female literacy rate of all communities as per Census 2001 is 21.5 percent comprising 24.57 percent in rural areas and 13.41 percent in urban areas. Both men and women among Jains have very high literacy rate of 97.4 percent and 90.6 percent respectively at the national level and the overall gender gap in this community is lowest (6.82 percent) followed by Christians (8.18 percent) and Sikhs (12.14 percent). As against this in other religion category gender gap

Table 5.5: Gender Gap in the Literacy Rate in Rural & Urban Areas

(in percent)

Communities/ Castes	Overall Gender Gap	Gender Gap in Rural Areas	Gender Gap in Urban Areas
All Communities	21.59	24.57	13.41
Hindu	22.95	25.90	14.04
Muslim	17.47	19.67	13.11
Christian	8.18	9.83	5.38
Sikh	12.14	13.49	8.32
Buddhist	21.44	24.25	16.91
Jain	6.82	13.89	4.64
Other religion	27.61	28.65	17.33

Source: Census 2001

is highest (27.11 percent) comprising 17.33 percent in urban areas and 28.65 percent in rural areas. Among the six major religions at the national level, the maximum gender gap between male and female literacy is among Hindus (23 percent) followed by Buddhists (21.4 percent) and Muslims (17.5 percent).

Education Level

21. As is seen from the Table 5.6 educational levels among women of different communities and castes reveal that in upto Primary Level, women belonging to other religion category have the highest rate (92.5 percent), followed by Scheduled Tribes (89.39 percent), Muslims (87.97 percent), Scheduled Castes (85.9 percent) and Buddhists (79.31 percent). Women belonging to Jains (42.52 percent) have the lowest rate, followed by Sikhs (55.95 percent). At the Secondary Level, women belonging to Jains have highest rate (20.73 percent), followed by Sikhs (18.75 percent) and Christians (17.19 percent). The lowest rate is among women of Scheduled Tribes (6.00 percent), followed by Scheduled Castes (7.66 percent) and other religion category (9.36 percent).

Table 5.6: Educational Levels among Women of different Communities Castes and Tribes

(in percent)

Community/ Castes	Women		
	Upto Primary Level@	Secondary Level	Senior secondary Level
All religions	75.77	12.5	5.9
Hindus	75.6	12.51	5.95
Muslims	87.97	9.53	3.85
Christians	60.76	17.19	9.47
Sikhs	55.95	18.75	7.38
Buddhists	79.31	12.55	6.28
Jains	42.52	20.73	12.76
Other religions	92.5	9.36	3.6
Scheduled Castes*	85.9	7.66	3.49
Scheduled Tribes*	89.39	6.00	2.45

Source: Census 2001

*SC & ST figures are based on Selected Educational Statistics: 2003-2004

@ Includes Literate Without Education, below Primary level and Primary level

22. At the Senior Secondary level, the highest rate is among Jain women (12.76 percent), followed by Christians (9.47 percent) and Sikhs (7.38 percent). The lowest percentage is among women belonging to Scheduled Tribes (2.45 percent), followed by other religion category (3.6 percent) and Scheduled Castes (3.49 percent).

Drop-out Rates

23. The drop-out rate indicates the wastage of school education and tends to undermine benefits of increased enrolments. According to the “Educational Statistics”, published by the Ministry of Human Resource Development, during 1999-2000, out of students enrolled in classes I to V, over 40 percent dropped out. Similarly, out of students enrolled in classes I to VIII over 55 percent dropped out. The drop out rate in classes I-X was over 68 percent. Further, the drop out rate has been higher for girls.

24. Main reasons for dropping out from schools could be inability of students to cope up with the studies or lack of interest among parents in the education of their children or economic considerations, like compulsion to work for augmenting family income or need for looking after younger siblings or unfriendly atmosphere in the schools etc. Among girls in rural areas, these factors mostly accounted for high dropouts.

Work Participation Rate

25. According to Census 2001, Work Participation Rate among Women or percentage of women workers to total population for all religious communities is 25.6 percent. However, the other religion category has higher work participation rate of 44.2 percent among women followed by Buddhists (31.7 percent), Christians (28.7 percent), Hindus (27.5 percent) and Sikhs (20.2 percent). The lowest work participation rate among women is in the Jain communities (9.2 percent) followed by Muslims (14.1 percent). The community-wise work participation rate among women of different communities is indicated in Table 5.7

Table 5.7: Work Participation Rate among different Communities

(in percent)

Communities/ Castes	Male	Female
All Communities	51.7	25.6
Hindus	52.4	27.5
Muslims	47.5	14.1
Christians	50.7	28.7
Sikhs	53.3	20.2
Buddhists	49.2	31.7
Jains	55.2	9.2
Other religions	52.5	44.2

Source: Census 2001

As is evident from the Table 5.7, female Work Participation Rates are uniformly lower than males and their proportion also varies community-wise.

The proportionate share of different Minority Communities among different category of workers is indicated in Table 5.8.

26. It is seen from the Table 5.8 that among Jains (55.50 percent) and Buddhists (51.46 percent), there is a high proportion of female agricultural labourers, followed by Christians (46.08 percent). Sikhs (29.66 percent) and Christians (29.13 percent) constitute large numbers of women workers in other category, followed by Buddhists (21.85 percent). Christians (41.86 percent) and Buddhists (41.52 percent) comprise women cultivators on own land. In the household industry, Sikhs (76.55 percent), Christians (59.51 percent) and Buddhists (59.35 percent) women have higher proportion, followed by Muslim women (51.48 percent). In other religion category, majority of the women are engaged in household industry (63.10 percent) and as agricultural labourers (56.95 percent). Comparatively large number of women workers in other workers category belong to Sikhs (29.66 percent), Christians (29.13 percent) and Buddhists (21.85 percent).

Table 5.8: Distribution of Category of Women Workers among different Communities

(in percent)

Communities	Cultivators in own land (CL)	Agricultural labourers (AL)	Household Industry (HHI)	Other Workers (OW)
All Religious communities	32.91	46.31	48.43	18.30
Hindu	33.69	48.00	47.22	18.57
Muslim	23.04	30.38	51.48	12.37
Christians	41.86	46.08	59.51	29.13
Sikhs	15.15	28.02	76.55	29.66
Buddhists	41.52	51.46	59.35	21.85
Jains	26.00	55.50	33.42	9.27
Other religions	41.62	56.95	63.10	28.96

Source: Census 2001

Health Status

Infant and Child Mortality Rate

27. Infant and child mortality rate among different communities and caste are indicated vide Table 5.9.

28. Among religious communities, Jains have the lowest infant mortality rate (46.7 percent), followed by Christians (49.2 percent), Buddhist/Neo-Buddhist (53.6 percent) and Muslims (58.8 percent). Infant Mortality Rate is highest among Scheduled Castes (83.0 percent), Scheduled Tribes (84.2 percent),

and Other Backward Classes (76.0 percent). Among Hindus, infant mortality rate is 77.1 percent. However, the Census figures for infant mortality rate in 2001 are very high, compared to NFHS-II (1988-89) data, i.e. 99 for Hindus, 95 for Muslims, 77 for Christians and 82 for Sikhs. The position in respect of child mortality rates among different communities/castes also reflect similar picture. Mortality rate differentials may be due to factors other than religion alone e.g. urban or rural residence or economic conditions of the family or availability of health amenities, etc.

Table 5.9: Infant and Child Mortality Rate among different Communities and Castes

(in percent)

Community/Caste	Infant mortality rate	Child mortality rate
Hindu	77.1	32.4
Muslim	58.8	25.4
Christian	49.2	19.7
Sikh	53.3	12.3
Jain	*(46.7)	*(11.3)
Buddhist/Neo-Buddhist	53.6	14.1
No religion	*(77.6)	*(77.2)
Scheduled castes	83.0	39.5
Scheduled tribes	84.2	46.3
Other Backward Class	76.0	29.3

Source: NFHS-II 1998-99

*Based on 250-499 children surviving to the beginning of the age interval

29. According to Table 5.10, Kerala (14) indicates the lowest Infant Mortality Rate, followed by Mizoram (19), Goa (21), Pudducherry (22) and Manipur (25). Orissa has the highest Infant Mortality Rate (97), followed by Madhya Pradesh (90), Uttar Pradesh (84) and Chhattisgarh (78).

30. Generally, it may be inferred that Infant Mortality Rate has gone down due to improved access to immunisation, health care and nutrition. Integrated Child Development Services (ICDS) Programmes have contributed significantly in arresting infant mortality through strong inputs of Universal Immunisation Programme (UIP) and Mother and Child Health Services.

Table 5.10: State-wise and Area-wise Details of Infant Mortality Rate 1999

S. No.	Name of the State	Urban Infant Mortality Rate	Rural Infant Mortality Rate	Total Infant Mortality Rate
1.	Andhra Pradesh	37	75	66
2.	Assam	36	79	76
3.	Bihar	55	64	63
4.	Gujarat	45	70	63
5.	Haryana	58	70	68
6.	Karnataka	24	69	58
7.	Kerala	16	14	14
8.	Madhya Pradesh	55	96	90
9.	Maharashtra	31	58	48
10.	Orissa	65	100	97
11.	Punjab	39	57	53
12.	Rajasthan	59	85	81
13.	Tamil Nadu	39	58	52
14.	Uttar Pradesh	66	88	84
15.	West Bengal	40	55	52
16.	Arunachal Pradesh	10	45	43
17.	Chhattisgarh	47	95	78
18.	Goa	17	23	21
19.	Jharkhand	48	76	71
20.	Himachal Pradesh	38	63	62
21.	Jammu & Kashmir	N.A.	N.A.	N.A.
22.	Manipur	24	22	25
23.	Meghalaya	33	59	56
24.	Mizoram	14	22	19
25.	Nagaland	16	N.A.	N.A.
26.	Sikkim	33	50	49
27.	Tripura	33	43	42
28.	Uttarakhand	27	75	52
29.	Andaman & Nicobar	9	30	25
30.	Chandigarh	27	36	28
31.	Dadar & Nagar Haveli	7	61	56
32.	Daman & Diu	36	34	35
33.	Delhi	31	33	31
34.	Lakshdweep	37	26	32
35.	Pudducherry	15	32	22
	Total	44	75	70

Source: Director of Census operation, Chennai-1999

Maternal Mortality Ratio

31. According to World Health Organisation, worldwide about 5 lakh women die every year from pregnancy and childbirth related causes and most of these deaths occur in developing countries.

32. According to National Family Health Survey – II (NFHS-II) Maternal Mortality Ratio is 540 deaths for 1 lakh live births as against Maternal Mortality Ratio of 424 deaths for 1 lakh live birth reported in National Family Health Survey-I (NFHS-I), suggesting a considerable increase in the Maternal Mortality Ratio in the country.

33. Further, in both National Family Health Survey-I (NFHS-I) and National Family Health Survey-II (NFHS-II), the rural Maternal Mortality Ratio is much higher than urban Maternal Mortality Ratio (434 compared with 385 in National Family Health Survey-I and 619 compared with 267 in National Family Health Survey-II). This finding suggests the need for ensuring that all pregnant women receive adequate antenatal care during pregnancy and that deliveries take place under hygienic condition with assistance of trained medical practitioners.

34. Presently, the average Maternal Mortality Ratio is 407 deaths per one lakh live births. NFHS-II speaks of the devastating neglect, inadequate structures and institutions for safe delivery. Major causes of maternal mortality are associated with unsafe abortions, ante-partum and post-partum haemorrhage, anemia, obstructed labour, hypertensive disorders and post-partum sepsis.

35. Another contemporary health related issue is that of HIV-AIDS which are reportedly spreading rapidly in the country. Currently, HIV infection in the general population is seen in all States both in the urban and rural areas. Available data from sentinel surveillance suggests that over the last two decades, there has been a slow but progressive

rise in the prevalence of infection in all groups in all States. The estimated number of HIV infected persons rose from 3.5 million in 1998 and to 3.9 million in 2000 and to 5.3 million in 2003, of whom more than 50 percent of infected persons are women and children. Every year, approximately 30,000 deliveries in India occur among sero-positive women and between 6,000 and 8,000 infants are perinatally infected with HIV.

Antenatal Check-ups

36. Based on NFHS II Survey of 1998-99, status of ante-natal check-up among different communities/castes is given in Table 5.11.

37. As may be seen from the above, more than one-third of women among Scheduled Tribes, Scheduled Castes, Muslims, no religion category, Other Backward Classes and Hindus have not gone for antenatal checkups. Facility of doctors has been availed of by all the communities and castes but largely by Jains, Buddhists and Christians. As against this, facility of other health professional and traditional birth attendants has been availed of by all communities and castes, though by a small percentage of population.

Place of Delivery

38. As may be seen from the Table 5.12, among Hindus, Muslims, Sikhs, no religion category, Scheduled Caste, Scheduled Tribes and Other Backward Classes, more than 50 percent deliveries took place at home. Against this, among Christians and Jains most deliveries took place at Health Facility Centres comprising both government hospitals and private institutions. Large number of deliveries in private institutions may be due to the better economic conditions of these communities or because of their being urban based. Among those who remained at home for delivery without the care of medical personnel, proportion was more among Scheduled Tribes, no religion Category, Scheduled Castes, Muslims, Hindus and Other Backward Classes.

Nutritional Status of Women

39. The weight and height data were used by NFHS-II to assess the nutritional status of women among different communities as indicated in Table 5.13.

40. The height of an adult is an outcome of several factors including nutrition during childhood

Table 5.11: Status of Antenatal Check-ups among Different Communities and Castes

(in percent)

	Antenatal Check up only at home from Health Worker	Antenatal check-up outside home from:			No Antenatal check up	Missing	Total
		Doctor	Other health professional	Traditional birth attendant, other			
Hindu	6.2	47.2	11.2	0.2	34.5	0.6	100
Muslim	3.3	50.7	8.5	0.4	36.4	0.7	100
Christian	3.0	73.4	7.5	0.2	15.4	0.4	100
Sikh	1.3	44.7	29.0	0.0	24.9	0.1	100
Jain	3.1	84.7	6.5	0.0	5.7	0.0	100
Buddhist/Neo-Buddhist	1.4	74.9	9.2	0.0	14.5	0.0	100
No religion	10.0	53.7	0.7	0.0	35.6	0.0	100
Scheduled Castes	5.9	41.7	13.3	0.2	38.2	0.6	100
Scheduled Tribes	10.0	34.7	11.5	0.3	43.1	0.4	100
Other Backward Classes	5.9	48.9	9.6	0.2	34.8	0.6	100

Source: NFHS-II 1998-99

Table 5.12: Details Regarding Place of Delivery among different Communities, Scheduled Castes and Scheduled Tribes

(in percent)

Community/Caste	Place of delivery						Total
	Health facility/institution			Home			
	Public	NGO/trust	Private	Own home	Parents' home	Other	
Hindu	16.4	0.6	15.9	53.5	12.5	1.1	100.
Muslim	14.1	0.9	16.5	55.7	11.8	1.0	100.
Christian	19.8	2.6	32.0	35.0	10.2	0.4	100.
Sikh	10.8	0.9	35.3	45.4	7.3	0.4	100.
Jain	12.4	1.6	57.6	25.5	3.0	0.0	100.
Buddhist/Neo-Buddhist	38.9	0.0	16.3	30.5	14.0	0.4	100.
No religion	7.9	0.0	11.1	78.5	2.6	0.0	100.
Scheduled Castes	16.0	0.5	10.3	60.1	12.0	1.1	100.
Scheduled Tribes	10.7	0.7	5.7	70.4	11.4	1.1	100.
Other Backward Classes	16.3	0.8	19.0	49.8	13.0	1.1	100.

Source: NFHS-II 1998-99

Table 5.13: Nutritional Status of Women among different Religious Communities and Castes

Community/Caste	Height		Weight for height	
	Mean height (cm)	Percentage below 145 cm	Mean Body Mass Index (BMI)	Percentage with BMI below 18.5 kg/m ²
Hindu	151.1	13.5	20.1	36.9
Muslim	151.5	12.3	20.5	34.1
Christian	152.1	10.3	21.4	24.6
Sikh	155.0	3.9	23.0	16.4
Jain	153.6	7.6	23.4	15.8
Buddhist/Neo-Buddhist	149.9	17.3	20.4	33.3
No religion	149.8	24.1	20.6	34.5
Scheduled Castes	150.3	17.0	19.5	42.1
Scheduled Tribes	150.8	13.5	19.1	46.3
Other Backward Classes	151.0	13.5	20.2	35.8

Source: NHFS-II 1998-9

and adolescence. While the cut off point for height below which a woman can be identified as nutritionally at risk, varies among population, it is usually considered to be in the range of 140-150 centimeters. NFHS-II found 151 centimeters as mean height for women in India. The mean height varied only slightly (between 150-155 cms) for women in different population groups, as is clear from the Table 5.13. Sikh women and

Jain women are taller, on average, than women in any other group. Though, 13 percent of the women in different age groups are under 145 cms in height, yet the percentage of women who are below 145 cms varies most by religion, ranging from 4-8 percent for Sikhs and Jains to 24-25 percent for women with other religions/no religions. By caste/tribe, 17 percent of Scheduled Castes women are likely to be short.

41. The Body Mass Index (BMI) defined as the weight in kilograms divided by the height in meters squared (kg/m²), for women in India is 20.3 (varying within narrow range of 19-23 for different groups). Chronic energy deficiency is usually indicated by a BMI of less than 18.5. More than 36 percent of women in different age groups have a BMI of less than 18.5, indicating a high prevalence of nutritional deficiency. As is evident from the Table 5.13, nutritional problems are particularly serious among women from 'other' religions, Muslims, Buddhists, Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Use of Contraceptives

42. Based on NFHS – II Survey, 1998-99, status of use of contraceptives among different communities and castes is given in Table 5.14.

43. As may be seen from the above, use of contraceptive is more among Sikhs, Jains, Buddhists and Christians. As against this, use of contraceptives is least among Muslims followed by no religion category, Scheduled Tribes, Scheduled Castes, Other Backward Classes and Hindus. Further, male sterilisation is adopted by very few among all communities and castes. However, male as well as female sterilisation is lowest among no religion category and Muslims as compared to highest female sterilisation among Buddhists.

Fertility Rate among different Religious Communities/Castes

44. The Total Fertility Rate (TFR), and the mean number of children ever born to women of age 40–49 by religious communities and castes are given in Table 5.15.

45. As is evident from the data in Table 5.15, total fertility rate is very high, among no religion category (3.91 percent) Muslims (3.59 percent), Scheduled Castes (3.15 percent) and Scheduled Tribes (3.06 percent). Total fertility rate is lowest among Jains (1.9 percent). In other communities, total fertility rate ranges between 2.26 percent among Sikhs to 2.83 percent among Other Backward Classes.

Table 5.14: Use of Contraceptives by different Communities Scheduled Castes, Scheduled Tribes and Other Backward Classes

(in percent)

Community/ Caste	Any method	Female sterilisation	Male sterilisation
Hindu	49.2	36.2	2.1
Muslim	37.0	19.6	0.8
Christian	52.4	36.5	2.1
Sikh	65.2	30.2	1.6
Jain	65.1	42.3	1.4
Buddhist/ Neo- Buddhist	64.7	52.5	5.0
No religion	30.1	16.7	0.0
Scheduled Castes	44.6	34.4	1.9
Scheduled Tribes	39.1	28.8	3.1
Other Backward Classes	46.8	37.2	1.6

Source: NFHS-II 1998-99

Similarly, average number of children ever born to married women of 40-49 years are highest among Muslims (5.72) followed by Scheduled Castes (4.85), Scheduled Tribes (4.74), Other Backward Classes (4.43), Hindus (4.34), and Buddhists (4.05) with lowest figure of 3.32 among Jains.

46. Based on the analysis in the preceding paragraphs, the following observations emerge:

46.1. The population of women belonging to religious minorities has been on increase and gone up from 16.1 percent in 1961 to 18.9 percent in 2001. Community-wise analysis indicates that there have been variations from decade to decade. While the share of Muslim females in the total women population of minorities has increased from 66.3 percent in 1971 to 71.1 percent in 2001, there has been decline in the share of female population belonging to Christians, Sikhs, Buddhists and Jains.

46.2. Among Parsis there has been decline in their total population as well as women

Table 5.15: Total Fertility Rate among different Communities, Scheduled Castes, Scheduled Tribes, etc.

(in percent)

Community/Caste	Total Fertility Rate	Mean number of children ever born to ever married women age 40–49 years
Hindu	2.78	4.34
Muslim	3.59	5.72
Christian	2.44	3.47
Sikh	2.26	3.59
Jain	1.90	3.32
Buddhist/Neo-Buddhist	2.13	4.05
No religion	3.91	*(5.62)
Scheduled Castes	3.15	4.85
Scheduled Tribes	3.06	4.74
Other Backward Classes	2.83	4.43

Source: NFHS-II 1998-99

*Based on 25-49 unweighted cases

population from 76382 in 1991 (Males – 37736, Females – 38646) to 69601 in 2001 (Males – 33949, Females – 35652).

46.3. Christians account for highest sex ratio of 1009 for females to 1000 males in all age groups. However, in 0-6 years age group other religions have highest sex ratio of 976 girls to 1000 boys. Lowest sex ratio is among Sikhs – 893 females to 1000 males in all age group and 786 girls to 1000 boys in 0-6 years age group.

46.4. Jains have the highest female literacy rate of 90.58 percent comprising 93.75 in urban areas and 80.34 percent in rural areas. As against this, other religions have the lowest female literacy rate of 33.19 percent. The female literacy rate among Muslim is 50.09 percent which is higher than other religions, Scheduled Castes and Scheduled Tribes.

46.5. The gender gap in literacy rate is highest among other religious (27.61 percent) and lowest among Jains (6.82 percent), followed by Christians (8.18 percent). Gender gap in literacy rate is higher in rural areas than urban areas.

46.6. Work participation rate among Buddhist women is highest (31.7 percent) and lowest among Jains (9.2 percent) against the average for all religious communities (25.6 percent). Female Work participation rates are lower than male work participation rate and their proportion varies from community to community.

46.7. Out of the women belonging to minority communities, percentage of women of other religious categories is (41.62 percent), followed by Christian women (41.86 percent) and Buddhist women (41.52 percent) are cultivators in own land. Majority of the women from other religions (56.95 percent) followed by Jain women (55.50 percent) and Buddhist women (51.46 percent) are agricultural labourers. Highest number of Sikh women (76.55 percent), followed by Christian women (59.51 percent), Buddhist (59.35 percent) and Muslim women (51.48 percent) are engaged in household industries. In other works category the highest number is that of Sikh women (29.66 percent), followed by Christian women (29.13 percent), other religion women (28.96 percent) and Buddhist women (21.85 percent).

46.8. Among Hindus, infant and child mortality rates are higher (77.1 percent and 32.4 percent respectively) than other communities. Christians account for lowest infant and child mortality rates (49.2 percent and 19.7 percent respectively). Among Muslims, infant mortality rate (58.8 percent) and Child Mortality Rate (25.4 percent) are higher than other minorities. However, infant mortality rate and child mortality rates are higher among Scheduled Castes (83.0 percent and 39.5 percent respectively) and Scheduled Tribes (84.2 percent and 46.3 percent respectively). Persons belonging to other backward class and no religion group also exhibit higher infant mortality rate and child mortality rate as compared to other communities.

46.9. The status of Total Fertility Rate (TFR) among different communities, Scheduled

Castes and Scheduled Tribes, etc. indicates that Total Fertility Rate is highest among no religion category (3.91 percent), followed by Muslims (3.59 percent), Scheduled Castes (3.15 percent) and Scheduled Tribes (3.06 percent). Jains registered the lowest total fertility rate (1.90 percent), followed by Buddhists (2.13 percent) and Sikhs (2.26 percent). As regards average number of children ever born to ever married women of 40-49 years age, Muslims indicate the highest percentage (5.72 percent), followed by no religion category (5.62 percent), Scheduled Castes (4.85 percent) and Scheduled Tribes (4.43 percent)

46.10. Nutritional status of women belonging to Christian, Sikh and Jain communities is generally better than others. Sikh women have the highest mean height of 155.0 cm followed by Jain (153.6 cm) and Christian (152.1 cm) women. Women below 145 cm in height are lowest among Sikhs (3.9 percent) followed by Jain (7.6 percent) and Christian (10.3 percent). Nutritional status of women belonging to Buddhists and no religion category is worse.

46.11. Status regarding ante-natal check ups among different communities is not very encouraging. More than one-third of women belonging to Scheduled Castes, Scheduled Tribes, Muslims and no religion category do not avail such check-ups. Facilities of Doctors for ante-natal check-ups have, however, been availed of by all communities though this is markedly higher among Jains (84.7 percent), Buddhists (74.9 percent) and Christians (73.4 percent). As regards making use of facilities

of other health professional and traditional birth attendants these have been availed of by communities/castes though their percentage is quite low.

46.12. As regards child birth deliveries, Christians and Jains preferred health facility centres/hospitals. More than 50 percent of deliveries of other communities took place at home. This was proportionately more among Scheduled Castes, Scheduled Tribes, no religion category, Muslims, Hindus and Other Backward Classes category.

46.13. Use of contraceptive is more among Sikhs, Jains, Buddhists and Christians and least among Muslims, followed by no religion category, Scheduled Tribes, Scheduled Castes, Other Backward Castes and Hindus. Female sterilisation is highest among Buddhists. Male and female sterilisation is lowest among no religion category and Muslims. Total fertility rate and number of children born is highest among Muslims, no religion category, Scheduled Castes and Scheduled Tribes. This figure is lowest among Jains, Buddhists and Hindus.

46.14. It is stated that the estimated number of HIV infected persons rose from 3.5 million in 1998 and to 3.9 million in 2000 and to 5.3 million in 2003, of whom more than 50 percent of infected persons are women and children. Every year, approximately 30,000 deliveries in India occur among sero-positive women and between 6,000 and 8,000 infants are perinatally infected with HIV.

CRITERIA FOR IDENTIFICATION OF BACKWARD SECTIONS AMONG RELIGIOUS MINORITIES

1. India is a multi-racial, multi-religious and multi-lingual country with wide variations and inequalities amongst people which have been accentuated by regional, traditional disparities over a period of time. The State has been conscious of these inherent inequalities in the society. There is, therefore a long history of affirmative action for the backward communities with a view to ensure equity and social justice. After taking note of the initiative taken prior to independence, the need for identifying and providing for those discriminated against and/or socially and economically backward was acknowledged by the Constitution framers.

2. Equality before the law is a basic Fundamental Right guaranteed under Article 14 of the Constitution. It places the strong and the handicapped on the same footing in the race of life. It is a dictum of social justice that there is equality only among equals. To treat unequals as equals is to perpetuate inequality. The humaneness of a society is determined by the degree of protection it provides to its **weaker, handicapped and less gifted members.**

3. 'Equality of opportunity' and 'equality of treatment' places the weak and the strong on par and to that extent, it amounts to denial of social justice. In fact, it is 'equality of results' which is the acid test of society's egalitarian protections. In a highly unequal society like ours, it is only by giving special protection and privileges to the under-privileged sections of society that we can enable the socially and economically weak to resist exploitation by the strong.

4. It was in view of these considerations that our Constitution makers made special provisions under Article 15(4), 16(4) and 46 etc. to protect the interests of Scheduled Castes, Scheduled Tribes and socially and educationally Backward Classes and weaker sections. It was obligatory on the part of the State to take positive steps to lift backward sections to a level from where they can take advantage on equal footing. The identification of victims of the practice of untouchability, residents of inaccessible and isolated hill areas, the socially, educationally and economically backward classes of people and other weaker sections of society was necessary in order to focus on the interventions for their advancement.

5. In order to suggest criteria for identifying the socially and economically backward among the religious minorities, it is important to examine the adequacy and effectiveness of the existing criteria in reaching out to them. It would be helpful to examine the strategies adopted for identifying different categories of backward.

Different Approaches Adopted to Identify SCs/STs and Other Backward Classes

6. In keeping with the diversities of people and different causes for backwardness, three distinct groups were recognised in the Constitution for making special provisions for their advancement. These were:

- (i) Scheduled Castes
- (ii) Scheduled Tribes

- (iii) Socially and educationally backward classes – 15 (4)
- (iv) Any Backward Class – 16(4)
- (v) Weaker Sections - 46

7. The groups at (ii) and (v) above were all inclusive and do not discriminate on the basis of religion or caste. Religious minorities form a part of these. Group at (i) is religion and caste based and arises out of the practices of untouchability among Hindus, Sikhs and Buddhists while even ignoring the same among Muslims and Christians.

8. Different parameters were adopted for identifying them and for accelerating their progress through policies and programmes which can be termed 'affirmative action' or 'positive discrimination'.

Scheduled Castes

9. The Scheduled Castes numbering 429 recognised as a special group titled 'Depressed Classes' in the 1931 Census were notified for the first time as "Scheduled Castes" in the Government of India Act, 1935. Government of India (Scheduled Castes) Order was, however issued in April 1936. The criteria adopted for purposes of specifying the Scheduled Castes was based on the obnoxious practice of untouchability. **The test applied was the social, educational and economic backwardness arising out of the historical custom of untouchability.** The Constitution of India in 1950 adopted the list drawn in 1936. No survey or investigation was undertaken to examine the eligibility of any caste included in the 1936 list. The first notification issued in 1950 included 607 communities which have now been raised to 1109 by 2002 with inclusion of 502 more castes. As against this 33 communities over the years have been excluded.

10. Specific provisions for the protection and development of Scheduled Castes are enshrined in Articles 16, 17, 46, 243, 330, 332, 334, 335, 338 and 341 of the Constitution of India.

Scheduled Tribes

11. The criteria for recognition of a separate category of 'Scheduled Tribes' was the geographical isolation of tribals living in inaccessible areas which led to their backwardness.

12. The first notification, specifying 240 communities as Scheduled Tribes was issued for 12 States in 1950. As on date the number of Scheduled Tribes communities in India stands at 628 as against 240 in 1950. The increase in Scheduled Tribes lists during the last five decades is nearly 156 percent or say one and half times and exclusions are barely 15 in number. Tribals inter-alia includes minorities as the criterion for identifying the Scheduled Tribes are religion and caste neutral. Christians, Buddhists in the NE and other tribal areas and Muslims residing in remote tribal areas are all entitled to the benefits available to the Scheduled Tribes.

13. For the protection, care and development of Scheduled Tribes, special provisions have been incorporated in the Constitution of India in Articles 16, 46, 164, 243, 244, 275(1), 330, 332, 334, 335, 338A and 342.

Socially, Educationally and Economically Backward Classes

14. The Constitution recognised that in addition to Scheduled Castes and Scheduled Tribes there may be other socially, educationally and economically backward classes who may require special attention under Article 15, 16(4) and 46. Initiatives taken by the Government in this regard since 1953 give a clear picture of strategies and criteria evolved to identify the socially, educationally and economically backward.

15. Under Article 340, the Constitution of India provided for the Appointment of a Commission to investigate the conditions of backward classes in accordance with the above provision. The first Backward Classes Commission headed by Kaka Saheb Kalelkar was appointed by Government of India in

1953 to determine the criteria for treating any sections of the people, other than the SCs and STs, as socially and educationally backward. The Commission in its report submitted in 1955 laid down four criteria for identifying socially and educationally backward classes, namely:

- (i) Low social position in the traditional caste hierarchy of Hindu society;
- (ii) Lack of general educational advancement among the major section of a caste or community;
- (iii) Inadequate or no representation in Government services;
- (iv) Inadequate representation in the field of trade, commerce and industry.

16. The Government of India did not accept the recommendations of the Kalelkar Commission and elicited the views of the State Governments on the issue. The State Governments differed in their views and suggested criteria which varied substantially from each other. The suggestions included identification of backward areas rather than backward classes; adoption of **economic backwardness** as a criterion; continuation of the existing **caste based lists of OBCs etc.** The Central Government took the view that there was no legal compulsion to draw up an All-India list of socially and educationally backward classes. **The Central Government informed the State Governments in 1961 that they had “after careful consideration, decided not to draw up any All-India list of backward classes (other than the existing list of SCs and STs) and while the State Governments had the discretion to choose their own criteria for defining backwardness, it would be better to apply economic tests than to go by caste.”** The State Governments were asked to prepare lists of backward classes on the basis of their own criteria.

17. In pursuance of the above, State level Commissions were appointed by several State Governments and their recommendations in determining the criteria for listing of OBCs were accepted. The Criteria suggested by some

of the Commissions such as, Gajendragadkar Commission of Jammu & Kashmir, Bakshi Commission in Gujarat, and Havanur Commission in Karnataka varied. But briefly they were the following:

- (i) Social backwardness, low caste status or inferiority associated with castes making difficult for them to have access to cultural training, religious and secular education, resulting in apathy for education etc.
- (ii) Economic backwardness, poverty-leading to incapability of owning land, house or other property, household income, employment status-current occupation, traditional occupation considered inferior, unremunerative or unclean, and whether depend only on manual labour.
- (iii) Educational backwardness
- (iv) Poor habitation and type of house, residence in rural, isolated and segregated areas, ownership of house site.
- (v) Participation of women in supporting family income
- (vi) Families where child marriages are prevalent.

18. The lists prepared State-wise of OBCs were religion and caste neutral Minority communities such as neo-Buddhists, SC converted to Christianity and Muslims in many States were included in these lists.

19. The reports of the State Commissions generated considerable litigation. In a number of cases the courts decided against their recommendations. In this background, the Government of India appointed the second Backward Classes Commission headed by Shri B. P. Mandal in 1979 to suggest the criteria to identify socially and educationally backwards other than SCs, STs. This Commission suggested 11 “criteria” or “indicators”, namely:

Social

- (i) Castes/Classes considered as socially backward by others
- (ii) Castes/Classes which mainly depend on manual labour for their livelihood
- (iii) Castes/Classes where at least 25 percent

females and 10 percent males above the State average get married at an age below 17 years in rural areas and at least 10 percent females and 5 percent males do so in urban areas

- (iv) Castes/Classes where participation of females in work is at least 25 percent above the State average

Educational

- (i) Castes/Classes where the number of children in the age group of 5-15 years who never attended school is at least 25 percent above the State average.
- (ii) Castes/Classes where the rate of student drop-out in the age group of 5-15 years is at least 25 percent above the State average.
- (iii) Castes/Classes amongst whom the proportion of matriculates is at least 25 percent below the State average.

Economic

- (i) Castes/Classes where the average value of family assets is at least 25 percent below the State average.
- (ii) Castes/Classes where the number of families living in Kutcha houses is at least 25 percent above the State average.
- (iii) Castes/Classes where the source of drinking water is beyond half a kilometer for more than 50 percent of the households.
- (iv) Castes/Classes where the number of households having taken consumption loan is at least 25 percent above the State average.

20. The Mandal Commission gave separate weightage to the 11 indicators in the social, educational and economic groups by giving weightage of 3 points to each of the four "indicators" in the social group, a weightage of 2 points to each of the three educational "indicators" and 1 point to each of the four economic "indicators". On the basis of the weightage given to the "indicators" those castes/communities, which scored more than 50 percent, were listed as backward classes. Mandal Commission identified backward classes which included religious minorities as

would be clear from the statement. Statement – state-wise number of castes lists with religion-wise break up.

21. The report of the Mandal Commission received in 1980 was however, not implemented until 1993. The Government notified 1238 classes in the Central list comprising of classes common to Mandal Commission and states.

22. In view of the several earlier judgments of the Supreme Court the setting up of a Special Bench of nine-judges by the Supreme Court became necessary in the case of *Indira Sawhney and Others vs. Government of India (1992)* for finally settling the legal criteria relating to reservations. In this case, the bench opined that the backwardness contemplated by Article 16(4) is social backwardness, which leads to educational and economic backwardness (para 85). It is apparent that there are inter-linked and economic backwardness results from social and educational backwardness. As regards the procedure for identification, the Bench opined that:

- (i) Neither the Constitution nor the law describes the procedure or method of identification of backward classes. Nor it is possible or advisable for the court to lay down any such procedure or method. It must be left to the authority appointed to identify. It can adopt such method/procedure as it thinks convenient so long as its survey covers the entire populace of castes among, and along with, other occupational groups, classes and sections of people. One can start the process either with occupational groups or with castes or with some other groups. Thus, one can start the process with the castes wherever they are found, apply the criteria (evolved for determining backwardness) and find out whether it satisfies the criteria. If it does, what emerges is a 'backward class of citizens' within the meaning of and for the purposes of Article 16(4). Similar process can be adopted in the case of other occupational

groups, communities and classes, so as to cover the entire populace. The central idea and overall objective should be to consider all available groups, sections and classes in society. Since caste represents an existing, identifiable social group/class encompassing an overwhelming majority of the country's population, one can well begin with it and then go to other groups, sections and classes.

- (ii) The term 'backwardness' has not been defined anywhere in the Constitution of India. It is wide enough to include all kinds of backwardness-social, educational, economic or of any other kind. The State is the sole authority to classify certain sections of the society as 'backward classes'.

23. Following the directions of the Supreme Court in *Indira Sawhney* judgment in 1992, Central Govt. and the State Governments set up Commissions/Committees to identify Backward Classes, which later decided separately, and on their own, the criteria or indicators, which would be used by them for identifying Backward Classes and prepared their own guidelines. By and large they followed the format of the Mandal Commission under which 11 indicators were grouped under three heads, namely, Social, Educational and Economic criteria – Mandal Commission identified backward classes which include religious minorities as is clear from the statement.

24. Pursuant to the *Indira Sawhney judgment*, the National Commission for Backward Classes was set up under the National Commission for Backward Classes (NCBC) Act 1993 to investigate the conditions and the difficulties faced by the socially and educationally backward classes and to make appropriate recommendations. The NCBC have formulated the following guidelines for considering requests for inclusion in the list of Other Backward Classes:

Social

- (1) Castes and communities generally considered as socially backward.

- (2) (i) Castes and communities, which mainly depend on agricultural and/or other manual labour for their livelihood and are lacking any significant resource base.
- (ii) Castes and communities, which, for their livelihood, mainly depend on agricultural and/or other manual labour for wage and are lacking any significant resource base.
- (iii) Caste and communities, the women of which, as a general practice, are, for their/family's livelihood, engaged in agricultural and/or other manual labour, for wage.
- (iv) Castes and communities, the children of which, as a general practice, are, for family's livelihood or for supplementing family's low income, mainly engaged in agricultural and/or manual labour.
- (v) Castes and communities, which in terms of the caste system, are identified with traditional crafts or traditional or hereditary occupations considered to be lowly or undignified.
- (vi) Castes and communities, which in terms of the caste system, are identified with traditional or hereditary occupations considered to be 'unclean' or stigmatised.
- (vii) Nomadic and semi-nomadic castes and communities.
- (viii) Denotified or Vimukta Jati castes and communities¹.

- (3) Castes and communities, having no representation or poor representation in the State Legislative Assembly and/or district-level Panchayati Raj institutions (during the ten years preceding the date of the application)².

¹ This term refers to castes/communities which had been categorised as Criminal Tribes under the Criminal Tribes Act, 1924, (Act No. VI of 1924), passed by the Indian Legislature and repealed by the Criminal Tribes (Repeal) Act, 1952, (Act No. XXIV of 1952) and subsequently referred to as Denotified or Vimukta Jatis.

² This is only intended to measure, as an indicator, the presence of a caste or community in these bodies. The term "poor representation" may be taken to refer to a caste or community, whose presence in the body is less than 25% of its proportion in the population.

Educational

- (4) Caste and communities, whose literacy rate is at least 8 percent less than the State or district average.
- (5) Castes and communities of which the proportion of matriculates is at least 20 percent less than the State or district average.
- (6) Castes and communities, of which the proportion of graduates is at least 20 percent less than the State or district average.

Economic

- (7) Castes and communities, a significant proportion of whose members reside only in kutcha houses.
- (8) Castes and communities, the share of whose members in number of cases and in extent of agricultural lands surrendered under the Agricultural Land Ceiling Act of the State, is 'nil' or significantly low.
- (9) Castes and communities, the share of whose members in State Government posts and services of Groups A & B/Classes I & II, is not equal to the population-equivalent proportion of the caste/community.
- (10) In addition to the above, arising from Article 16 (4) the following condition has also to be fulfilled:

Castes and communities, which are not/are inadequately, represented in the Central Government posts & services of Groups A & B. Each Group/Class should be taken separately.

Implementation of the Existing Criteria

25. In compliance with the guidelines issued by the NCBC and adopted by the States Governments with or without notifications lists of backward classes including religious minorities were notified by the Central Government and the States.

26. The first notification specifying the lists of Other Backward Classes was notified by the then Ministry of Welfare, Government of India on 13.9.1993 for 1238 communities in 14 States. As of now the list has 2159 communities. Classes belonging to religious minorities are included in many States.

- (a) In the Central list with religion-wise break up, the number is Hindu 2083, Muslims 52, Christians 22, and Sikhs 2; Total 2159.
- (b) State list with religion-wise break up is Hindu 2123, Muslim 163, Christians 38, Buddhist 2, and Sikh 6; Total 2332. The representation of minority groups among the OBCs in the Central & State lists is not in proportion to the population.

Criteria: its Effectiveness

27. The effectiveness of the parameters prescribed depends on several factors. Firstly, it must help in identifying the eligible and deserving which is the basic objective of the exercise. Parameters should, therefore, have a scientific basis which makes the process of identification rational and judicious so that the chances of its abuse and advantages being taken by non-eligible is minimal. Secondly, It must provide for a constant review and exclusion of those who are able to 'rise' above the levels that determine backwardness. The following will help us to judge the efficacy/suitability of existing criteria in identifying the socially, educationally and economically backward classes.

Procedure Adopted for Preparation of Lists of Backward Communities by the Mandal Commission and the National Commission for Backward Classes

28. The Mandal Commission report was based on a limited survey and faulty sample size. Data collected for Other Backward Classes by the Mandal Commission therefore had its own limitations. For e.g.

- (i) Collection of data from two villages per district and one urban Block per district

in 405 districts cannot be said to be a representative sample as a large number of castes which are numerically small were totally left out.

- (ii) The norms of caste-based criteria were not suited to non-Hindus. Uniform parameters which were both religion and caste-neutral should have been identified to ensure that the socially, educationally and economically backward of all communities irrespective of religion, caste etc., are equally included.
- (iii) Indices that are unstable unscientific and difficult to implement and for which no firm data available:
- (a) Castes/classes considered backward by others the criteria is subjective and not scientific.
 - (b) Castes/classes where at least 25 percent females and 10 percent males above the state average get married at an age below 17 years in rural areas and at least 10 percent females and 5 percent males do so in urban areas. Caste/classes are dispersed, no detailed household caste-wise data is available, and hence these criteria are non-implementable.
 - (c) Castes/classes where the source of drinking water is beyond half a kilometer for more than 50 percent of the households (would require a detailed house to house village wise survey).
 - (d) Castes/classes where the number of households having taken consumption loan is at least 25 percent above to state average.
 - (e) Castes and communities, the share of whose members in the State Government posts and services of groups A&B/Class I and II is equal to the population equivalent proportion of the caste/community – caste/class wise data not available nor compiled.
 - (f) The three criteria adopted for determining educational backwardness of a Caste/class –

unsuitable because of the emphasis on primary education through special initiatives and also because caste-wise literacy rates are not collected.

Procedure for Inclusion/Exclusion

29. The procedure prescribed for inclusion/exclusion is unscientific, ad hoc and subjective. Procedure prescribed for inclusion of SCs/STs differs from that applied to the OBCs. The common factor, perhaps is that in both cases it rests more on subjective assessments than scientific principles. In the absence of any large scale surveys, it needs to be mentioned that the only caste based data on backward classes is available 1931 Census only. No record on the basis of caste is available thereafter and in the absence of caste based data it is difficult to accept any enumeration, on the basis of caste as a criteria for backward classes, as foolproof. Similarly it would be difficult to accept the projections of the percentage of population made on the basis of data which is not available.

30. A review of the criteria laid down for the Scheduled Castes, Scheduled Tribes and Backward Classes reveal many inconsistencies, some of which may be summarised as follows:

- (i) Whereas identification of Scheduled Castes and Scheduled Tribes is made by the Parliament and Notification issued as a Constitutional Order, in the case of Other Backward Classes, the resolution is notified as an Executive order.
- (ii) Whereas the lists of SC and ST can be modified by the Parliament only, in case of OBC, changes can be recommended by the Commission, known as Backward Classes Commission.
- (iii) Whereas SC and ST lists are State/UT specific, there are two lists for OBCs, one state specific, and the other known as central list. A community could be specified for a part of the State also.

31. In this regard it may be mentioned that the National Commission for Backward

Classes was asked to review communities for exclusion as required under the Act, every ten years. The Chairman National Commission for Backward Classes in his letter dated 5.8.2003 addressed to the Union Minister for Social Justice and Empowerment observed:

“in the absence of the data the Commission requires to identify castes/communities that have ceased to be backward, none of the castes/communities notified in the Central lists may be deleted at this stage”

32. From the above, it is apparent that the number of castes/classes included far exceed those excluded from the lists. The point to be noted is that the number of OBCs has increased manifold. No assessment of population which is likely to be added is made while recommending inclusion. It is a fact that the number of backward classes in the lists has increased despite the investments in developmental activities and special provisions, initiatives and policy for positive discrimination in favour of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Minorities followed by the Government in the last several decades. This by itself is indicative of the fact that the considerations other than actual socio-economic backwardness of classes are perhaps responsible for increasing tendency of communities and governments for recognising new castes/classes. Political considerations clubbed with vested interest in remaining backward due to advantages available is perhaps largely responsible for this situation. Ordinarily, more ‘classes’ or castes and tribes becoming ‘Backward’ should raise serious doubts about the efficacy of the strategies, policies, programmes evolved and being implemented for raising the socio-economic status of backward and weaker communities for the last 50 years. It is indicative of failure to reach out to the deserving.

Anomalies in Identification of Backwards

33. Anomalies and loopholes in identification of the eligible due to procedure adopted was pointed out from the very beginning by various

agencies. Some of them detailed below would give an idea of the anomalies pointed out:

33.1. The first **Commissioner for Scheduled Castes and Scheduled Tribes**, Government of India, Shri L.M. Shrikant had pointed out that the process adopted for listing the communities as Scheduled Castes or Scheduled Tribes was not rigorous enough to ensure that the communities included in the schedules did satisfy the criteria or had the requisite characteristics in the entire State in which they were scheduled. He also wrote that if the ultimate goal of classless and casteless society is to be attained, **the list of Scheduled Castes and Scheduled Tribes and even of Other Backward Classes will have to be reduced from year to year and replaced in due course by a list based on the criteria of income-cum-merit (1957-58).**

33.2. **Estimates Committee** (Forty-eighth Report for the year 1958-59) of the Parliament also observed that preference be given to the less advanced among the Scheduled Castes and Scheduled Tribes in provision of all facilities. **The tendency on the part of some castes and tribes to get themselves listed as backward merely to get concessions is undesirable and must be discouraged.**

33.3. **Lokur Committee** (Shri B.N. Lokur was Secretary to the G.O.I., Ministry of Law) considered the revision of SC and ST lists and submitted a report to the Government of India in 1965.

33.4. The report pointed out that in several States, we have come across a multitude of organisations of castes and tribes whose main object is to secure or retain a place in the lists of Scheduled Castes and Scheduled Tribes and that the more advanced communities regard the reservation of seats in the Legislatures as the most attractive of these facilities.

33.5. He also pointed out it has been in evidence for some time that a lion's share of the various benefits and concessions earmarked

for the Scheduled Castes and Scheduled Tribes is appropriated by the numerically larger and politically well-organised communities. Time has come to do away gradually with these privileged classes.

33.6. Emphasis should be on the gradual elimination of the larger and more advanced communities from these lists, and on focusing greater attention on the really backward sections, preferably by applying an economic yardstick.

33.7. Weaker sections of society should be defined and criteria for special assistance laid down on the basis of economic status and educational and social backwardness. This would result in larger and larger sections of society passing out of the category requiring special assistance and enable them to attain social equality, while safeguarding the interests of those who are still in need of such special assistance.

33.8. The time has come when the question of de-scheduling of relatively advanced communities should receive serious and urgent consideration. A deadline may be fixed when the lists of Scheduled Castes and Scheduled Tribes are totally dispensed with.

33.9. State-wise 171 Scheduled Castes and 131 Scheduled Tribes were identified by the Lokur Committee for exclusion.

34. Similarly the Study Team on Tribal Development Programmes Committee on Plan Projects, (Planning Commission 1969) - P. Shilu Ao suggested be taken to deschedule on the one hand the more advanced tribal communities and on the other, to exclude communities which ought never to have been included in the list of Scheduled Tribes. Certain anomalies have arisen largely because of the absence of clearly defined principles or criteria governing the classification of tribes. The Committee suggested that a high powered Commission, consisting among others, of anthropologists, social workers, administrators

and legislators may be appointed, as and when necessary, to draw up a revised list of Scheduled Tribes on a scientific basis.

Problems of False Caste /Community Certificates

35. In many parts of the country members of certain Hindu Castes and classes, religious minorities try to identify themselves as SCs or STs persons and thereby fraudulently avail of the benefits intended for the categories to which they are actually not entitled. In this endeavor phonetic similarities between the names of their communities and those of certain Scheduled Tribes come to their help.

36. Use of area nomenclatures in the lists of SCs and STs has created other serious problems. For example, the list of the Scheduled Tribes of Himachal Pradesh includes Kanaura/Kinnara based on the name of Kinnaur 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 (now Uttaranchal) includes 'Jaunsari' based on the name of Jaunsar Pargana of Dehra Dun District. They are divided into several castes, viz., Brahmin, Rajput (Khash), Badi, Bajgi and Kolta. The last two communities are custom treated as 'untouchables' and the condition of Koltas is particularly depressing. It is only Koltas and Bajgis who really deserve the Scheduled Tribes or Scheduled Caste status. They stand little chance of availing of any benefits, which are monopolised by Brahmins 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 the status of people living within an area varies from family to family. When this anomalous situation came to the notice of the Government, a legal interpretation followed which entitled all these outsiders the privilege of the Scheduled Tribe status at the cost of the deserving.

37. Of late issue of false SC/ST certificates has assumed alarming proportions in several States. This is also due to the fact that there is a stake in 'backwardness'. The unscientific basis for inclusion and exclusion, the highly subjective manner of identification and parameters which cannot be assessed have left the field open for the ineligible to obtain caste/class certificates for syphoning benefits available to the backwards.

38. It is apparent from modifications carried out in the SC, ST and OBC lists, that **Government gave weightage for inclusion of communities rather than excluding them. The task of inclusion and exclusion of communities has not been evenly balanced and the additions to the lists have been increasing** though they should have been on the decrease due to large scale investments for these categories. This trend has been going on marginalising the deprived and the poor. Unfortunately, the benefits available have led to communities perceiving a stake in 'backwardness'. The people at the bottom of Indian society have remained isolated even after nearly six decades of independence of our country. It would be difficult to justify increase in the number of 'backward classes' after decades of concerted action for improving their lot through interventions for their development. It is apparent that in making additions to this category, the causes have been other than their social and economical backwardness. Vested interests and political consideration have been responsible for inclusion.

39. The practice of untouchability is forbidden under Article 17 of the Constitution. There is adequate evidence to establish that in the last 60 years the nature and extent of untouchability as a practice in cities and towns has considerably changed and is visible in a diluted form. In fact demarcation between the high castes and low castes in cities specially in public places has become meaningless. The SCs, STs and OBCs have benefited from developmental programmes, particularly in

the field of education, health, agriculture, rural development and income generation programmes. Besides infrastructure and communications development have impacted favourably everywhere and all areas, groups have been exposed to improved technology and better opportunities. The pace of social change has quickened since independence and there has been significant improvement in their level of literacy and reduction in poverty line indices. No reasonable person can claim that social, educational and economic position of any non-SC or non-ST has deteriorated to such an extent as to justify a fresh claim for special treatment as a 'Backward Class' of a group not included.

Inclusion as a Class/ Goup/Caste/Tribe

40. Additionally, the inclusion of an entire caste, tribe or class in the list, is contrary to the principle of social justice. No 'caste', or class or tribe suffer from social, economic and educational deprivations as a whole. The last 60 years have seen substantial changes in terms of exposure and development in rural and urban areas. Access to education, health and other services, market economy due to developmental initiatives, industrialisation and spread of communications networks have bridged the gaps between these areas and reduced the differences between various categories of people. They have also accentuated differences within communities, castes, tribes to an extent that it is no longer possible to identify any group or class as a homogenous group in terms of social, economic and educational backwardness on the basis of criterion adopted for identifying them. Class or caste or tribe as a criterion identifying the socio-economic backward has become totally irrelevant. The only option is to identify families that are socially and economically backward and devise criteria that are implementable.

Observations of the Commission

41. From the foregoing it is apparent that the existing criteria for identifying the socially and economically backward whether based

on caste or tribe or class has not been totally satisfactory for several reasons. The reliability of the lists prepared is highly questionable as it is not based on any scientific data. In the absence of reliable data, a large-scale survey should perhaps have been undertaken before the lists were prepared. Neither in the case of SCs, nor of STs such a survey was undertaken either before or after independence. The OBC lists which were prepared by the Mandal Commission and thereafter by the NCBC and State Governments on the basis of limited information and relied heavily on subjective assessments. The procedure adopted for 'inclusion' has been unduly easy specially in the case of OBCs and has had little to do with the social and economic backwardness of these included. Both at the Central level and in States instances can be cited to establish that political considerations have largely guided 'inclusions'. The dynamics for inclusion suggests that whether it be 'Jats' or 'Vokkalingers' contingencies arising out of political compulsions have guided inclusion rather than the concern for the backward or the need for reaching out to that segment of the community. The lack of a system to regularly assess the impact on castes, tribes or classes enlisted of schemes and programme under implementation, to exclude categories either wrongly included in the list or no longer being eligible, has further complicated the situation. Non-exclusion of the ineligible has marginalised the poorest and most backward amongst various categories including the minorities. It is little wonder, therefore that the tensions between groups are increasing and the demand for exclusion of the 'creamy layer' is gaining ground amongst all groups.

42. On account of the inherent deficiencies in the existing lists and the yardsticks adopted and applied in implementing programmes for backward castes and classes, the efforts made through planned developmental initiatives for improving the socio-economic status of socially, educationally and economically backward segments of society has not been achieved uniformly and leaves much to be

desired. There is a growing dissatisfaction amongst all categories – SCs, STs, OBCs and minorities with existing dispensation. Dissensions are growing within communities since the poorest and most backward in each category whether included in the list or not have not been able to benefit from the services and facilities being provided for ameliorating their poverty and enhancing their socio-economic status for various reasons. The better off or socio-economically better have taken advantage of the opportunities provided through programmes. During the tours of the Commission to various States, strong views were expressed both by Government representatives and NGOs, and experts that the need for excluding the creamy layer effectively was urgent as the benefits from programmes are not percolating to the poor backward as the creamy layers are accessing them. It was felt that creamy layer, should be excluded from all lists including that of SCs and STs. There was also a near consensus that 'religion' or 'castes' do not determine 'socio-economic backwardness. Poverty is not religion or caste based and the socially, economically backward should be identified on uniformity applicable criterion throughout the country irrespective of caste, creed / religion affirmatives.

43. In fact questions were often raised on the commitment of the political and executive leadership over the years towards the poorest and not backward.

44. During the visit to States/UTs, the Commission sought the views of Governors, Chief Ministers, Political Leaders besides NGOs and academicians on the criteria for determining backwardness among the religious minorities.

45. This Commission was informed by the State representatives that in the absence of any authentic survey, real picture cannot be obtained. It is very difficult to know how many families of a particular caste lived in slums and were deprived of basic needs of drinking

water, toilets and electricity. There is no record in the district office to assess the persons who dropped out of educational institutions and at what levels. Income of the family varies from year to year and there is no mechanism by which it is computed and authenticated. However, the following suggestions were made for determining backwardness:

- (a) Religion does not make any one backward. Separate criteria for identifying poor on the basis of religion are therefore, not required.
- (b) In India of 21st century, neither 'caste' nor class is a homogenous unit and therefore 'Family' should be considered as a basic unit. The poorest of the poor families should get opportunities for advancement. Those falling in the creamy layer category should be excluded from the lists of backwards.
- (c) Familywise data should be collected and treated as valid for at least ten years and renewed periodically.
- (d) A family which does not have any member with an educational level of High school may be considered educationally backward. Likewise, Level of education of girls in a family may also be taken into consideration.
- (e) Social backwardness should include people hailing from geographically isolated and remote areas.
- (f) Benefits of reservations should be made time-bound and for one generation only or for not more than 50 years.
- (g) Misuse of the benefits by those submitting false/fake certificates should be dealt with seriously.

46. The population of religious minorities in the Urban areas is substantial while Sikhs are more or less equally divided between the Rural and Urban areas; Muslims, Christians, Buddhists and Jains are more urban based than rural based. Substantial portion of the population of religious minorities described as other religions and persuasion's is rural based. The majority community of Hindus is more rural based though almost 76 percent of them live in the Urban areas.

47. The population of religious minorities living Below Poverty Line is available in the 55th round collected by NSSO in July, 1999-2000 is also indicative of the backwardness and poverty of various communities (Statement). While in the rural areas the percentage of families Below Poverty Line is approximate by same for the Hindus and Muslims; it is higher for Muslims for the urban areas. As against 21.66 percent Hindus living Below Poverty Line, 36.92 percent of Muslims living in urban areas belong to the Below Poverty Line group. More Christians (19.82%) are poor in the rural areas as against urban (11.84%). There are few Sikhs (2.95%) living Below Poverty Line in the rural areas though almost 11 percent of their population living in Urban areas forms a part of the Below Poverty Line. Of the other religions 33 percent live Below Poverty Line in Rural areas and 18.5 percent Below Poverty Line in the Urban areas.

48. The causes for poverty and socio-economic backwardness vary between the Rural and Urban areas. These differ on account of type of trade and activities, which are perused by families, as also due to access to services, opportunities for self employment etc., For example the Urban areas offer greater opportunities for self employment and wage employment as also in the services sector. In the Rural areas the families depend more on agriculture related activities and poverty line is determined by assets owned by way of land etc. or otherwise. The cost of living also varies between the Rural and Urban areas on account of various factors. It is therefore, necessary to have different scales for identifying the socially and economically backward, in the Rural and Urban areas. While the criteria applied in rural areas is determined by the social and economic status in the areas, in urban areas, the determinants have to be more economic than social.

49. It is apparent from the above that the criterion for identifying the socially and economically backward should satisfy the following norms:

- (i) Religion, caste or class do not determine 'Backwardness' and therefore, there is a need for evolving a uniform criterion.
- (ii) Caste, religion, class are no longer homogenous groups. They include both the backward and forward categories literate and illiterate, socially and economically advanced and backward also. Hence, the socially and economically backward amongst all categories should be identified on the basis of a uniform criteria.

50. We have already examined the criteria adopted for identifying the OBCs on the basis of class/caste and pointed out the contradictions and anomalies that hinder the identifications of the socially and economically backward of all categories including the minorities. The existing criteria for identifying the backward classes among the minorities based on the criteria suggested by the National Commission for Backward Classes is therefore, not suitable or appropriate. No separate criteria has been laid down for identifying the minorities amongst the backward communities. The government of India has, however, followed a multi-pronged policy. While ensuring access to social, economical and educational programmes to the minorities through General schemes, greater thrust for accelerated growth is provided through special programmes for educational and economic development which are implemented through specialised agencies for the socially and economically backward amongst them. They are selected on the same criteria as is applied to similarly placed others groups.

51. Recognising the fact the special programme for SC/ST/OBCs and Minorities may still not reach the poor amongst these categories. The Constitution under Article 46 provides that the state shall promote with special care the educational and economic interests of all the weaker sections. The weaker sections are caste and religion neutral.

Identification of Families below Poverty Line

52. Article 46 however also mentioned another category of weaker sections which like tribals and OBCs are caste and religion neutral. In order to reach out to the weak and poor. Government evolved a strategy of identifying people living below poverty line. The aim is to identify the poor on the basis of social, educational and economic determinants for backwardness with a view to improve their economic status.

53. To reach out to the weaker and the poor the Government has evolved a strategy of identifying people living below poverty line. The aim is to identify the poor families on the basis of social, educational and economic determinants of backwardness with a view to improve their economic status as that holds the key to social and educational development as well.

54. Though the Ministry of Rural Development at the Government of India level has been implementing the integrated rural development programme since 1980 on the basis of poverty line estimates defined by the Planning Commission, during the 8th Five Year Plan period (1992-97) the need for a systematic survey of BPL families was felt because of the feed back received through the concurrent evaluation. The evaluation report had brought out that a significant portion of the benefits of the programme had gone to either ineligible categories or to the non-poor pointing out the discrepancies in identifying the poor.

55. The BPL Survey undertaken for the 8th Plan revealed large scale discrepancies between the survey results and official State-wise Poverty Estimates made by the Planning Commission based on the Consumer Expenditure Survey of NSSO. In order to prevent a situation of ineligible households getting the benefits of the programmes of the Ministry exclusion criteria was incorporated. The Expert Group

set up for BPL Census 2002 recommended the methodology of Score Based Ranking of each household indicating their quality of life. For this purpose, 13 socio-economic parameters which included size of land holding, type of houses, food security, sanitation, ownership of consumer durables, literacy status, means of livelihood, indebtedness and migration etc. were adopted.

56. The Ministry of Rural Development observed that while finalising the methodology for BPL Census 2002, it was acknowledged that identification of poor is a much more complex and sensitive process as compared to poverty estimation. There are many factors such as geographical position, climatic conditions, and cultures etc., which influence the poverty level and quality of life of the people. Broadly, the methodology suggested for the BPL Census 2002 was appreciated and considered to be an improvement over the methodologies followed during the previous BPL Surveys mainly on account of the fact that it was more objective, transparent and provided flexibility to the States to decide the number of BPL households after taking into account the local factors. However, the States had some reservations on adoption of uniform criteria through out the country.

57. The 13 parameters are (1) Land, (2) House, (3) Clothing, (4) Food security, (5) Sanitation, (6) Consumer durables, (7) Literacy, (8) Labour force, (9) Means of Livelihood, (10) Status of children, (11) Indebtedness, (12) Migration and (13) Preference of Assistance. A copy of the schedule indicating socio-economic scorable parameters prescribed for BPL Census 2002 is at Appendix 7.1. Each of the 13 parameters has been given four points making a total of 52. One who scores the least is the poorest.

58. The criteria for identifying the Below Poverty Line families is better for identifying the socially and economically backward than any other existing criteria adopted for identifying the backwards either on the

basis of Caste/Tribes, or that adopted for identifying the Other Backward Classes. Some of the reasons for this are:

- (1) The Parameters adopted are religion and caste neutral and identify families which are socially and economically backward on a uniform scale. It is, therefore, more rational and just.
- (2) The identification is better because it is based on household survey which takes into account the status of each family. It is, therefore more focused on the socially and economically poor and deserving.
- (3) The coverage under the programme is better and all inclusive as a large percentage of Below Poverty Line families constitute other than Scheduled Castes and Scheduled Tribes as it apparent from the Table 6.1 prepared only with reference to States from which information is available.
The large percentage of Non SC/ST Below Poverty Line Families indicates that the Minorities are inter-alia covered under the programme.
- (4) The procedure is more scientific, rational and transparent as it provides for corrections. It is based on house to house survey and makes provision for dealing with complaint regarding exclusion and inclusion at the field level.
- (5) It provides for regular revision of the list every five years, which would automatically exclude families which may have risen above poverty line and include those that may need special support.
- (6) In the absence of data with regard to income etc. especially in rural areas, the procedure adopted for obtaining approval of the Gram Sabha, reduces chances of abuse to a minimum. It, therefore, provides for checks and balances which fix responsibility and accountability at the level at which knowledge about status of all families is maximum.

59. However, the applicability of the 13 Parameters prescribed still needs to be assessed. The inclusion of basic needs like house, sanitation facilities, drinking water

Table 6.1: State-wise Details on BPL SC, ST, and Non SC/ST Families: 1997

S.No.	State	No. of Rural Families	Below Poverty Line Families	% Below Poverty Line	SC BPL Families	ST BPL Families	Non SC/ST BPL Families	% Non SC/ST BPL Families
1.	Andhra Pradesh	10484028	4184627	39.91	1117654	465829	2601144	62.16
2.	Assam	3607241	2164416	60.00	282424	467757	1414235	65.34
3.	Bihar	18933813	9399281	49.64	2413764	1054226	5931291	63.10
4.	Goa	135816	23101	17.00	645	9	22447	97.17
5.	Gujarat	5587768	1980879	35.45	190.260	745584	1045035	52.76
6.	Haryana	2074615	503019	24.25	245416	-	257603	51.21
7.	Himachal Pradesh	1036996	286112	27.59	107057	19105	159950	55.90
8.	Jammu & Kashmir	297125	299125	100.00	6000	128379	164746	55.08
9.	Karnataka	6479832	2202756	34.00	650232	314993	1237531	56.18
10.	Kerala	4714295	1723556	36.56	335280	46847	1341429	77.83
11.	Madhya Pradesh	11651082	5111874	43.87	980450	180287	3951137	77.29
12.	Maharashtra	11010022	3860675	35.07	776399	970863	2113440	54.74
13.	Manipur	365670	246980	67.54	11747	178210	57023	23.09
14.	Punjab	1460536	339028	23.12	206966	404	129750	38.27
15.	Rajasthan	6768541	2097560	30.99	537941	661596	898023	42.81
16.	Tamil Nadu	NA	2737921	NA	974523	69177	1694221	61.88
17.	Uttar Pradesh	20430204	7541494	36.91	3248063	26907	4266524	56.57
18.	West Bengal	11076686	4914296	44.40	887655	139447	3887194	79.10
19.	Dadar & Nagar Haveli	26237	17231	65.67	215	16617	399	2.32
20.	Daman & Diu	10235	395	38.59	30	129	236	59.75
21.	Lakshadweep	8625	885	10.26	-	885	00	00
22.	Pudducherry	133555	63262	47.36	22562	-	40700	64.34

Source: NSSO

etc. for determining backwardness of poverty requires assessment as these become counter productive as they have the potential to negate or dampen the desire for improving the living standards by investing in them.

60. The BPL criteria discussed above relates to the rural poor. A substantial population of poor lives in urban areas also. The percentage of population below poverty line by States/UTs for the year 1999-2000, on the basis of 30 days recall period, was estimated by the Planning Commission to be 27.09 percent in rural areas and 23.62 percent in urban areas. In 1999-2000 the Planning Commission got a survey conducted to estimate the levels of

Table 6.2: Levels of Poverty Community-wise in Rural and Urban Areas

	% Below Poverty (Rural)	% Below Poverty Line (Urban)
Hindu	27.80	21.66
Muslims	27.22	36.92
Christians	19.82	11.84
Sikhs	2.95	10.86
Others	33.05	18.51

Source: Planning Commission: 1999-2000

poverty in each State among various religious communities. The findings of the survey are as given in Table 6.2.

61. There is no regular household survey

undertaken for identifying the socio economically backward poor in the urban areas. Estimation of poverty and identification of poor, though closely related, are not one and the same. While estimation of poverty helps in assessing the magnitude of poverty, identification of the specific households living “Below the Poverty Line” is necessary for targeting them under various poverty alleviation programmes.

62. The Planning Commission has been estimating the incidence of poverty at national and State levels using the methodology contained in the report of the Expert Group on estimation of proportion and number of poor (Lakdawala Committee) and applying it to consumption expenditure data from the large sample surveys on consumer expenditure conducted periodically by the National Sample Survey Organisation (NSSO). Poverty estimates made on this basis are released by the Government of India, periodically.

63. Both the Planning Commission and Union Ministry of Housing and Urban Poverty Alleviation were consulted. They were of the view that household survey at regular intervals needs to be taken up for all urban areas and the parameters should comprise both economic and non-economic indices. Though no uniform pattern for identifying the poor has been adopted which would apply to all urban poor, various Departments have evolved criteria for identifying the poor beneficiaries under various urban poverty alleviation schemes being implemented by the Ministry. For e.g. in the Swarna Jayanti Shahari Rozgar Yojana a seven parameter criteria has been adopted. Kerala State under its State Poverty Eradication Mission called Kudumbashree Mission has adopted nine parameter criteria which indicates risk levels of the families covering both urban and rural populations. The Velugu programme is

being implemented in Andhra Pradesh for identifying the poorest amongst the rural poor. Participation of the community in both Kudumbashree and Velugu projects is crucial in identifying the poor.

64. For evolving criteria for identifying both urban and rural poor and socially and economically backward irrespective of caste, class and creed etc. different norms will have to be evolved keeping in view the social, economic and educational status of the households and the local conditions. This can only be evolved by an Expert Committee representing different disciplines on the basis of evaluation study which must first be undertaken to assess the adequacy and suitability of the existing criterion. Appendices 7.2 and 7.3 give brief descriptions of various parameters adopted for identifying for the poor households by the Rural Development Ministry, Urban Development and Poverty Alleviation Ministry and the Velugu and Kudumbashree projects referred to above.

65. In view of the foregoing, it is apparent that all lists (SC/ST/OBC) have been prepared without any scientific basis (no data base as no surveys undertaken), the anomalies in ‘identification’ and ‘inclusion’ of castes, tribes, classes have arisen from subjectivity and political consideration which have denied benefits of ‘schemes’ and programmes approved for their upliftment to be really backward. In order to ensure that ‘benefits’ reach the poorest and weakest, it is necessary that those who have reaped advantage from Government programmes are excluded on a regular basis and criteria evolved which takes into account the local condition, the family’s social and economic status and responsibilities and in no way either encourages a stake in backwardness or adversely impacts on an individual or household’s initiative or investments necessary for enhancing status.

MEASURES FOR WELFARE AND DEVELOPMENT OF MINORITIES

Approach towards Welfare and Development of Minorities

1. India is a multi cultural society comprising several major and minor religions, languages and ethnic groups. An ancient society but a young state, India has upheld a long tradition of coexistence among people of different stocks, different religions, faiths and cultural beliefs, customs and languages. What holds this marvellously diverse society is the dictum of unity *Vasudeva Kutumbhakam* that we are all but one family of human beings and our being together and staying together is what can add to our rich multicoloured cultural fabric and heritage. The Constitution of India has not only upheld the long secular tradition where people of many faiths have lived together in harmony but also makes special provisions to protect the educational and cultural rights of all minorities, religious and linguistic. Articles 29 and 30 of the Constitution of India guarantee the rights of the minorities, religious and linguistic. Articles 29 and 30 of the Constitution of India guarantee the rights of the minorities to conserve the language, script and culture and to establish and administer education institutions of their choice whether based on religion or language.

Removal of Disparities and Inequalities

2. India took the road to planned development keeping in view the vast regional and inter group disparities at the time of Independence. It was considered necessary to take up national initiatives for socio economic development for removing the distortions of the past through

a conscious policy of state intervention into the highly iniquitous social stratification structures. India's development planning rests on the twin planks of growth and justice and is aimed at raising the quality of life of her people.

3. The Constitution of India provides a strong framework for socio legal action for removal of disparities (a) by writing in the equality clauses prohibiting discrimination on the basis of religion, race, caste, sex, or place of birth, and (b) empowering the State to make special provisions for women and children and for the historically disadvantaged sections of population, the scheduled castes (SC) and scheduled tribes (ST) and other backward classes (OBC) (protective discrimination) in violation of the fundamental obligation of non discrimination. This was considered to ensure de facto equality through strong equity measures and policies. In post independence India, a large number of constitutional and legislative measures and many forward looking policies and programmes have been directed at integrating the historically disadvantaged sections of society to include the Scheduled Castes (SC), Scheduled Tribes, Minorities and Women in the mainstream of national development.

4. Welfare and development of weaker sections, including the SCs, STs, OBCs, minorities and those below the poverty line (BPL), has been a priority on the developmental agenda. A large number of welfare measures have been taken specifically for the benefit of weaker sections, primarily targeting the

scheduled castes (SCs), scheduled tribes (STs), other backward classes (OBCs), and the people who subsist below the poverty line (BPL). From time to time, a special thrust has been provided for the minorities. It is important to appreciate that a very significant proportion of members of minority communities fall within the above mentioned categories. There are minorities within the BPL category, and within ST and OBC categories as well. The overall aim of these welfare measures is to bring about social justice and empowerment of the weaker sections, through ensuring equitable opportunities at every level. The minorities were expected to benefit equally from the large number of developmental programs and targeted schemes, enacted and implemented for weaker sections of society.

5. In analysing the welfare measures that affect the status of minorities, efforts made by the central and state governments to reach education, health services, subsidised food, drinking water, shelter, and other basic needs to the people have to be included. Several schemes are being implemented for poverty alleviation, rural and urban employment, formation of self help groups (SHGs) aiming at income generation, and so on. All these schemes have an impact on the well being of the citizens of India, irrespective of religion. Since socially and economically backward among the minorities are part of weaker sections, such schemes are expected to have a positive impact on their status and well being.

6. Prominent among programmes, schemes and institutions available to all populations currently are: ICDS and Early Childhood Care and Education (ECCE), Sarvshiksha Abhiyan with focus on SC, ST, BPL, OBC, Minorities and Girls; Swrnajayanti Gram Swarozgar Yojana (SGSY), Swrnajayanti Sahari Rozgar Yojana (SSRY), Sampoorna Grameen Rozgar Yojana (SGRY), National Rural Health Commission, Jawaharlal Nehru Urban Renewal Mission, National Slum Development Programme, The Bharat Nirman Programme (Irrigation, Rural Housing, Rural Water Supply, Rural

Electrification, Rural telephony, Water Conservation Ground Water Management, Rain Water Harvesting, Micro Irrigation); National Rural Employment Guarantee Programmes/Act, The National Commission On Farmers, National Horticulture Mission, Joint Forest Management; Access To Credit & Risk Management, Focus On Priority Sector Lending, Micro Credit; Micro Small and Medium Development Act of 2006; State Financial Corporations; SIDBI, NABARD, National Highway Development Programme, among others. However, keeping in view the specific problems and requirements of some groups and areas, separate provisions are made through enactment and special programmes/ interventions, as in the case of SC, ST, OBC/Minorities, Women, Children backward regions/districts, the unemployed and the poor among all.

7. Social justice requires that fundamental human rights of the members of all communities are protected by the State. To promote inter-faith harmony and a secular ethos in all parts of the country, central and state governments from time to time pro-actively encourage training for the police, armed forces, administrators and other functionaries, to sensitise them to the relevant issues. Efforts are being made to promote citizens' inter-faith groups, meetings with religious leaders of all communities, neighbourhood peace committees, and other similar measures, particularly in areas that are prone to communal tension. The New 15-Point Program for Minorities outlines a framework within which the welfare of minorities can be ensured through due democratic processes, with the involvement of civil society groups and enlightened members of minority as well as majority groups.

8. Secularism can best be implemented when people are committed to principles of equality, social justice and respect for diversities. Indian secularism emphasises absolute and unconditional equality of all religious faiths in the country. The framework of religious and cultural pluralism is being consciously

preserved, so that India continues to have a mosaic of different religions, cultures and languages. Preserving the composite culture, and promoting harmony and the spirit of common brotherhood, is enjoined on all citizens and the State.

Planned Development of Minorities: Policies, Programs and Statutory Mechanisms

Five Year Plans

9. The process of planned development, guided by the Constitution and framed by Five-Year Plans, has affected every section of the Indian population, irrespective of community, caste or class. In the initial years, a separate focus on minorities was not considered necessary, since developmental planning in India unleashed a process of growth and all-round development, which had an effect on the minority groups as well. All the weaker sections of society benefited from welfare measures launched for SCs, STs, OBCs, schemes for artisans, educational and health programs, schemes for underdeveloped regions, and the poverty-alleviation schemes. However, from time to time, a special thrust was provided for minorities as well. This additional thrust has become more prominent in the previous decade, particularly since 2001, and with the Tenth Five Year Plan (2002-07). This is because by then some issues of access emerged, with some gaps showing up in the achievements with regard to minorities.

10. In the Eighth Plan (1992-97), three national-level apex bodies were set up to give a greater thrust to the economic development of weaker sections of society. These apex-level bodies were: (i) The National Backward Classes Finance and Development Corporation (NBCFDC, set up in 1992); (ii) The National Minorities Development and Finance Corporation (NMDFC, set up in 1994-95); and (iii) National Safai Karamchari Finance and Development Corporation (NSKFDC, set up in 1996-97). While NMDFC was specifically meant for the religious minorities, the other

two included them amongst the targeted beneficiaries.

11. The Ninth Plan (1997-2002) envisaged effective implementation of various policies and developmental schemes to bring the underprivileged groups on par with the rest of society. It is noteworthy that right from the start of developmental planning, India, being a Welfare State, made provision for food security through the Public Distribution System, for health through a network of institutional infrastructure for health services, provision for nation-wide school education with scholarships and free ships for poor, SC, ST, girl children etc. (different provisions in different states). The Integrated Child Development Services (ICDS) was launched (in 1975) to cater to nutritional, health and ECCE (early childhood care and education) of children from rural as well as urban low-income areas. A number of schemes were launched for women's welfare and development.

12. The Tenth Plan (2002-07) recognised that economic growth must be accompanied by enhancement of human well being. This would be reflected through achievements in key indicators of *human development* to include poverty reduction, expansion of employment opportunities, universal primary education, increase in literacy rates, reduction in gender gaps in literacy and wage rates, reduction in population growth rate, infant mortality and maternal mortality rates, and universal access to drinking water. The development strategy adopted in the Tenth Plan took into account the fact that despite overall growth, "a large number of our people continue to live in abject poverty and there are alarming gaps in social attainments" (Tenth Plan document). Aiming at equity and social justice, the Tenth Plan strategy emphasised agricultural development as a core element, underlying the need for rapid growth of the sectors likely to create gainful employment opportunities including agriculture, small-scale industries (SSI) with a thrust on special programmes for target groups that may not

benefit sufficiently from the mainstream growth process.

13. The Tenth Plan (2002-2007) explicitly formulated programmes for social and economic empowerment of SCs, STs, OBCs and Minorities in the framework of growth and social justice. Education, health and participation in governance were emphasised as effective instruments for social empowerment of the weaker sections. Economic empowerment through specifically designed programmes best suited to their skills and requirements, would be re-invigorated. The Tenth Plan outlined specific protective and promotional measures for minorities in educational and economic spheres. Provision of basic amenities and services to backward minority concentrated pockets were to be ensured. Modernisation of education, technical and vocational education, appropriate technology and development of entrepreneurship along with necessary financial support would be key strategies during the Tenth Plan, leading to social and economic empowerment of the minorities.

14. Exclusive efforts in the Tenth Plan were to be made to promote the educational development of Muslims, specially of their women and girl children by modernising and mainstreaming their traditional educational system and institutions viz. Madarsas, through adopting syllabi being followed in the regular education system. Both protective and promotional measures as per the constitutional provisions in favour of minorities were to be taken in order to inculcate a sense of security and prevent marginalisation and isolation of minorities by mainstreaming and generating responsive awareness amongst civil society.

Vision for the Eleventh Plan (2007-12): Towards Faster and More Inclusive Growth

15. The 11th Plan provides an opportunity to restructure policies to achieve new vision based on fast, more broad-based and

inclusive growth. It is designed to reduce poverty and focuses on bridging the various divides that continue to fragment our society. The 11th Plan aims at putting the economy on a sustainable growth trajectory with a growth rate of approximately 10 percent by the end of the Plan period. It envisages productive employment at a faster pace than before, and targets robust agriculture growth at 4 percent per year. It also aims to reduce disparities across region and communities by ensuring access to basic physical infrastructure as well as health and education services to all. Thus, the 11th Plan is committed to '*Bringing on Par: SCs, STs, Minorities and others left behind*' in line with our constitutional commitment.

16. Education is the one of the most effective instruments of social empowerment and is vital for securing horizontal and vertical mobility. Schemes for the educational enlistment of the SCs and STs have borne fruit although the gap between the general population and the SCs and STs is still at unacceptable levels and need more vigorous efforts. Educational programmes need to be continued with redoubled vigour among all other backward sections including minorities, particularly among poor Muslims, who have fallen far behind the national average in all aspects, particularly in the field of education. Areas dominated by backward communities like poor Muslims will require special focus in the Social sector and schemes for creating infrastructural facilities will have to be properly implemented in these areas. Further, the Plan will explore ways of creating incentives for students belonging to these communities and work towards the economic and political empowerment of Muslim women by increasing their access to credit and ensuring their presence in decision-making bodies. A 15 point programme for the welfare of minorities has been circulated to all state governments which reflects a new beginning and has the potential of improving the quality of life of Muslim population. An effort should be made to ensure that state governments and

central Ministries/departments implement this programme. The Planning Commission may develop appropriate guidelines to ensure that Plan schemes in the relevant areas are consistent with this intention.

Initiatives taken for Development of Minorities

High Power Panel under the Chairmanship of Dr Gopal Singh

17. In 1983 a High Power Panel was appointed by the Ministry of Home Affairs headed by Dr. Gopal Singh. This Committee identified Muslims and Neo-Buddhists as two educationally backward minorities at the national level and proposed special efforts for bringing them at par with the rest of the society. Neo Buddhists have since been placed at par with the SC population for receiving all the benefits. For Muslim minority, forty four districts with concentration of Muslims, based on 1981 Census, were identified for special attention.

The 15-Point Programme for Minorities, 1983

18. In May 1983, the then Prime Minister Indira Gandhi issued a 15-Point Directive on welfare of minorities. The 15-Point Programme for Minorities announced in 1983 focused on priority areas such as: the need to tackle the situation arising out of communal riots and preventing further communal riots; ensure adequate representation of minority communities in employment under Central and State as well as Public Sector Undertakings; ensuring flow of benefits to the minority communities under various development programmes such as maintenance and development of religious places, Wakf properties and redressal of grievances of the minorities. It was felt that in many areas recruitment is done through competitive examinations and often minority groups are unable to take advantage of the educational system to compete on equal terms. Therefore, steps should be taken to encourage the starting of coaching classes in minority

educational institutions to train persons to compete successfully in these examinations. Likewise, acquisition of technical skills by those minorities who are lagging behind need to be enhanced as in the long run it would also help in national development. Arrangements should be made to set up ITIs and Polytechnics by government or private agencies in predominantly minority areas to encourage admission in such institutions of adequate number of persons belonging to these communities.

The National Policy on Education, 1986

19. The need to take special steps to advance education of Muslims was noted in the National Policy of Education 1986 its Programme of Action (Revised in 1992) and led to formulation of the Area Intensive Educational Development as a Central Government Scheme of the Ministry of Human Resource Development. The National Policy on Education, 1986 states the following with regard to minorities: “ some minority groups are educationally backward or deprived. Greater attention will be paid to the education of these groups in the interest of equality and social justice. This will naturally include the constitutional guarantees given to them to establish and administer their own educational institutions, and protection to their languages and culture. Simultaneously, objectivity will be reflected in the preparation of textbooks and in all school activities, and all possible measures will be taken to promote integration based on appreciation of common national goals and ideas, in conformity with the core curriculum” This has been reiterated in the Revised Policy Formulations, 1992.

20. The Programme of Action, 1992, first took note of the existing programmes for the Muslim Minorities and suggested a large number of short term, medium term and long-term measures to promote their education and technical skills and for their integration in the mainstream though measures such as systematic evaluation of textbooks from standpoint of national integration by the

NCERT and intensification of orientation programmes for the Principals/Managers and training programmes for teachers from minority educational institutions. The Programme of Action proposed revamping and expanding UGC Scheme of Coaching Centres for students belonging to educationally backward minorities to cover more minority concentrated areas; a crash programme for school improvement to be implemented on priority basis in minority concentrated areas and the need to establish monitoring mechanisms for monitoring of various programmes for the minorities; location of schools in minority concentrated areas for improved access and facility of Urdu medium schools and teaching of Urdu in all schools with required number of students belonging to the Muslim minority. The Women Community Polytechnics need to be set up in minority concentrated areas on priority area.

21. Major schemes proposed in the Programme of Action 1992 include the Centrally sponsored scheme of Area Intensive Programme for Educationally backward minorities; the Centrally sponsored Scheme of Modernisation of Madarsa education by introduction of Science, Mathematics, English/Hindi in traditional Madarsas and Maktabas on voluntary basis; A Centrally Sponsored scheme of appointment of Urdu teachers in the states where Urdu is spoken by substantial numbers; and a Centrally Sponsored Scheme of language teachers funded by the Government of India to encourage States in achieving the targets in respect of minority education.

22. The Programme of Action also suggested a number of other schemes e.g. a scheme of in-service training for teachers from minority managed institutions in Science, Mathematics, Social Science, English and Career Guidance through SCERTs and other Resource Centres; Scheme of appointment of regional language teachers in minority institutions for national integration and implementation of three language formula; a scheme of remedial coaching in minority institutions.

23. The scheme for Modernisation of Madrasa Education, 1992, aimed to provide mainstream education to children studying in madrasas, a traditional institution for educating children among the Muslim community. During the Tenth Plan period this scheme was merged with another scheme, namely, the Area Intensive Program for Educationally Backward Minorities. The revised scheme, known as the Area Intensive Madrasa Modernisation Program (AIMMP), retains the major objectives of the previous schemes, i.e. modernising Madrasa education so that the children can be part of the national mainstream; and infrastructure development of identified institutions catering to educationally backward minorities.

High level Committee on Social, Economic and Educational Status of Muslim Community in India (Sachar Committee)

24. A High level Committee on Social, Economic and Educational Status of Muslim Community in India was set up in 2005 under the Chairmanship of Justice Rajinder Sachar by the Prime Minister and the Committee submitted its report in November, 2006. This Committee noted with concern the low socio economic status with higher poverty, lower literacy and educational attainments, higher unemployment rates, lower availability of infrastructure and lower representation in civil services including police, judiciary and in elected bodies among Muslim minority.

New 15-Point Programme for the Welfare of Minorities, 2006

25. A need was felt to review and recast the 15-point programme for Minorities, to sharply focus action on issues intimately linked to the social, educational and economic uplift of the minorities. While points relating to prevention of communal riots and provision of relief to riot victims continue to have an important place in the revised programme, there are additional points more closely linked with the development of

backward minorities, relating specifically to employment, education and improved living conditions. It was felt that the new 15-point programme was to be necessary because of the gaps in the previous programme with regard to amelioration of socio-economic conditions and enhancement of socio-economic status of the minority groups. With a view to removing this lacuna and having a more comprehensive programme for minorities, the Prime Minister's new 15-point Programme for Welfare of Minorities was formulated, and approved by the Cabinet on 22 June 2006. This programme includes:

25.1. Enhancing opportunities for education:

Education is seen as a necessary intervention to address problems of backwardness of any community. Opportunities will be enhanced through the following measures:

- (1) Equitable availability of ICDS services: The ICDS aims at holistic development of children and lactating/pregnant mothers from disadvantaged sections through nutritional and educational inputs. Blocks/villages with substantial population of minority communities will be covered through ensuring a certain percentage of ICDS projects/centres in such areas.
- (2) Improving access to school education: Elementary schools are being opened in localities/villages across the country where substantial population of minority community lives, under the Sarva Shiksha Abhiyan, Kasturba Gandhi Balika Vidyalaya Scheme and other similar government schemes.
- (3) Greater resources for teaching Urdu: Central assistance will be provided for recruitment of Urdu language teachers in primary and upper primary schools that serve a population in which at least one-fourth belong to that language group.
- (4) Modernising Madrasa education: The Central Plan Scheme of Area Intensive and Madrasa Modernisation Programme will be substantially strengthened and effectively implemented.
- (5) Scholarships for meritorious students

from minority communities: A scheme for Pre-Matriculation and Post-Matriculation Scholarships for students from minority communities will be formulated and implemented, to ensure that poverty does not impede continuation of studies of meritorious students from minority communities.

- (6) Improving educational infrastructure through the Maulana Azad Education Foundation: Government shall provide all possible assistance to the MAEF, to enable it to expand its activities with the aim of promoting education amongst the educationally backward minorities.

25.2. Equitable share in economic activities and employment:

All communities and groups constituting a nation should have equal share in economic opportunities and employment. Proactive measures are necessary if one or more communities lag behind and become increasingly marginalised. Undermentioned Government programs then need to focus towards these communities, with earmarking of targets:

- (1) Self-employment and Wage employment for the poor
 - a) Swarnajayanti Gram Swarozgar Yojana (SGSY), primary self-employment programme for rural areas, will have a certain percentage of physical and financial targets earmarked for beneficiaries belonging to the minority communities living below the poverty line.
 - b) Swarnajayanti Shahari Rozgar Yojana (SSRY), the equivalent programme for the urban areas, will have a certain percentage under both its major components (Urban Self-Employment Programme and Urban Wage Employment Programme) earmarked to benefit people from the minority communities living below the poverty line.
 - c) Sampoorna Grameen Rozgar Yojana (SGRY), aimed at providing additional

wage employment in rural areas, will have a certain percentage earmarked for beneficiaries from minority communities living below the poverty line. A certain percentage of allocation will also be earmarked for creation of infrastructure in villages that have a substantial minority population.

- (2) Upgradation of skills through technical training: Provision of technical training to the large population of minority communities engaged in low-level technical work or in handicrafts would upgrade their skills and earning capacities. A proportion of all new ITIs will therefore be located in areas predominantly inhabited by minorities, and a proportion of the existing will be upgraded to 'Centres of Excellence' on the same basis.
- (3) Enhanced credit support to economic activities:
 - a) The National Minorities Development and Finance Corporation (NMDFC) will be strengthened by government provision of greater equity support to enable it to fully achieve its objectives.
 - b) Bank credit, essential for creating and sustaining self-employment initiatives, will have a target of 40 percent (of net bank credit from domestic banks) fixed for priority sector lending. The priority sector includes agricultural loans, loans to small-scale industries and small businesses, loans to retail traders, professionals and self-employed persons, educational loans and micro-credit. A certain percentage of priority-sector lending in all categories will be targeted for the minority communities.

25.3. Recruitment to State and Central services: Recruitment of personnel for police personnel at State and Central levels will be advised to give special consideration to minorities. In the case of Railways, Nationalised banks and the Public sector enterprises, such special consideration will also be ensured. Also an exclusive scheme will be launched to provide pre-examination

coaching for competitive examinations in government and private institutions for candidates from minority communities. Government will also provide funds to pay the fees on behalf of meritorious candidates from minority communities.

25.4. Improving the conditions of living of minorities: A large number of people belonging to minority communities live in slums in urban areas; and are often amongst the poorest of the poor in the urban areas, without access to proper housing. Measures indicated below will ensure:

- (a) Equitable share in rural housing scheme: The Indira Awas Yojana, which provides financial assistance for shelter to the rural poor living below the poverty line, will have a certain percentage of physical and financial targets earmarked for the minority community beneficiaries.
- (b) Improvement in conditions of slums inhabited by minority communities: A certain percentage of physical and financial targets under the National Slum Development Programme (NSDP) will be earmarked for slums predominantly inhabited by the minority communities. Under NSDP the Central government provides assistance to State governments for developing urban slums through provision of physical amenities, community infrastructure and social amenities.

25.5. Prevention and control of communal riots: The welfare of minority communities is linked to the effectiveness of measures adopted to address the issue of prevention and control of communal riots as under:

- (a) Prevention of communal incidents: In areas identified as communally sensitive and riot prone, police officers of known efficiency, impartiality and secular record must be posted. The prevention of communal tension should be one of the primary duties of the police and administrative officers.
- (b) Prosecution for communal offences:

Special courts should be set up so that offenders who incite communal tensions or take part in communal violence are speedily tried and punishment meted out.

- (c) Rehabilitation of victims of communal riots: Victims of communal violence should be provided immediate relief and prompt and adequate financial assistance for rehabilitation.

26. The 15-point Programme also provides that care shall be taken to ensure that wherever applicable, there is separate earmarking of the physical and financial targets for the minority communities under each programme/scheme, preferably in the ratio of the all-India population of each minority community. Thereafter these targets shall be further split State-wise for each minority community in the ratio of the population of the minority community in that State. This will ensure that the benefits necessarily reach the target group in the proportion of the population of the group in each State.

Budgetary Support For Operationalisation of New 15 Point Programme

27. The Budget sends a clear signal that the welfare of minorities as a targeted social group has been put on the same pedestal as that of SCs/STs and OBCs, worthy of specially designed schemes and exclusive provisions. In a way, it marks the continuation of the approach which saw the responsibility of “minority welfare” being carved out of the social justice ministry to be entrusted to the just-created ministry of minority affairs. An allocation of Rs. 63 crore has been made for the National Minorities Development and Finance Corporation over last year’s Rs. 16.47 crore. The Budget also makes a special allocation of Rs. 108 crore for multi-sector development programmes for minority-dominated districts. The number of districts with at least 25 percent minority population is estimated at 103. Three different scholarships have been introduced for minority students. Rs. 72 crore has been

earmarked for pre-Matric scholarships, Rs. 90 crore for post-matric scholarships and Rs. 48.60 crore for merit-cum-means scholarships at undergraduate and PG levels.

Institutional Structures for the Development of Minorities

28. At the national level, the Minorities Commission was set up in 1978. It was a non-statutory body until 1992, when Parliament enacted the National Commission for Minorities Act, and set up the first statutory commission in 1993, called the National Commission for Minorities (NCM). The main objective of NCM is to safeguard the interests of minorities. The state governments of A.P., Assam, Bihar, Chhattisgarh, Karnataka, Jharkhand, M.P., Manipur, Maharashtra, Rajasthan, Tamil Nadu, U.P., West Bengal, Uttaranchal and Delhi have also set up State Minorities Commissions. The National Minority Commission is actively engaged in looking into the interests and welfare of the Minorities.

29. The National Minorities Development and Finance Corporation (NMDFC) was set up in 1994, to provide special focus to the economic development of Minorities. The main objective of the NMDFC is to promote economic and development activities for the benefit of the ‘backward sections’ among minorities, giving preference to women and occupational groups. The NMDFC provides funds for self employment at concessional rates to minorities living close to poverty line (families with an annual income of less than Rs. 40,000 in rural and Rs. 55,000 in urban areas. By the end of the 10th Plan, the NMDFC is projected to distribute Rs 1065 crores to cover 3.01 lakh beneficiaries, with an outreach of 2.19 percent of the eligible (Double Below Poverty Line families). The National Minorities Development Finance Corporation reaches the beneficiaries through State Channelising Agencies (SCAs) nominated by the States and through Non Governmental Organisations (NGOs). Presently, the NMDFC has 35 SCAs

in 25 states and two union territories and a network of more than 150 NGOs throughout the country. Mainly Term Loans of up to Rs. 5 lakhs and Micro Finance of Rs. 25,000 per beneficiary are provided through the SCAs and the NGOs which have benefited 3.41 lakh beneficiaries so far. These two schemes cover about 96 percent and 3 percent of the loan funds disbursed by the NMDFC. While Muslims and other minorities have benefited from the activities of the NMFDC, the total flow of credit from the NMFDC in comparison to other financial institutions is extremely small. This limits the impact of NMDFC assistance on the economic progress of minorities. Moreover, obtaining a guarantee from the State government remains the biggest hurdle to getting a loan from the NMDFC. Also, due to financial constraints, the state government are reluctant to guarantee loans.

30. The Maulana Azad Education Foundation (MAEF), set up in 1989 and funded by Ministry of Minority Affairs, promotes education among educationally backward minorities. It provides financial assistance for establishment and expansion of schools, residential schools/colleges and laboratory and infrastructure facilities, establishment of computer and vocational centres, construction of hostel buildings, and Maulana Azad National Scholarships for Meritorious Girl Students, as well as Maulana Azad Literacy Awards. The Foundation has a corpus fund of Rs. 200 crore. Since inception, the Foundation has sanctioned grant-in-aid of Rs. 93.42 crore to 718 NGOs all over the country. Muslims and Buddhists have been the main beneficiaries as educationally backward minorities. During 2005-06, the Foundation has released scholarships amounting to Rs. 10.82 crore covering 10832 beneficiaries. The Foundation also awards literary awards for outstanding performance for promoting education amongst educationally backward minorities and organises in-service teacher training programmes in the states of Rajasthan, U.P., Maharashtra and Jharkhand. The Foundation is also running a vocational training centre at Ajmeri Gate, Delhi, imparting

training to about 250 women in the trades of Cutting, Tailoring, Textile Designing, Arts & Crafts etc.

31. The Central Wakf Council, a statutory body, implements various charity and educational programmes for weaker sections of Muslims. A wide variety of charitable activities, including establishment of public hospitals, asylums, libraries and caravan/serais, children's education, care and rehabilitation of physically disabled people, stipends for the poor and destitute, have traditionally been carried out under the auspices of the Wakf (i.e. endowment of property for charitable purposes). The Wakf Act, 1995, provides for better administration and supervision of Wakfs through State Wakf Boards, which have been constituted in 23 States and 5 UTs so far. The Central Wakf Council looks after development of urban Wakf properties, and implements the educational and charitable programmes for welfare of weaker sections. The Council also participates in developmental work by implementing certain schemes, with grant-in-aid from the Central Govt. It received grant-in-aid amounting to Rs. 28.20 crore up to the year 2005-06. In turn, the Council extended loans of Rs 28.47 crore to 14 States up to March 2005. Through its Education Fund, the Council implements scholarship programmes for poor students pursuing technical/professional courses, grants to poor students, matching grants to State Wakf Boards for providing scholarships to school students and establishment of vocational training centres in Muslim concentrated areas. Up to March 2006, a total of 10802 scholarships were awarded by the Council to students of technical degree courses. However, there is scope for greater interventions for educational and economic empowerment though better management of Wakf properties.

32. The National Council for Promotion of Urdu Language, a registered society under the Ministry of Human Resource Development, is responsible for promotion of the Urdu language. It helps to establish a link between

the Urdu-speaking population with technical and vocational education. It has established 228 Computer Application and Multi-lingual DTP Centres out of which nineteen Centres are exclusively for girls. This programme has produced 13,161 girl students as medium level professionals during the last five years. The Council has launched a Diploma in Calligraphy and Graphic Design in 12 Centres including three exclusively for girls. A national programme of Urdu learning through Hindi and English medium on distance mode has been launched as also a Diploma Course in Functional Arabic. The Council has received a grant of Rs. 82.21 crore from the GoI since 1996.

33. The National Commission for Minority Educational Institutions set up in 2004 to advise the Centre and state governments on any matter regarding the education of minorities as also to establish and administer educational institutions of their choice. The National Minority Educational Institutions Commission Act, 2004 allows for direct affiliation of minority educational institutions to central universities. According to this, any minority educational institution seeking affiliation to a central university will be granted such affiliation. The Commission can also look into specific complaints regarding violation of the constitutional protection guaranteed to minorities to establish and administer educational institutions of their choice, and also any dispute regarding affiliation to a scheduled central university. Within one year of establishment, the Commission received over 250 complaints, petitions and several suggestions. The Act was extensively amended in 2006 empowering the Commission to enquire into complaints regarding deprivation of or violation of rights of minority institutions and also disputes between minority educational institutions and a university relating to its affiliation.

34. The National Monitoring Committee for Minorities Education: This Committee was reconstituted in August 2004, and has been

meeting periodically since then. A Standing Committee established within the NMCME has visited the States of Uttar Pradesh, Maharashtra, Andhra Pradesh, Karnataka and Kerala for discussions with representatives of minority communities, minority educational institutions, state governments and a cross-section of the people. Thereafter it has submitted its Report to the Government in November 2005. Its recommendations are under examination in the concerned ministries, departments or state governments for further action.

Achievements & Impact of Planned Strategies for Weaker Sections/ Minorities

35. For assessing the impact of developmental programmes and statutory measures on the minorities, a comparison between physical and financial targets and achievements thereof in various sectors is being made to identify gaps and obtain a realistic picture of the challenges ahead in the succeeding paragraphs.

Empowerment through Education

35.1. After independence, the Government of India took a number of steps to strengthen the educational base of weaker sections of society. While most of the relevant educational programs are designed and implemented by the Ministry of Human Resource Development, some are within the purview of the Ministry for Social Justice and Empowerment, Ministry of Minority Affairs and yet others in the Ministry of Tribal Affairs.

35.1.1. *The National Literacy Mission (NLM)*, set up in 1988, aimed at attaining a high and sustainable literacy level for the Indian population, by means of an integrated approach. While, total Literacy Campaigns, which are time-bound, participative, and outcome-oriented are adopted as the chief strategy for imparting literacy, the Post Literacy and Continuing Education programmes consolidate the

initial learning. Under NLM, the following achievements are noteworthy:

- Over-all Literacy rate increased from 52.21 percent in 1991 to 64.85 percent in 2001. As regards minorities, their literacy rate has also gone upto 70.30 percent in 2001.
- Over-all gap in male-female literacy rate decreased from 24.84 percent in 1991 to 18.94 percent in 2001. About 60 percent of the beneficiaries are women. Among minorities, gender gap in literacy has also come down to 12.56 percent in 2001.
- 597 out of the total 600 districts in the country have been covered by NLM literacy programs
- Significant decline in absolute number of illiterates from 328.88 million in 1991 to 304 million in 2001.

35.1.2. Literacy campaigns have had an enormous impact on other social sectors. They have served the cause of promoting equity and social justice in society, and fostering a scientific temper and a sense of belonging. It is noteworthy that economically and socially weaker groups were the ones plagued by high levels of illiteracy. Between 1991-92 and 2001, the literacy rates of SCs increased by 17.28

percent (from 37.41 percent to 54.69 percent). Similarly, the literacy rate of STs, which was 29.6 percent in 1991, rose to 47.1 percent in 2001 (a 17.5 percent increase in ten years).

35.1.3. As per Census 2001, Literacy status of different communities, separately for urban and rural population, sex-wise is given in Table 7.1.

35.1.4. At the all India level except for Muslims (59.1 percent), all other religious groups have higher literacy rates than the Hindus (65.1 percent). Jains have the highest literacy rate of 94.1 percent, followed by Christians (80.3 percent); Buddhists (72.7 percent); Sikhs (69.4 percent). Further, in 2001, Female literacy rate of Muslim women was 50.1 percent compared to 53.7 percent for all communities. For Muslim males, the literacy rate was 67.6 percent, in comparison to 75.3 percent for all communities. The literacy rates are much higher, if the SC/ST and Muslim population is excluded from the total population. Male female disparities in literacy rates is 22 percent for India as a whole; it is 23 percent amongst Hindus; 17.5 percent amongst Muslims and 24.6 percent amongst the SC/ST. Regional

Table 7.1: Literacy Rate of Population 7+ by Religion, Caste and Rural Urban Residence

Area	All	Hindu	SC	ST	Muslims	Christians	Sikh	Buddhists	Jain
1	2	3	4	5	6	7	8	9	10
All areas									
Total	64.8	65.1	54.79	47.1	59.1	80.3	69.4	72.7	94.1
Male	75.3	76.2	66.6	59.2	67.6	84.4	75.2	83.1	97.4
Female	53.7	53.2	41.9	34.7	50.1	76.2	63.1	61.7	90.6
Rural									
Total	58.7	59.1	51.2	45.0	52.7	74.5	64.2	66.9	87.5
Male	70.7	71.7	63.7	57.4	62.3	79.5	70.6	78.8	94.2
Female	46.1	45.7	37.8	32.4	42.7	69.7	57.2	54.6	80.3
Urban									
Total	79.9	81.3	68.1	69.1	70.1	90.9	83.6	81.6	96.1
Male	86.3	87.9	77.9	77.8	76.3	93.6	87.5	89.8	98.4
Female	72.9	73.9	57.5	59.9	63.2	88.3	79.2	72.9	93.8

Source: Census of India (Primary Census Abstract)

variations are tremendous making development a crucial variable. Rural urban literacy differentials are marked for all groups; the gap is the widest amongst Hindus and lowest among the Muslims.

35.2. Religion wise Educational attainment levels of religious communities at All India Level is given in the Table 7.2.

35.2.1. As may be seen from Table 7.2, educational attainment levels of different social groups vary. Educational attainment levels are the highest amongst Jains, followed by Christians, Sikhs, Hindus, Buddhists and the lowest amongst the Muslims. Gender gap exists

in every religious group. Muslims are not way behind in overall literacy but the distribution of literates by educational levels shows concentration of Muslims at the lower levels but their attainment levels decline much sharper than other groups.

- Among all persons literates 7+, 21.5 percent Jains have education upto graduation and above, followed by Christians(8.7 percent); Hindus(7.01 percent); Sikhs (6.9 percent); Buddhists come next (5.7 percent) and Muslims at 3.6 percent. Among male literates 7+ again Jains lead with 24 percent followed by Christians(8.8 percent); Hindus (7.9 percent); Buddhists come

Table 7.2: Educational Attainment Levels of different Communities including Gender Gap

Community	Upto Primary level*	Middle	Secondary	Senior Secondary	Diploma	Graduation
All Religion	55.57	16.09	14.13	6.74	0.80	6.72
Hindus	54.91	16.18	14.25	6.92	0.80	7.01
Muslims	65.31	15.14	10.96	4.53	0.41	3.60
Christians	45.79	17.13	17.48	8.70	2.19	8.71
Sikhs	46.70	16.93	20.94	7.57	0.90	6.94
Buddhists	54.69	17.52	14.09	7.65	0.35	5.70
Jains	29.51	12.27	21.87	13.84	1.03	21.47
Others	62.12	17.48	11.24	4.55	0.26	4.35
Male						
All Religion	52.30	16.60	15.20	7.30	1.00	7.60
Hindus	51.50	16.70	15.40	7.60	1.00	7.90
Muslims	62.20	15.80	12.00	5.00	0.50	4.40
Christians	45.40	17.60	17.70	8.00	1.90	8.80
Sikhs	44.30	17.50	22.60	7.70	1.00	6.90
Buddhists	51.00	17.60	15.20	8.60	0.50	7.00
Jains	25.30	11.50	22.90	14.80	1.50	24.00
Others	59.40	18.40	12.30	4.90	0.30	4.60
Female						
All Religion	60.50	15.30	12.50	5.90	0.40	5.40
Hindus	60.20	15.40	12.50	5.90	0.30	5.60
Muslims	69.80	14.20	9.50	3.90	0.20	2.40
Christians	46.20	16.60	17.20	9.50	3.70	8.60
Sikhs	49.90	16.10	18.80	7.40	0.80	7.00
Buddhists	59.90	17.40	12.50	6.30	0.10	3.80
Jains	34.20	13.20	20.70	12.80	0.50	18.60
Others	67.10	15.70	9.40	3.90	0.10	3.80

*includes literates without education, below primary level and primary level
Source: Census 2001

next (7 percent), followed by Sikhs (6.9 percent); and Muslims at 4.4 percent. Among female literates 7+ again Jains lead with 18.6 percent followed by Christians (8.6 percent); followed by Sikhs (7 percent); Hindus (5.6 percent); Buddhists come next (3.8 percent); and Muslims at 2.4 percent.

35.3. Mid-day Meal scheme (National Program of Nutritional Support to Primary Education), launched in 1995, covers nearly 12 crore children in over 8 lakh primary schools. This scheme is serving a dual purpose – raising the nutritional level of children, and enhancing school admission and retention levels. Each child is provided cooked mid-day meal with minimum 300 calories and 8-12 gm of protein content. The Mid-day Meal is a successful incentive programme. It covers all students, including SCs/STs of primary classes in all schools in the country.

35.4. Kendriya Vidyalayas (KVs) and Navodaya Vidyalayas (NVs) and National Institute of Open Schooling (NIOS) reserve seats in favour of children belonging to SCs and STs, in proportion to their population in the concerned district to a maximum of 50 percent. The National Institute of Open Schooling gives concession in admission fees to SC/ST students for bridge courses and for senior secondary courses. NIOS is the largest open schooling system in the world. During 2005-06, it had more than 13 lakh students on its rolls at the secondary and senior secondary stages. NIOS has been pursuing its mission to reach the unreached by providing opportunities for schooling to those who missed opportunities to complete schooling.

35.5. Vocational Education: Vocational education is a distinct stream at the higher secondary stage in the national education system. It intends to prepare students for identified occupations spanning several areas of activities. NIOS offers about 107 distinct Vocational Education (VE) courses with their

duration varying from 6 months to 2 years. These include courses in various Crafts, Health and Paramedical; Horticulture, Agriculture, Fisheries; Insurance Sector and Office related activities; Computer science, Computer hardware repair and maintenance; Rural marketing; International marketing, Home science, etc. The NCERT (National Council of Educational Research and Training) from time to time evaluates these courses and their relevance in the context of emerging needs in technology and changing global economy. New courses on Bee keeping, Mushroom production, Life skills, Homeopathy, Rural health for women (in Hindi), Two Wheeler mechanics, and Radiography also are expected to be added to meet the requirement. In all the new vocational courses, the concept of entrepreneurship has been incorporated. The pass outs are encouraged to establish their own production/service units. Emphasis is being laid on collaborative ventures in vocational education with industries, through the CII (Confederation of Indian Industries) and others. In November 2005 NIOS and CII held a meeting to explore possibilities of partnership with CISCO and Microsoft for conduct of Information Technology (IT) courses. Similarly, a meeting of NIOS and the Rehabilitation Council of India in December 2005 discussed possibilities of developing vocational education courses for differently abled children. The NIOS is also streamlining and strengthening its courses, in order to provide opportunities for human resource development aimed at youth employment and entrepreneurship. It seeks to equip learners with appropriate skills for sustainable livelihoods and create a pool of technologically qualified human resources.

35.6. The vocational education should inter alia include:

- i. The courses offered should be modular, competency based, with multi point entry and exit.
- ii. These courses should be demand driven and based on the needs' surveys conducted for industries /user organisations.

- iii. Recognition and equivalence of the courses should be provided based on the National Vocational Education Qualification and Certification Framework.
- iv. A system of testing of skill and bridge courses should be developed to facilitate people without any formal education to get enrolled in the regular system of courses and nationally recognised certification may be provided by the National Competency Testing Agency.

35.7. In addition to the general educational schemes available to all sections of society, there are certain schemes specifically designed for financial assistance to Scheduled Castes/Scheduled Tribes/Other Backward Classes and Minorities. These include (i) post-Matric Scholarships to provide financial support to Scheduled Caste/Scheduled Tribe and Other Backward Class students to pursue studies beyond Matriculation; (ii) pre-Matric Scholarship meant for Scheduled Caste/Scheduled Tribe students and implemented by State Government. However, the Central Government provides funds for this scheme for children of those engaged in unclean occupations. Scholarships to OBC students are awarded to those whose parents' income does not exceed Rs. 44,500/- per annum. Details of central assistance released and beneficiaries covered under the post-Matric scheme during the last four years are given in the Table 7.3.

35.8. The National Overseas Scholarship Scheme is available for Scheduled Castes/Scheduled Tribes/De-notified Nomadic

students and upgradation of Merit Scheme for Scheduled Caste students. Hostel assistance is also provided to Scheduled Caste/Scheduled Tribe and Other Backward Class including minority students at middle, higher secondary and college level.

35.9. Special pre-examination coaching is also provided to weaker sections including Scheduled Castes/Scheduled Tribes/Other Backward Classes and Minorities for admission to technical and vocational institutions and services related courses as well as prospective job-seekers in government and private sector.

35.10. Higher and Technical Education: The University Grants Commission (UGC) has earmarked quota of 15 percent for SCs and 7.5 percent for STs in appointments, in teaching and non-teaching posts, admissions, hostel accommodation etc, in universities/colleges administered by the Central government. The State universities follow reservation policies as prescribed by the respective state governments. UGC also provides financial assistance for Remedial Coaching to SC and ST students for undergraduate and postgraduate students, and for preparation for the NET (National Eligibility Test). The UGC's scheme for Remedial Coaching Classes for Disadvantaged Minority Groups shall enable them to compete in various competitive examinations, to secure admissions in professional courses, and to become self-reliant.

35.11. Indira Gandhi National Open University: Set up in 1985, IGNOU provides opportunities

Table 7.3: Coverage of SC/ST/OBC Students under Post-Matric Scholarship Scheme

Year	SC Student		ST Student		OBC Student	
	Central Assistance released (in crores)	Beneficiaries (in lakhs)	Central Assistance released (in crores)	Beneficiaries (in lakhs)	Central Assistance released (in crores)	Beneficiaries (in lakhs)
2002-03	153.05	18.94	51.59	5.76	18.74	5.86
2003-04	264.99	19.44	65.79	7.52	17.00	15.96
2004-05	330.27	22.66	101.38	7.60	18.75	12.70
2005-06 (upto Dec.'05)	377.98	24.99	181.33	8.74	19.09	13.12

Source: Annual Reports of MOSJ&E and Min. of Tribal Affairs

to study socially relevant, innovative and need based programmes to all school pass-outs, including those belonging to disadvantaged groups (physically challenged, homemakers, minority groups, geographically remote etc). IGNOU provides a flexible and open system of education with regard to methods and pace of learning, combination of courses and eligibility for enrolment etc, thus enhancing access and equity in education to those who have been unable to access opportunities provided through the formal system.

35.12. Community Polytechnics: The scheme of Community Polytechnics, in operation since 1978-79, undertakes rural community development activities through application of science and technology. Target groups for training under this scheme are unemployed rural youth, minorities, SCs, STs, women, school dropouts and other disadvantaged sections of society. They are provided need based skills to help them become self-employed or to obtain gainful employment, so as to enhance their social and economic status. The Community Polytechnics contribute substantially by transferring appropriate and advanced technologies to the rural masses. At present, there are 660 Community Polytechnics in the country.

35.13. Specific Interventions for Educational Advancement of Minority groups: Two major schemes relating to minorities, i.e. Scheme of Area Intensive programme for Educationally Backward Minorities and the Scheme of Financial Assistance for Modernisation of Madrasa Education have been merged into a single scheme in the Tenth Five Year Plan, called the *Area Intensive Madrasa Modernisation Programme (AIMM)*. Under AIMM, the components of the old scheme are being carried forward: a) infrastructural development and b) Madrasa Modernisation. Under this revised scheme, 5000 Madrasas were to be covered during the Tenth Five Year Plan. A major objective of the scheme is to provide basic educational infrastructure in primary/upper primary and secondary

schools, where needed. Viability is established on the basis of a school mapping exercise. The target identified during the Tenth Plan is 325 blocks and 4 districts of Assam. During the Tenth Plan period, the component of infrastructure development is being implemented in this region only. The second major component of the AIMM scheme is Madrasa Modernisation. This component aims at inclusion of modern subjects in the Madrasa system, so that students can be linked to the mainstream education system in the country. To some extent, this has been successful but more effort is required to ensure that students from Madrasas join the mainstream educational system. The Madrasa Modernisation scheme is limited in scope and not a substitute for the regular education of children. The scheme includes payment of salary for teachers, and grants for purchase of science kits and setting up of book banks. It provides for the salary of two teachers per Madrasa @ Rs 3000 per month per teacher, for teaching modern subjects like science, mathematics, English and social sciences. A grant of Rs 7000 is given for purchase of science/maths kits and another grant of Rs 7000 for book banks and strengthening of libraries. The assistance is available to Madrasas all across the country irrespective of the curriculum they pursue.

35.14. The Tenth Plan allocation for the AIMMP scheme (covering components of infrastructure development as well as Madrasa modernisation) was Rs 83.92 crore. The expenditure during 2002-03, 2003-04 and 2004-05 was Rs 28.45 crore, Rs 29.00 crore and Rs 22 crore respectively. In 2004-05 the expenditure of Rs 22 crore was incurred for construction of 11 hostels for girls, 11 senior secondary school buildings, and payment of salaries for teachers teaching modern subjects in 575 Madrasas.

Enrolments at Various Stages of Education

35.15. India, today, has the second largest educational system in the world after China

with a total enrolment of 222.03 million out of whom 45 percent are girls. Further, girls form 47 percent of the 128.27 million children enrolled in the primary classes; 44.4 percent of the 48.73 million at the middle stage; 41.12 percent of the 35 million at the high/higher secondary stage and 39.68 percent of the 10 million students enrolled in institutions of higher learning. In fact, during 1950-51 to 2003-04, India's total enrolments at various stages of education have gone up from 19.2 million to 128.3 million children in the primary grades; from 3.1 million to 48.7 million at the middle stage and from 1.5 million to 35 million, at the high/higher secondary stage. Due to the strong gender focus of the education for all initiatives during the 1990s as also the pro Girl Child and pro-women policies and programmes during this decade, girls' education has progressed and the gender gaps are narrowing. However, the regional, rural urban and inter group disparities remain and need to be targeted specifically.

Impact of Special programmes, Schemes and Incentives for SCs and STs

35.16. There has been a visible impact of special programmes and incentives for SCs and STs. Consequently, number of Scheduled Caste children have shown steady increase. During 1980-81 to 2003-04, their enrolment has gone up from 11 million to 23 million in primary classes; from 2.2 million to 8 million at the middle stage and from 1.1 million to 4.8 million at the Secondary stage and girls forming 44.8 percent, 41.4 percent and 38.2 percent at these levels respectively. As against this, though the number of Scheduled Tribe children have also progressed but at a slow pace on account of difficult topography, unfriendly terrain, and forests, among others. During 1980-81 to 2003-04, enrolment of Scheduled Caste children has gone up from 4.6 million to 12.5 million in primary classes; from 0.74 million to 3.7 million at the middle stage and from 0.33 million to 1.95 million at the Secondary stage and girls forming 45.9 percent, 41.7 percent and 37.4 percent at these three levels respectively.

35.17. *Sarva Shiksha Abhiyan and its impact:* Sarva Shiksha Abhiyan (SSA) stands for universalisation of elementary education of satisfactory quality with emphasis on education for life for children in age group 6-14 years. The SSA is expected to cover the entire country with a focus on educational needs of girls, SC, ST, minorities and other children in difficult circumstances. Sarva Shiksha Abhiyan aims at achieving universal enrolment in schools and bridging of all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010. Most states are nearing the quantitative targets of access and enrolments but retention and quality still remain areas of concern and the system is gearing itself to improve teacher quality and classroom processes focussing on learners. Success of SSA would require expansion and universalisation of secondary education, a major challenge to meet the demands of the 21st century Knowledge Society. The successful implementation of SSA and universal secondary education of ten years will ensure educational opportunities to all irrespective of caste, class, religion and place of residence.

35.18. As part of the Sarva Shiksha Abhiyan (earlier the District Primary Education Project and Education For All programmes), a strategic shift is noticed in educational planning to target hitherto unreached geographic areas and the marginalised groups of our society. Two-pronged interventions were launched, namely, the National Programme for Education of Girls at the Elementary Stage (NPEGEL) and the Kasturba Balika Vidyalayas (KGBV). Both schemes are being implemented in Educationally Backward Blocks (EBBs) where rural female literacy is below national average of 46 percent and where the gender gap is also above the national average of 22 percent. In all 2656 Educationally Backward Blocks have been identified in 20 States on the basis of the 1991 Census. The NPEGEL launched in 2003 as an integral yet separate gender component for education of underprivileged disadvantaged girls at the elementary level.

This programme aims at development of Model Cluster School for Girls at Cluster level with infrastructure and facilities like teaching learning equipment, library, sports etc.; Gender sensitisation of teachers; teaching learning materials, provision of incentives and intense mobilisation of communities. KGBV (Residential Schools for Girls) approved in July, 2004, for setting up 750 residential schools with boarding facilities at elementary level for girls belonging predominantly to SC, ST, OBC and minorities, in difficult and remote areas. Of these 118 KGBVs are to be set up in blocks with predominance of Muslims. These schools are preferably to be run by reputed NGOs and other non-profit making bodies. The Education Guarantee Scheme and Alternative and Innovative Education (EGS & AIE) provide special thrust to education of children in school-less habitations and out-of-school children, through flexible strategies including bridge courses, residential camps, remedial coaching, drop-in centres etc. During 2005-06, this component helped provide elementary education to 62.26 lakh children.

Focus on Educationally Backward Minorities

35.19. SSA has identified 93 districts in 16 states for focused attention to education of minority children. During 2005-06, 2643 primary schools, 1978 upper primary schools and 2900 EGS centres have been sanctioned in minority concentrated districts. In addition, SSA provides:

- Special emphasis on modernisation of Madrasas- modern syllabus and training of teachers
- Support to Madrasa: Under this scheme, Madrasa affiliated to State Madrasa Board and satisfying conditions specified for State Government aided schools, are eligible for assistance. A large number of children especially girls, studying in Madrasas which are not recognised or affiliated, an EGS or AIE center can be started at the Madarasa by the local body/community based

organisation whereby, free textbooks, an additional instructor if necessary, training to the instructor in the State curriculum, can be provided. Based on State reports, 8720 Madrasas, (6867 recognised and 1853 unrecognised /non registered Madrasa) are being supported under SSA in 13 states. According to All India Educational Survey by National Council for Education Research Training (NCERT), only 4 percent of the Muslim children in the age group 7-19 years study in Maktabas which is lower in the case of urban areas and enrolments are the same for boys and girls. If Madrasas and Maktabas are combined, only 6.3 percent of the Muslim children study in them.

35.20. *Sarva Shiksha Abhiyan and Out of School Children*: The intervention under Sarva Shiksha Abhiyan and its predecessor District Primary Education Project have had a positive impact on school enrolments with substantially improved access and school environment. The number of out of school children estimated at 42 million at the start of the Tenth Plan, has come down to 23 million in September 2004 according to Mid Term Review of the Tenth Plan (June, 2005). The success of *Sarva Shiksha Abhiyan* is further evident as close to 93 percent children in age group 6-13 years are in school according to a recent study carried out in June, 2005 by the Social and Rural Research Institute for Ministry of Human Resource Development. According to this study and as indicated in the Table 7.4, there are a total of *13.5 million children (6.94 percent of the total children)* in the age group 6-13 years who are out of school comprising *7.89 percent rural children and 4.43 percent children in urban areas*. While among SC children in this age group, 8.55 percent of rural children are out of school compared to 6.25 percent in urban areas, among ST children in this age group, 10.11 percent of rural children are out of school compared to 4.21 percent in urban areas. Similarly, among OBC children in this age group, 7.73 percent

Table 7.4: Number of out of School Children Aged 6-13 by Social Groups in India, 2006

	SC	ST	OBC	Muslim	Others	All
Rural						
No of Age group 6-13 Years	31636193	15679597	52496839	13031745	32698516	145542890
No of out of School Children 6-13 Years	2706025	1585833	4059259	1567717	1434764	11353597
% out of School Children	8.55	10.11	7.73	12.03	4.39	7.80
Urban						
No of Age group 6-13 Years	6384600	1690685	14172257	9562673	16675537	48485753
No of out of School Children 6-13 Years	398841	71145	543001	685535	407614	2106137
% out of School Children	6.25	4.21	3.83	7.17	2.44	4.34
All						
No of Age group 6-13 Years	38020794	17370283	66669095	22594419	49374053	194028643
No of out of School Children 6-13 Years	3104866	1656978	4602260	2253252	1842378	13459734
% out of School Children	8.17	9.54	6.90	9.97	3.73	6.94

Source All India Survey of Out of School Children in the 6-13 years age group by Social & Rural Research Institute for Deptt. of Elementary Education & Literacy, MHRD, GOI 2006

of rural children are out of school compared to 3.83 percent in urban areas. As against this, percentage of out of school children among Muslim children in this age group is 9.97 percent comprising 12.03 percent of rural children and 7.17 percent of urban children.

35.21. A study on 'Socio-economic Status of Minorities – Factors for their Backwardness', by Centre for Research, Planning and Action, New Delhi, conducted in urban areas of five states i.e. Maharashtra, Punjab, Tamil Nadu, UP and West Bengal, spread over 15 cities selected on the basis of high concentration of religious minorities, covered households with income upto Rs. 3,000/- p.m. indicate that 35.68 percent of minority population had no formal education. Graduates were only 5.82 percent and post-graduates 1.26 percent. The ratio of those with no formal education or primary education was as high as 71 percent among Muslim families indicating that direct efforts need to be made to enhance access to education for Muslim families.

35.22. Another study conducted on Educational Status of Minorities by AROH Foundation, New Delhi, found that many

Muslim families do not enroll their children in regular schools and Children sent only to religious schools (Madrasas) lag behind their compatriots in the mainstream educational system. Students from Madrasas are unable to take advantage of upcoming employment opportunities as they mismatch qualifying educational requirements.

Economic Empowerment

36. Economic empowerment of weaker sections of the society comprising Scheduled Castes, Scheduled Tribes, Other Backward Classes and minorities is a priority area for the Government. Among the minorities, the proportion of BPL segment is calculated as 28.67 percent (according to the study by Agricultural Finance Corporation Ltd, Mumbai, 2006) and 'Double the BPL' proportion is estimated as 43 percent. As per Planning Commission's survey conducted in 1999-2000, the incidences of poverty are more in rural areas than that of urban areas for all communities except in case of Muslims. Among Muslims, the incidence of poverty is significantly more in urban areas (36.92 percent) as compared to rural areas (27.22 percent). The government has taken various steps towards the economic empowerment

of weaker sections. The important schemes/programmes, institutional arrangements to implement these and the achievements registered during the past years are discussed below.

Schemes Applicable to All Sections of Population

36.1. Employment Generation Schemes: Rural Employment Generation Programme (REGP) and Prime Minister's Rozgar Yojana (PMRY) are two employment generation credit-linked subsidy schemes. Of these, Rural Employment Generation Programme is implemented by Khadi & Village Industries Commission (KVIC) and Prime Minister's Rozgar Yojana by State Governments through District Industries Centres (DICs). Under Rural Employment Generation Programme, capital subsidy in the form of margin money is provided for setting up labour-intensive village industries. Self-help groups are also provided assistance under Rural Employment General Programme. Since its inception in 1995 up to March 2005, 2,09,705 projects have been financed and 28.06 lakh additional job opportunities created. Approximately 12.4 percent Scheduled Castes, 5.7 percent from Scheduled Tribes; 23.8 percent Other Backward Classes and 12.8 percent Minorities have been the beneficiaries. About 25.8 percent beneficiaries have been women.

Prime Minister's Rozgar Yojana

36.2. Since its inception in 1993 has been providing institutional finance to educated unemployed youth for setting up economically viable ventures in rural and urban areas. Under PMRY, loans have been disbursed to 22.80 lakhs self-employment ventures, leading to generation of employment for 34.20 lakh persons. During 1993-99, the proportion of beneficiaries belonging to Scheduled Castes/Scheduled Tribes was about 21 percent and the share of OBCs was 26 percent.

Sampoorna Grameen Rozgar Yojana (SGRY)

36.3. Launched in 2001, SGRY aimed at providing additional wage employment in rural

areas along with food security and creation of durable community assets in rural areas. It specially emphasised wage employment to women, SCs, STs and parents of children withdrawn from hazardous occupations. 22.5 percent of the annual allocation both at the District and Intermediate Panchayat levels is earmarked for individual/group beneficiary schemes of SC/ST families living below the Poverty Line (BPL). Minimum 50 percent of the Village Panchayat allocation is earmarked for creation of need based village infrastructure in SC/ST habitations/wards. The Scheme has an annual allocation of about Rs 6000 crores and 50 lakh tonnes of food grains. During 2004-05, 50.00 lakhs tonnes of food grains was released, Rs. 6018.63 crores expenditure incurred, a total of 8223.09 lakh mandays of work created, and 1639619 works completed. *In December 2006, the Ministry of Rural Development has decided that minimum 15 percent beneficiaries of SGRY will be from the minority communities.*

Swarnjayanti Gram Swarozgar Yojana (SGSY)

36.4. Launched in 1999, Swarnjayanti Gram Swarozgar Yojana is a major self-employment programme being implemented throughout the country. Its guidelines stipulate that at least 50 percent of the beneficiaries will be Scheduled Castes/Tribes, 40 percent women, and 3 percent disabled. Subsidy under SGSY will be uniform at 30 percent of the project cost, subject to a maximum of Rs 7500. For SC, ST and Disabled however, subsidy limit is 50 percent of the project cost subject to maximum of Rs 10,000.

National Food for Work Programme (NFFWP)

36.5. This programme was launched in 2004, in 150 most backward districts of the country, to create additional wage employment. The additional resources are being channelled into focus areas like water conservation and drought proofing, which are a major cause of backwardness in some regions. Wages are paid as a mix of cash and food grains, and will be not

less than the minimum wages. Equal wages are to be ensured for women and men workers.

National Rural Employment Guarantee Act (NREGA)

36.6. This scheme was notified in September 2005. Under National Rural Employment Guarantee Act, employment is to be provided to every rural household for 100 days a year to an adult member who volunteers to do unskilled manual work. Every person who does the work is to be paid minimum wages, which shall not be less than sixty rupees per day. Employment is to be provided within 15 days of application for work. At least one third of beneficiaries have to be women. The works are to be recommended by the Gram Sabha, and Panchayati Raj Institutions (PRIs) have a principal role in planning and implementation. Transparency, public accountability and social audit are to be ensured through institutional mechanisms at all levels. The focus of the program is on land development and water conservation works. The Act envisages a collaborative partnership between Central and State governments, Panchayati Raj Institutions and the local community. National Rural Employment Guarantee Act is being extended to 200 districts in the first phase of its operation and will cover the entire country within a period of five years. During 2007-08 the scheme is being extended to another 130 districts.

Enhancing Employment Potential in Agricultural Sector

36.7. An essential requirement for accelerated agricultural growth is the timely availability of institutional credit in a hassle free manner, at a reduced rate of interest. In line with this requirement, the Government announced a comprehensive policy in June 2004. The measures envisaged include accelerated flow of agri-credit to farmers through Commercial banks, Cooperative banks, and Regional rural banks; enhancement of coverage of institutional credit through Kisan Credit Cards Scheme, which provides revolving credit cash facility enabling frequent withdrawal and repayment; and restructuring of loans

for providing credit related relief to Farmers in distress, Farmers in arrears and Farmers indebted to informal sources; and a One time settlement scheme for small and marginal farmers who have been declared defaulters and have become ineligible for fresh credit.

Enhancing Employment Potential in Industrial Sector

36.8. Various schemes of the Central Government aim to reorient employment opportunities to enable weaker sections of the society to face the challenges of economic reforms and expanding private sector, through equipping them with suitable technical skills, appropriate technologies and opportunities for vocational training. Efforts are being made to modernise technologies and upgrade skills in traditional arts and crafts sectors such as handlooms, handicrafts, lace making, glasswork and metal work, ensuring value addition so that the products are competitive in modern markets. A substantial proportion of the traditional artisans in such industries belong to minorities, particularly the Muslim community. Sector-wise details are as under:

36.8.1. *Textiles* sector is the second largest provider of employment after agriculture. Majority of weavers and artisans belong to Scheduled Caste, Scheduled Tribe and minority populations. These groups are frequently linked to hereditary or subsistence based occupations, in the unorganised as well as organised textiles sector. Though many schemes devised and implemented by successive governments for this sector do not adhere to specific community or social groups, yet as a majority of those employed in these sectors belong to those groups, they are naturally the major beneficiaries. These schemes have had a significant impact in terms of employment as well as income generation and living standards of the artisan groups among weaker sections of society, as indicated below.

36.8.2. Decentralised power loom, hosiery

and knitting form the largest section of the Textile sector. The Technology Upgradation Fund Scheme (TUFS), launched in 1999, makes funds available to the domestic textile industry for upgrading the technology of existing units, and setting up new units with state-of-the-art technology. The Textile Workers' Rehabilitation Fund Scheme (TWRFS), launched in 1986, provides relief and rehabilitation measures to workers upon the closure of a mill.

36.8.3. A quick survey was organised through the Ministry of Textiles regarding the coverage of religious minorities under the different Training and Employment Schemes. As per results of the survey during 2004-05 to 2006-07 (upto February, 2007), there were 10,875 trainees enrolled in powerloom service centres and Computer-aided Design Centres (CADCs), of which 2,653 belonged to the religious and linguistic minorities comprising 1966 Muslims, 161 Christians and 526 linguistic minorities.

36.8.4. *Handlooms* sector provides employment to about 6.5 million people, contributing about 13 percent of the total cloth production, on 3.5 million looms. The sector is wholly weaver oriented, with the majority of weavers belonging to the poorest and marginalised sections of society. According to the Ministry of Textiles (Annual Report 2005-06), of the total workforce, women constitute 62.40 percent and Scheduled Castes/Scheduled Tribes constitute 32 percent. It is concentrated in the decentralised sector. Under the Deen Dayal Hathkargha Protsahan Yojna (DDHPY), the Ministry of Textiles provides support to those agencies in this sector that employ 100 percent Scheduled Castes/Scheduled Tribes/Women/Minorities. The grant is shared in the ratio of 75:25 between the Centre and the concerned State. The Government has ensured availability of raw

material to this sector through the Hank Yarn Obligation Order. The Integrated Handloom Cluster Development Scheme is a centrally sponsored scheme, in which 20 handloom clusters have been identified for development in the first phase at an estimated cost of Rs 40.00 crores. The Health Insurance Scheme for handloom weavers, launched in November 2005, aims at financially enabling weavers' community to access the best healthcare facilities in the country. The scheme covers the weaver, spouse, and two children, at a total premium of Rs 1000.00 per annum, of which GoI contributes Rs 800, and the weaver contributes Rs 200. The annual coverage is Rs 15,000 per family. Similarly the Mahatma Gandhi Bunkar Bima Yojana was launched in October 2005, with the objective of providing enhanced insurance coverage to handloom weavers in case of natural or accidental death. During the Tenth Plan, Rs 625.00 crores has been provided for the implementation of various handloom sector schemes.

36.8.5. *Handicrafts* are important culturally and economically. They have high employment potential, low capital investment, and high value addition. The growth of employment in the handicrafts sector has been from 52.92 lakhs in 1997-98 to 63.81 lakhs in 2004-05. According to the Ministry of Textiles (Annual Report 2005-06), women constitute 47.42 percent of the total workforce in handicrafts, while 37.11 percent of the workforce is Scheduled Caste/Scheduled Tribe. In this sector about 32.5 percent of the outlay is earmarked for the benefit of Scheduled Castes, Scheduled Tribes and women artisans @15 percent, 7.5 percent and 10 percent respectively. Handicrafts export increased from Rs. 6457.69 crore in 1997-98 to Rs.15616.32 crores during 2004-05. Important recent initiatives include the setting up of an India Exposition Mart at Greater NOIDA; Handicrafts Bhawan at New Delhi; restoration of Bamboo &

Cane Development Institute, Agartala, and a scheme for urban Haats at prime locations at the cost of Rs 2.00 crore each. While sixteen Haats were set up during the Ninth Plan period, 21 Haats have been sanctioned during Tenth plan period (upto February 2006). A number of schemes are being implemented for development of handicrafts, including Baba Saheb Ambedkar Hastshilp Vikas Yojana, Design and Technology Upgradation Scheme, Marketing and Support Services Scheme, Training and Extension Scheme etc. During 2005-06, new components included the Artisans Credit Card Scheme under which credit flow of Rs 250 crore by Financial/Banking institutions will be extended to approximately one lakh artisans across the country. National awards are given out to Master Craftspersons every year, to encourage artistic skills and excellence in craftspersons.

36.8.6. In the North Eastern region, the decentralised textile sector comprising handloom, power loom, sericulture, handicrafts, wool and jute forms the main source of gainful employment and income generation for the people. These sectors therefore require special attention for the amelioration of the conditions of minorities.

Small Scale Industries

36.8.7. The Ministry of *Small Scale Industries (SSI)* assists the States to promote growth and development of the Small Scale Industries, enhance their competitiveness, and generate additional employment opportunities. The schemes undertaken are for training and upgradation of skills; facilitation or provision of credit from financial institutions and banks; funds for technology upgradation; integrated infrastructural facilities; training and skills upgradation; capacity building and empowerment of the units and

their collectives. The Small Industries Development Organisation (SIDO) is the apex organisation since 1954 for assisting the government in this sector. The Growth Centres Scheme and Integrated Infrastructural Development Scheme provide assistance for establishing small scale and tiny units, creating employment opportunities, and increasing exports. Guidelines provide that the schemes be taken up in conjunction with credit and employment schemes, i.e. Prime Minister's Rozgar Yojana (PMRY), Rural Employment Generation Programme (REGP), Credit Linked Capital Subsidy Scheme etc. Employment in Small Scale Industries has risen from 158.34 lakh persons in 1990-91, to 282.57 lakh persons in 2004-05.

36.8.8. The total employment in the Small Scale sector, including unorganised manufacturing and services, is as high as 713.86 lakh people (2001-02). Small Scale Industries includes small enterprises in food processing, glass and ceramics, leather and leather products including footwear and garments, biotech industries, drugs and pharmaceuticals, dyes, gold plating and jewellery, locks, toys, wooden furniture, paints, rubber processing, industries based on aromatic and medicinal plants, poultry, hatcheries and cattle feed, wires and cables, auto parts and components, electronic equipment etc. Of the total employment in Small Scale Industries, a substantial proportion is bound to be from the backward and marginal sections among the Scheduled Castes, Scheduled Tribes, Other Backward Classes and minority communities. Muslim artisans have traditionally specialised in certain occupations such as making of locks, wooden furniture in some geographical sites, gold plating and jewellery making etc, so they are covered under the Small Scale Industries sector for upgradation of their traditional skills along with technological progress.

Agro and Rural Industries

36.9. *Agro and Rural Industries* deals with khadi and village and coir industries through the Khadi and Village Industries Commission (KVIC) and the Coir Board (CB), and coordinates implementation of the REGP and PMRY (employment schemes). While the khadi programme comprises hand spun and hand woven cotton, woollen, silk and muslin varieties, the village industries programme includes the following seven broad classifications:

- i. Mineral based Industry;
- ii. Forest based Industry;
- iii. Agro and rural Industry;
- iv. Polymer and chemical based Industry;
- v. Rural engineering and Biotechnology;
- vi. Handmade paper and Fibre Industry;
- vii. Service Industry.

36.9.1. Khadi & Village Industries Commission undertakes skill improvement and marketing support activities in the process of generating employment/self-employment opportunities in the above industries, in rural areas. It was able to generate 76.78 lakh employment opportunities during 2004-05.

National Commission for Enterprises in the Unorganised Sector

36.9.2. *National Commission for Enterprises in the Unorganised Sector (NCEUS)* was set up in 2004 for a period of three years, to examine the problems of enterprises in the unorganised sector and suggest measures to overcome them. NCEUS has constituted Task Forces to deliberate on social security for unorganised sector workers; and skill formation in the unorganised sector. NCEUS has also proposed the formation of Growth Poles in different parts of the country, integrating a number of unorganised production units within a geographical location. A few pilot projects for Growth Poles have been proposed, and discussions are on with the Government of Chhatisgarh for a multi-product multi-artisan project at Kondagaon in Bastar, based on the skills

and resources in the tribal belt of the State. Similar multi-artisanal projects are being discussed in Kollam district in Kerala, for coir, handicrafts, cashew processing etc. and in Dausa in Rajasthan for stone cutting and carving, leather, handloom, khadi, handicrafts, etc. The Commission is also re-examining the National Policy on Urban Street Vendors and interacting with various stakeholders. A draft of the revised National Policy on Urban Street Vendors has been referred to the Ministry of Urban Employment and Poverty Alleviation.

Council for Advancement of People's Action and Rural Technology

36.9.3. *Council for Advancement of People's Action and Rural Technology (CAPART)*: Established in 1986, CAPART acts as a catalyst for development of technologies appropriate for rural areas. It promotes different models of development, through promoting the efforts of NGOs in the relevant areas. These include support to NGOs within the *Scheme for Natural Resource Development and Management (NRDM)*, *Scheme for Rural Industrialisation, Income Generation and Market Access (RIIMA)*, *Scheme for Rural Development and Promotion of Information Technology (TRD and PIT)*, *Rural Infrastructure Development Scheme (RIDS)*, *Human Resource Development Scheme (HRDS)*, and *Scheme for Empowerment of SC, ST & Disadvantaged Groups and for Persons with Disabilities in rural areas (EWSCTD)*. The achievements under these various schemes are discussed below:

36.9.4. Under National Resource Development Management, which promotes water conservation, irrigation and agriculture development, Council for Advancement of People's Action and Rural Technology has sanctioned 88 projects (till 31.12.2005) involving assistance of Rs. 7.19 crores. Under Rural Industrialisation, Income

Generation and Market Access, which supports skill orientation/income generation programs and market support activities like Gramshree Mela, CAPART has sanctioned 20 projects involving assistance of Rs. 1.04 crores. Gramshree Melas at various places in the country provide avenues for the products produced by rural artisans and SHGs.

TRD and PIT scheme supports activities such as establishment of technology resource centres, technology service centres, communication resources networks, training in computer application, and intellectual property rights and related issues. Under this scheme CAPART has sanctioned 112 projects involving assistance of Rs 4.18 crores. Under RIDS, programmes for rural innovative habitat development, integrated environmental sanitation, rural infrastructure development, etc are promoted. CAPART has sanctioned 27 projects under the RIDS scheme, involving assistance of Rs. 2.04 crores. Under HRDS, activities include capacity building of PRI functionaries, promotional workshops, and training of rural unemployed youth for sustainable and gainful employment. For imparting skills training to one lakh unemployed youth from 50 backward districts of the country, 29 Nodal NGOs have been identified and training imparted to their representatives. Under the EWSTD scheme, CAPART undertakes capacity building of NGOs. It has sanctioned 20 projects under this scheme (till 31.12.2005) involving an assistance of Rs. 1.11 crores. CAPART incurred total expenditure of Rs. 55.05 crores during 2004-05.

Specialised Financial Institutions

37. The National Minorities Development and Finance Corporation, set up in 1992, provides special focus to economic development of the backward sections among minorities. Establishment of NMDFC is a major landmark

in the attempt to enhance credit flow to minorities at the national level. It is a national-level apex financial body, functioning under the Ministry of Minority Affairs. Its aims and objectives include:

- To promote economic and developmental activities for the backward sections among minorities, preference being given to the occupational groups and women;
- To assist individuals or groups belonging to minorities by way of loans and advances for economically viable schemes and projects;
- To promote self-employment and other ventures for the benefit of minorities;
- To extend loans and advances to eligible members for pursuing general, professional or technical training or education at graduate or higher level;
- To assist upgradation of technical and entrepreneurial skills of minorities for efficient management of production units;
- To assist State-level organisations dealing with development of minorities by providing financial assistance or equity contribution;
- To work as an apex institution for coordinating and monitoring the work of all corporations, boards or other bodies set up by States/UTs for assisting the minorities in their economic development; and
- To help in furthering the governmental policies and programmes for development of minorities.

37.1. NMDFC provides financial support to minority families having income below the double poverty line. At present this amounts to an annual family income of less than Rs 40,000/- in rural areas and Rs 55,000/- in urban areas. Funds are channelised through State Channelising Agencies (SCAs) and NGOs. At present there are 35 operational SCAs in 24 States and 2 UTs, who channelise the NMDFC funds for development work. Of these 35 agencies, 12 are exclusive corporations for minorities, while 16 are corporations for Scheduled Castes/Scheduled Tribes/Other Backward Castes/Women, and 7 are State bodies, Industrial Corporations, Cooperatives or banks with a mandate to serve special

occupational groups or purvey credit to priority sectors. In the network of NMDFC, there are about 150 NGOs across the country for implementing the scheme of micro-finance launched in 1998-99.

37.2. NMDFC Lending Schemes and Programmes: The main activity of the Corporation is to extend term loans up to Rs 5.00 lakhs to beneficiaries from minority families whose income is below double the poverty line, for financing viable projects. NMDFC finances up to 85 percent of the project cost to a maximum of Rs 4.25 lakh; the SCA provides 10 percent and the beneficiary contributes 5 percent of project cost. The rate of interest charged from SCA is 3.5 percent p.a., which in turn charges 6 percent from the borrowers. Micro-finance scheme, run on the SHGs (Self Help Groups) concept with the help of selected NGOs is for the poorest members of minorities who generally have no access to formal bank credit. Under Mahila Samridhi Yojana, the Corporation bears the training cost and stipend for training that is provided to groups of about 20 women, in suitable craft activities. The group is formed into a SHG and after the training, micro-credit is provided.

37.3. Education Loan: This scheme provides loan for professional and technical courses with good employment potential up to a maximum duration of 5 years.

Margin Money scheme: Financial assistance is provided to the eligible beneficiaries to meet the requirements of margins asked for by banks for sanctioning of loans. NMDFC has launched a special programme for economic development of minorities in the 41 minority concentrated districts (MCDs).

37.4. NMDFC's Promotional Schemes include the following :

- **Vocational Training:** Short term need-based vocational trainings are supported by NMDFC contributing 85 percent as grant to the organisers, who are local recognised training institutes.

- **Marketing Assistance to Crafts persons:** To support crafts persons in market promotion and sale at remunerative prices, NMDFC finances SCAs and NGOs in organising exhibitions at selected locations, for sale of the handloom and handicraft products of minority community crafts persons.
- **Assistance for Design development /Skill upgradation:** NMDFC provides grants to SCAs and NGOs to give exposure to crafts persons to new designs and for training to upgrade their skills to meet the challenge of the changing market.

Performance and Impact of NMDFC

37.5. The Corporation has an authorised share capital of Rs. 650 crore out of which the Government of India's share is 65 percent. The Government of India has so far contributed Rs. 375.36 crore in equity of the Corporation while Rs. 96.50 crore has been contributed by the various State Governments. Since its inception, during the last twelve years, the Corporation has provided financial assistance of Rs. 917.75 crores to 3,41,077 beneficiaries through State Channelising Agencies and NGOs. Table 7.5 depicts the trends in the disbursements and coverage of beneficiaries by NMDFC:

37.6. Quantum disbursed by NMDFC for term loans had gone up from Rs 3003.94 lakh in 1994-95, to Rs. 12667.37 lakh in 2004-05 but came down to Rs. 9818.00 lakh in 2006-07. The number of beneficiaries of term loans has gone up in the same period from 9570 to 34449 persons in 2004-05. The total number of beneficiaries upto 2006-07 was 2,17,071 persons, with a total disbursement of Rs. 9818.00 lakh. Term loans are the major component of NMDFC lending. The growth rate of the scheme was uneven in the initial years, but showed a constant upward trend after 1997-98 uptill 2004-05 after which it declined during the last two years. The year 2004-05 showed substantial increase in disbursement of term loans, from Rs. 81.43 crore in 2003-04 to Rs. 126.67 crore, registering a growth rate of 66.38 percent.

Table 7.5: Performance of the NMDFC in Terms of Disbursement and Coverage of Beneficiaries

(Rs. in lakhs)

Parameters	2003-04	2004-05	2005-06	2006-07
Physical Parameters				
(A) Disbursements				
a) Term Loan	8,143.22	12667.37	9354.40	9818.00
b) Micro Finance	435.31	830.77	1000.77	1317.13
c) Educational Loan	81.25	404.67	455.60	140.00
d) Mahila Samridhi Yojna	2.69	2.75	4.45	6.96
e) Interest Free Loan	7.08	1.07	1.21	0.00
f) Vocational Training Programme	14.24	19.49	30.17	43.78
Total:	8,683.79	13,926.12	10846.60	11325.87
g) Total Cumulative Disbursement	55,676.12	69,602.24	80448.84	91774.71
(B) Beneficiaries				
a) Term Loan	17,816	34,449	22,213	21,771
b) Micro Finance	6095	10544	10303	25482
c) Educational Loan	368	1103	1195	530
d) Mahila Samridhi Yojna	97	74	154	320
e) Interest Free Loan	3320	490	590	0
f) Vocational Training Programme	816	691	1389	858
Total:	28,512	47,351	35,844	48,961
g) Total Cumulative Beneficiaries	2,08,921	2,56,272	2,92,116	3,41,077
h) No. of SHGs formed	276	41		
(C) Recoveries in %				
a) from SCAs to NMDFC	90.24	87.00	82.57	83.87
b) from NGOs to NMDFC	80.00	85.00	85.80	88.64
(D) Fund Utilisation in %*	91.06	91.81	100	100
(E) Net Worth (Equity plus Reserves)	39,015.18	48,123.27	52,921.63,	56,685.00
(F) Cumulative Disb./ Net Worth	1.43	1.45	1.52	1.62

*Utilisation includes administrative and promotional expenditures
(Source: NMDFC).

37.7. The micro-finance scheme, started in 1998-99 benefited 798 persons in that year, with total disbursement of Rs.34.12 lakh. The quantum of disbursement under the scheme has been showing an upward trend upto 2006-07 except sharp decline during the year 2002-03. The total disbursement under the scheme has gone up to Rs.1317.13 lakhs during 2006-07 covering 25,482 beneficiaries.

37.8. The education loan scheme, began in 2003-04, benefited 368 persons in that year, with a financial disbursement of Rs.81.25

lakh. The beneficiaries increased during the years 2004-05 and 2005-06 to 1103 and 1195 respectively but came down to 530 during 2006-07. The amount of disbursement also registered a decline during 2006-07.

37.9. The Mahila Samridhi Yojana began in a small way in 2002-03 and an amount of Rs.1.53 lakh was disbursed to 40 beneficiaries. The disbursement and coverage of beneficiaries has been increasing continuously with an amount of Rs.6.96 lakh during 2006-07 covering 320 beneficiaries.

37.10. Under NMDFC's *promotional schemes*, the beneficiaries of interest free loan component were 2340 in 1998-99 with disbursement of Rs.4.90 lakh. The number of beneficiaries went up to 10430 in 2001-02 with disbursement of Rs.21.71 lakh. The coverage under the scheme is, however, coming down thereafter with a disbursement of Rs.1.21 lakh only during 2005-06 with 590 beneficiaries. No disbursement has been reported during the year 2006-07.

37.11. The amount disbursed for Vocational Training during the years 1999-2000 and 2000-01 was Rs.4.45 lakh and Rs.17.95 lakh respectively covering 139 and 290 beneficiaries. While the disbursement under this scheme has been increasing gradually amounting to Rs.43.78 lakh during 2006-07, the number of beneficiaries of the programme has gone down to 858 as against 1389 during 2005-06.

37.12. Further, it may be evident from Table 7.5 that the amount of disbursement and number of beneficiaries under various schemes has been increasing year after year except occasional decline as discussed in the above paragraphs. The total amount of disbursement under various schemes has been Rs. 917.75 crores benefiting a total of 3,41,077 beneficiaries. However, the assistance provided has been very limited, both in terms of physical and financial coverage. It is apparent from Planning Commission's survey that the number of BPL families among minorities in rural and urban areas is substantial. Economic empowerment of women from these households can only be achieved by organising them as SHGs and providing them micro credit.

37.12 The percentage of loan recovery was above 90 percent during 2002-2003 and 2003-04 but has come down to 83.87 percent from State Channelising Agencies and was 88.64 percent from NGOs by the end of the financial year 2006-07. This indicates that more and more recyclable fund is becoming available to NMFDC for implementing its objectives.

However, it may be mentioned that recovery from beneficiaries is poor and hence recovery from States is not an indicator of the performance. Authorised share capital of NMDFC needs to be substantially enhanced. The limit on channelising agencies in State needs to be lifted and there should be no need for State guarantees.

37.13. The community-wise disbursement of funds under Term Loan and Micro Finance as well as coverage of beneficiaries is shown in the Table 7.6.

Table 7.6: Community-wise Disbursement of Funds by NMFDC

Community	Beneficiaries %	Funds provided (Rs. In crores)
Muslims	77	457
Christians	15	89
Sikhs	7.5	45
Buddhists	0.5	3
Parsis	0	0
Total	100	594

Source: *Rapid Assessment of the Role of Financial Institutions in the Upliftment of Minorities in the Country*, by Agricultural Finance Corporation Ltd, Mumbai, 2006

37.14. As may be seen from the Table 7.6, maximum amount of loan was disbursed to Muslims, followed by Christians and Sikhs. Buddhists account for a very small percentage of beneficiaries, and Parsis have not taken up the loans at all. State-wise disbursement of funds under term loan and beneficiaries coverage as on 31.3.2005 is given in the Table 7.7.

37.15. As may be evident from the Table 7.7, maximum amount of term loan was availed by Uttar Pradesh (19.31 percent), West Bengal (15.90 percent), and Kerala (14.29 percent). Between them, these three States corner about 50 percent of the total loan disbursement. Other States where there has been substantial disbursement are Gujarat (8.17 percent), Karnataka (7.33 percent), Andhra Pradesh (4.41 percent), Maharashtra (4.26 percent) and Mizoram (4.13 percent). These 8 States between them have availed of about 75

**Table 7.7: State-wise Disbursement of Loans and Beneficiaries Coverage
(Term loan only) Cumulative as on 31 March, 2005**

(figures in lakh)

Sr No.	State/UT	Minority population	% of country Min. population	Amt. disbursed	% disbursement	Beneficiaries covered	% coverage
1	Andhra Pradesh	82.32	4.34	2981.32	4.41	17413	9.71
2	Assam	93.01	4.91	436.58	0.65	1010	0.56
3	Bihar	138.15	7.29	2520.11	3.73	6450	3.60
4	Chandigarh	1.89	0.1	68.12	0.10	159	0.09
5	Chhattisgarh	9.45	0.5	65.26	0.10	271	0.15
6	Delhi	23.33	1.23	275.00	0.41	593	0.33
7	Gujarat	49.52	2.61	5525.41	8.17	13437	7.50
8	Haryana	24.27	1.28	1573.97	2.33	4048	2.26
9	Himachal Pradesh	2.75	0.15	451.56	0.67	867	0.48
10	Jammu & Kashmir	71.34	3.76	1614.76	2.39	2955	1.65
11	Karnataka	78.81	4.16	4954.64	7.33	14302	7.98
12	Kerala	139.26	7.35	9663.67	14.29	23943	13.36
13	Madhya Pradesh	43.72	2.31	1319.51	1.95	5054	2.82
14	Maharashtra	174.39	9.20	2882.95	4.26	4146	2.31
15	Manipur	9.32	0.49	189.26	0.28	430	0.24
16	Mizoram	8.54	0.45	2789.21	4.13	9945	5.55
17	Nagaland	18.28	0.96	1843.29	2.73	3179	1.77
18	Orissa	16.87	0.89	773.05	1.14	2665	1.49
19	Pudducherry	1.27	0.07	60.25	0.09	123	0.07
20	Punjab	153.08	8.08	2078.88	3.07	4371	2.44
21	Rajasthan	56.89	3.00	484.12	0.72	1077	0.60
22	Tamil Nadu	72.71	3.84	914.00	1.35	1898	1.06
23	Tripura	4.57	0.24	216.21	0.32	470	0.26
24	Uttar Pradesh	319.34	16.85	13056.29	19.31	31293	17.46
25	Uttarakhand	12.64	0.67	25.00	0.04	75	0.04
26	West Bengal	210.65	11.12	10751.99	15.90	28904	16.12
27	Others	78.71	4.15	100.00	0.15	196	0.11
	Total	1895.08	100	67614.41	100	179274	100

Source: Rapid Assessment of the Role of Financial Institutions in the Upliftment of Minorities in the Country, by Agricultural Finance Corporation Ltd, Mumbai, 2006

percent of the Term Loan disbursement. The State of Uttarakhand availed the lowest amount of Rs 25 lakh (0.04 percent).

37.16. From the point of view of social equity, the beneficiaries of Term Loan coverage and loan amount should be in proportion to the minority population of the State. However, there are disparities on this count. For example the States of Maharashtra and Bihar have 9.20 percent and 7.29 percent of the

country's minority population, but share only 2.31 percent and 3.60 percent of the loans disbursed.

37.17. The data contained in Table 7.7 is based on the Report of Agriculture Finance Corporation which was asked by the Commission to conduct a study on the role of financial institutions in the upliftment of minorities. However, as per latest data received from the NMDFC, disbursement to

States upto the end of 2006-07 aggregates to Rs. 870.52 crore with 2,24,447 beneficiaries.

Outreach of NMDFC

37.18. The NMDFC has been able to cover only 1.60 percent of those eligible to receive economic development support under its programmes upto 31st March, 2005 as indicated in the Table 7.8.

Table 7.8: Outreach of NMDFC

S.No.	Total minority population (projected)	1960.06 lakh
1.	Proportion BPL	28.67%
2.	Proportion Double BPL	43%
3.	Population below double BPL	842.83 lakh
4.	Population covered by NMDFC	2.54 lakh x 5.3 = 13.46 lakh
	Reach (%)	1.60%

Source: *Rapid Assessment of the Role of Financial Institutions in the Upliftment of Minorities in the Country*, by Agricultural Finance Corporation Ltd, Mumbai, 2006.

Bank Credit to Minorities

38.1. The scheduled Commercial banks, Regional Rural Banks sponsored by Public sector banks, and Cooperative banks together provide rural credit delivery in the country. Reserve Bank of India has directed the Commercial banks to provide loans to the priority sectors comprising agriculture and allied activities; small, tiny, cottage and village industries; rural artisans, small traders etc to the tune of 40 percent of their credit portfolio. This includes 18 percent of lending exclusively to agriculture and 10 percent to weaker sections of society. Regional Rural Banks were set up to cater to the needs of the poor in agriculture and micro-enterprises sector. Today, rural and urban areas characterised by poverty are served by over 1.50 lakh retail credit outlets comprising over 92000 cooperative societies, more than 12000 branches of Cooperative banks, and over 14000 branches of RRBs and 34000 branches of Commercial banks.

38.2. Besides, there are a few Financial Institutions (Development Banks) which provide long term capital for industries and

agriculture. The major financial institutions are NABARD (National Bank for Agriculture and Rural Development) and SIDBI (Small Industries Development Bank of India), which are playing an important role in the development of agriculture, small scale industries and the rural sector as a whole.

38.3. Though none of the Commercial banks, Regional Rural Banks, Cooperative banks or Financial Institutions have any scheme exclusively for minorities, they participate in various poverty alleviation programmes of the Central and State governments (such as SGSY, SGRY, PMRY, PMGSY, IAY, SJSRY, DRI etc) where members of minority communities are being covered on the basis of prescribed economic criteria. The government has been concerned about the low credit takeoff by minority community members. Government has therefore instructed banks to ensure that the credit flow to minorities is extended in adequate measure, through various schemes and programmes. With a view to ensuring adequate credit flow to minorities, the RBI has issued guidelines to all the Commercial Banks. The guidelines include the directive that smooth flow of bank credit through various government-sponsored schemes should be ensured; a special cell should be set up in each bank for this purpose; and an officer be posted in Lead Banks to exclusively look after credit flow to minorities and publicise various programmes among the minority communities of the area. The half-yearly figures for credit flow to minorities is to be sent to the RBI, and the progress of credit to minority communities is to be periodically reviewed.

38.4. The status of Credit Disbursement to Minorities in the 41 Minority concentrated districts, by the scheduled Commercial banks, shows an increase in the number of accounts from 1460349 in 2001 to 1479586 in 2005. The total increase in accounts in the five year period is 19237, showing a growth of 1.31 percent only. On the other hand, the loans outstanding increased substantially from Rs 265452.49

Table 7.9: Credit Flow to Minorities in MCDs, by Scheduled Commercial Banks

Year	No. of accounts	Amount (in lakh Rs.)	%age increase in no. of A/Cs over previous year	%age increase in Amount over previous year
2001	1460349	265452.49	10.21	18.34
2002	1330735	306843.06	-8.88	15.59
2003	1307746	361219.27	-1.73	17.72
2004	1415094	397996.03	8.21	10.18
2005	1479586	520141.24	4.56	30.69

Source: *Rapid Assessment of the Role of Financial Institutions for Upliftment of Minorities in the Country*, by Agricultural Finance Corporation Ltd, Mumbai.

lakh to Rs 520141.24 during the same period, i.e. a growth of 95.95 percent. The growth rate of credit outflow is satisfactory, although it appears that a relatively few account holders are cornering a larger share of the credit. This trend needs to be corrected to ensure flow of credit to the poorest among the socio-economically backward minorities. Details are given in the Table 7.9.

38.5. Review of the State-wise Credit flow in the 41 Minority concentrated districts in 11 States indicates that while in Madhya Pradesh,

growth rate is 21.98 percent in number of accounts in 2004-05 over the previous year, Karnataka has a growth rate of 18.32 percent. It is 10.06 percent in UP, 8.38 percent in Gujarat, 6.55 percent in Kerala but is negative in the other States. With respect to the loans outstanding for the financial year 2004-05, 10 States have registered good growth over the previous year, ranging from 18-20 percent (in Andhra Pradesh) to 98.97 percent (in Madhya Pradesh). Only the State of Rajasthan has fared badly, with a negative growth rate. Details are given in the Table 7.10.

Table 7.10: State-wise Credit Outflow in Minority Concentration Districts

(no. of accounts and amt in lakh rupees)

Name of the State	Avg. minority population in minority-concentrated districts (percentage)	No. of Accounts			Amount outstanding		
		31.3.2004	31.3.2005	% increase	31.3.2004	31.3.2005	% increase
UP	35.05	249242	274318	10.06	77494.22	95904.76	23.76
West Bengal	35.14	353880	353881	0.00	49392.08	74968.56	51.78
Kerala	39.47	402690	429066	6.55	123206.60	161491.40	31.07
Bihar	42.14	87852	78727	- 10.39	12537.18	16250.39	29.62
Karnataka	17.86	56517	66871	18.32	12599.37	18473.65	46.62
Maharashtra	22.83	40296	35848	- 11.04	76892.20	93794.79	21.97
Andhra Pradesh	28.7	124120	81127	-34.64	32626.41	38568.72	18.21
Haryana	37.22	8299	8451	1.83	3399.61	4134.58	21.62
M.P.	22.86	81398	99288	21.98	6430.90	12775.77	98.97
Rajasthan	23.64	6933	6561	- 5.37	1894.63	1846.49	- 2.54
Gujarat	20.80	3867	4191	8.38	1515.86	1912.13	26.14
Total		1415094	1438329	1.64	397996	520141.20	30.69

Source: Reserve Bank of India

38.6. Analysis of details of credit flow in the minority concentrated districts indicate that 1479586 accounts (25.6 percent) with Rs. 5201.41 crore (11.71 percent) out of the total of 5782595 accounts with Rs. 44417.22 crore outstanding under priority sector advances (as on 31 March 2005) belonged to minorities. The community-wise share is as show in Table 7.11.

38.7. The Muslim population in these 41 districts is about 33.35 percent of the total population of these districts, so their share

Table 7.11: Community-wise Outflow in Minority Concentrated District

(in percent)

Community	No. of Accounts	Amount outstanding
Muslim	20.61	7.96
Christian	3.84	2.35
Sikhs	0.92	0.86
Buddhists	0.22	0.51
Parsis	0.01	0.03

of bank accounts and bank credit should be proportionately more than that which is at present. In the case of Sikhs and Buddhists too the share is less than their population i.e. 1.87 percent and 0.77 percent respectively. The small average amount per loan availed by Muslims, Sikhs and Buddhists may be an indicator of their lower credit absorption capacity which may be due to lack of knowledge of trades and activities, entire perennial skills and difficulty in availing loans. Counseling, technical guidance and training need to be provided on a large scale.. The average loan amounts are higher in the case of other beneficiaries.

38.8. The details of number of accounts and amount outstanding community-wise in minority concentrated districts during 2001-2005 is given in the Table 7.12. As indicated in the Table, maximum number of accounts and amounts outstanding going to Muslims, followed by Christians, Sikhs, Buddhists and Parsis.

Table 7.12: Percentage of No. of Accounts and Amount Outstanding Cumulatively in Respect of Minority Communities in the Minority Concentrated Districts during the Period 2001-05

Sr No.	State	Minority Communities									
		Muslims		Christians		Sikhs		Buddhists		Parsis	
		No of A/Cs %	Amt %	No. of A/Cs %	Amt %	No. of A/Cs %	Amt %	No. of A/Cs %	Amt %	No. of A/Cs %	Amt %
1	A.P.	11.53	4.59	4.63	1.72	0.20	0.41	0.01	0.01	0.49	0.11
2	Bihar	28.12	21.25	0.21	0.09	0.32	0.33	-	-	0	0
3	Gujarat	10.58	4.09	0.79	0.44	0.73	0.78	0	0	0.01	0.04
4	Haryana	26.51	7.07	1.34	0.50	4.26	3.98	-	-	0	0
5	Karnataka	11.91	9.63	1.45	0.82	0.43	0.25	0.07	0.08	-	0.01
6	Kerala	33.41	27.32	20.59	17.76	0.03	0.04	0.01	0.01	-	-
7	M.P.	3.59	1.22	0.44	0.24	0.16	0.40	0.08	0.31	-	-
8	Maharashtra	9.94	2.15	2.17	1.18	1.20	0.68	4.35	1.12	0.13	0.12
9	Rajasthan	17.84	8.16	0.08	0.02	1.13	1.04	0	0	0	0
10	U.P.	24.78	11.63	0.23	0.28	3.86	3.67	0.01	0.02	-	-
11	West Bengal	38.97	26.75	0.55	0.49	0.08	0.38	-	-	-	-

Note (-) negligible

Source: Reserve Bank of India

National Bank for Agriculture and Rural Development

38.9. *National Bank for Agriculture and Rural Development* (NABARD) was set up by the Central Government as a developmental bank with the objective of facilitating credit flow to agriculture, rural industries and crafts, and promote integrated rural development. It has various programmes for upliftment of weaker sections of society comprising small and marginal farmers, STs and SCs, and people living below the poverty line. Members of minority communities have benefited from NABARD's different schemes aimed at economic development of the poor and marginalised people. These schemes include support to small and marginal farmers; special line of Credit for tribals; SC/ST Action Plan; Comprehensive Tribal Development Program; Swarnajayanti Swarozgar Yojana; Promotion of non farm Sector; Cluster Development; Skill upgradation and design development for handloom weavers; Development of Women through area programme; Assistance to rural women in non farm Development; Rural entrepreneurship development programme; and Micro-finance programme.

38.10. Members of minority communities are active participants in a large number of self-help groups (SHGs) formed and functioning successfully in different parts of the country. NABARD played a pioneering role in the introduction and spreading of the concept of SHGs with bank linkages, encouraging the poor to plan their thrift regularly, and use the pooled amounts to make small interest-bearing loans to members. Through SHGs, financial services are provided to the poor in a sustainable manner, leading to empowerment. Started on a pilot basis in 1992-93, the program has become the world's largest micro-finance program in terms of its outreach. As on 31.3.2005, the programme had enabled an estimated 242.5 lakh poor households to gain access to micro-finance from the formal banking system. The cumulative refinance support extended by

NABARD aggregated Rs. 3085.91 crore by the above date. SHGs enable the poor, especially women from the poor households, to collectively pool their meagre resources and prioritise their use for attaining sustainable development. Active participation of women (90 percent) and timely loan repayment (95 percent) are prominent features of this program.

38.11. NABARD continues to sponsor capacity building programs for various partners through training inputs and technical support, and supports governmental efforts to dovetail micro-finance practices with the poverty alleviation programs, besides extending 100 percent refinance support to banks for financing SHGs. NABARD has conducted as many as 24357 training programmes for banks, government, NGOs, SHGs etc. It coordinates micro-finance efforts at national, State and district levels, and monitors, reviews, documents and prepares data bases for the micro-finance sector.

Small Industrial Development Bank of India

38.12. *Small Industrial Development Bank of India* (SIDBI) was established in 1990 as the principal institution for financing and development of small-scale industry (SSI). SIDBI has organised SHGs as a promising tool for job creation and income generation for the poor. Any individual or organisation in the SSI sector, including minority community organisations, can obtain financial assistance for setting up new small scale units, and for expansion, modernisation and diversification. The SIDBI Foundation of Micro Credit was launched in 1999 for channelising funds to the poor, with the objective of creating a national network of strong, viable and sustainable Micro Finance Institutions from the formal and informal sectors, to provide micro finance services to the poor, especially women. Up to 31.03.2005, SIDBI sanctioned loans worth Rs 527 crores under its micro credit program, in favour of 22 lakh beneficiaries. SIDBI's impact study indicates that the support has reached

deserving poor women who would otherwise be unable to access credit from the formal banking system.

Rashtriya Mahila Kosh

38.13. *Rashtriya Mahila Kosh (RMK)*: Set up in 1993 by the Central Government, RMK promotes activities for provision of credit to women from poor households, as an instrument of socio-economic change, through a package of financial and social developmental services. RMK generates setting up and sustenance of income generating activities, assets creation, as well as tidying over contingent, social and consumption needs. It works through a set of Micro Finance Organisations at the intermediary level, and thrift and credit groups of SHGs of borrowers at the grassroots level. The assistance from RMK is available to poor women irrespective of caste or religion. By the end of January, 2006, 45,447 SHGs were formed with 5,37,652 members.

Social Justice

39. Social justice measures for the weaker sections of society include legal measures that ensure protection of civil rights and curb social discrimination. The *Protection of Civil Rights (PCR) Act, 1955*, and the *SC and ST Prevention of Atrocities (POA) Act, 1989* are two important pieces of legislation that address the problems of social discrimination, untouchability and of exploitation and atrocities against disadvantaged groups. Special courts/mobile courts are provided for under the POA Act for on-the-spot trials and speedy disposal of cases. Nineteen states have appointed special officers/ squads/ cells to ensure effective implementation of the Act. The Tenth Plan outlay for the scheme of *Implementation of the PCR and POA Acts* was Rs 170 crore. Financial assistance is provided to strengthen administrative, enforcement and judicial machinery related to these legislations, speedy redressal of grievances as well as timely and adequate relief and rehabilitation of the affected persons. According to the *Crime in India Report*,

cases of crimes against the Scheduled Castes dropped from 33,507 in 2002 to 19,351 cases in 2003. Effective implementation of the Indian Penal Code, PCR and POA Acts is necessary to protect the rights and interests of those treated as untouchables, Scheduled Tribes and Scheduled Castes ensuring their safety and security.

39.1. *Eradication of manual scavenging* is a national priority. Dry latrines are being converted into water-borne latrines, and scavengers are being trained in other kinds of work, and rehabilitated. The aim is to achieve total eradication of this inhuman practice on a time-bound basis and with a Mission Mode Approach by 2007.

39.2. *Strengthening grassroots democratic institutions*: Strengthening of Panchayati Raj Institutions and Gram Sabhas as per the provisions of 73rd and 74th Constitutional Amendments is a measure of far-reaching consequences for decentralisation of governance. Through these measures, the participation of disadvantaged groups including women, in these institutions of grassroots planning and governance is ensured. The powers of the local bodies have also been enhanced. Through increased participation in these local bodies, the interests and concerns of the weaker sections are receiving greater attention. Developmental goals are getting tuned to the needs and priorities of the relatively marginalised groups, thus benefiting them. The Gram Sabha is empowered to emerge as the foundation of Panchayati Raj. Devolution of funds is accompanied by devolution of functions and functionaries as well. Reservations for deprived classes including women of the population in Panchayats and in leadership positions in Panchayats is today a reality. The impact of these measures can be seen, with more than 21 lakh representatives today elected to the three levels of Panchayats, of which 40 percent are women, 16 percent are Scheduled Castes and 11 percent are Scheduled Tribes. This step not only leads to political

empowerment of weaker sections of society, including members of the various religious communities, but also empowers the elected Panchayat bodies to function as units of local self-government.

39.3. Steps are afoot for the effective implementation and monitoring of the *20-Point Programme* for ensuring social justice to SCs and the *15-Point Programme* for protection and development of minorities. This includes implementation of the three-pronged strategy of 'Awareness Generation' by (i) changing the general mind-set and attitudes towards the weaker sections, (ii) conscientisation of the Target Groups to make them conscious of their own rights, privileges and governmental support available for them, emphasising a participatory approach and (iii) sensitising both officials and non-officials with special training programmes so that they can work with the right perspective to meet the special needs of the minority groups.

39.4. In addition, existing Commissions for Scheduled Castes, Scheduled Tribes, Other Backward Castes, Minorities, and Safai Karamcharis are taking steps to safeguard the rights and interests of these groups and ensure social justice to them as under:

- i) National Commission for SCs: Consequent upon 89th Constitution (Amendment) Act, 2003, the National Commission for SCs & STs was bifurcated and the National Commission for SCs re-constituted in February 2004. The Commission is a high level independent constitutional body to monitor the safeguards provided for SCs. It has wide powers to protect, safeguard and promote the interests of SCs, and has been conferred powers of civil court to try a suit and summon and enforce attendance of any person from any part of India and examine him/her on oath. Reports of the Commission along with Action Taken Report are required to be tabled in Parliament.
- ii) National Commission for Scheduled

Tribes: Consequent on the bifurcation of National Commission for Scheduled Castes/Scheduled Tribes, National Commission for Scheduled Tribes was constituted in February, 2004. It is also a high level constitutional body to monitor the safeguards provided for Scheduled Tribes and has wide powers to protect, safeguard and promote the interest of Scheduled Tribes. Reports of the Commission along with Action Taken Report are required to be tabled in Parliament.

- iii) *National Commission for Safai Karamcharis*: The National Commission for Safai Karamcharis was set up under the provisions of National Commission for Safai Karamcharis Act, 1993 to promote and safeguard the interests and rights of safai karamcharis. The Commission has been empowered to investigate specific grievances as well as matters relating to implementation of programmes and schemes for welfare of safai karamcharis. Reports of the Commission along with Action Taken Report are required to be laid on the table of the Parliament.
- iv) National Commission for Backward Classes (NCBC) NCBC was set up in 1993 as a permanent body for entertaining requests from castes/communities for inclusion/exclusion in the Central List of OBCs for each State/UT and complaints of over-inclusion and under-inclusion in the List of OBCs, examining them and advising the Govt. of India. As per the provision of the Act, the advice issued by the Commission shall ordinarily be binding upon the Government.
- v) The National Commission for Minorities (NCM) set up in 1978 aims to protect the interests of minorities. As stated in the Ministry of Home Affairs Resolution dated 12.1.1978: "despite the safeguards provided in the Constitution and the laws in force, there persists among the Minorities a feeling of inequality and discrimination. In order to preserve

secular traditions and to promote national integration the GOI attaches the highest importance to the enforcement of the safeguards provided for the minorities and is of the firm view that effective institutional arrangements are urgently required for the enforcement and implementation of all the safeguards provided for the minorities in the Constitution, in the Central and State laws and in the Government policies and administrative schemes enunciated from time to time". The NCM is responsible to evaluate the progress of development of minorities, make recommendations for protection of the interests of minorities, examine specific complaints regarding deprivation of rights of the minorities and take up such matters with the appropriate authorities. The NCM has devised its own procedure to deal with the grievances of minority communities. The Commission's reports are submitted to Parliament along with an Action Taken Report.

39.5. Efforts for Communal harmony: National Commission for Minorities has also from time to time taken up the cause of sensitising the defence and police services personnel to issues affecting maintenance of peace within the communities. This relates to prevention and handling of riots, and also the capacity to understand and appreciate others' points of view. Such sensitisation programmes have been organised at national Police Academy, College of Air Warfare and at State levels. Joint peace committees in the mohallas and holding of meetings with community leaders, is very important and makes a difference when the atmosphere is otherwise vitiated by communal tension/riots. All possible steps need to be taken to instill confidence and a feeling of security in minority communities, particularly in areas of tension or violence.

39.6. To sum up, while the government is taking a very wide range of measures for the

welfare and development of weaker sections of society, their empowerment through education and economic development should get priority. The Tenth Plan indicated, however, that as a result of developmental programmes and schemes, the ratio of SCs and of STs below poverty line has been decreasing. As corresponding information on poverty levels for all religions is not available, the current estimates of poverty head count based on 61st Survey Report of NSSO do not give a very heartening picture of the Muslim community.

39.7. Most recent estimates place all India Poverty Head count at 22.7 percent based on 365 recall period 2004-05. In absolute numbers, this amounts to over to 251 million people spread cross India. SCs/STs together are the most poor with a Head Count Ratio (HCR) of 35 percent followed by the Muslims who record the second highest incidence of poverty with 31 percent people below the poverty line. Incidence of poverty among Muslims in urban areas is the highest with HCR of 38.4 percent. The Hindu (general) is the least poor category with an HCR of only 8.7 percent and the OBCs are at intermediary level HCR of 21 percent closed to the all India average.

39.8. Muslims (Ashrafs) have benefited from the general schemes available for all sections of society, the Non Ashrafs, both Ajlafas and Arzals are bracketed together under the OBC category. Ajlafas comprise of such occupational groups as carpenters, artisans, painters, grazers, tanners, milkmen etc and Arzals, lowliest among Muslims, consist of Halakhor, Lalbegi, Abdal, and Bediya.

Gaps and Challenges

40. As is evident from the poverty figures, literacy, education and employment data, the Muslim minority is, more or less, at par with SCs/STs, BPL families etc. It was only in late seventies that backwardness of education of Muslim minority started receiving special attention and resulted in some action on the

part of the State. After Census 2001 brought out its First Religion Report the statistics on several aspects of population by religion (literacy, educational attainment, sex ratio, work participation became available in the public domain that resulted in public debate and State action. In the last two years of the Tenth Plan, special attention has been paid to Muslim children under SSA and other measures have been taken to improve the social and economic conditions of Muslims in areas of high Muslim concentration.

Regional Dimension of Development: A Major Challenge

40.1. Analysis of data region wise indicates that Muslims who are considered an educationally backward minority at the national level are not a monolith. They have internal divisions of Ashraf and Non Ashraf (Ajlaf and Arzal) and there is a wide range in educational attainments across regions. In some of the southern states, their literacy levels are higher than the state average though it is poor in most of the northern states such as Uttar Pradesh, Bihar, west Bengal, Assam to name some. These are also the States which fare poorly on all development indicators and house bulk of the BPL population of India where rural urban divide is the sharpest. Backward status of minorities and specially Muslims has to be seen in the immediate context of social and economic developmental status of the area in which they live. It is to be noted that majority of the Muslim concentration districts north of Vindhyas are among the most backward regions of their respective states with deficient infrastructure of roads, connectivity, electricity, water, sanitation, health and education as also low employment potential and thus low economic growth. These districts require higher degree of attention and commitment translated into budgetary inputs and better governance not for minorities but for all SEBs generally.

40.2. Although the weaker sections of society, including the backwards among minorities, have gained from the plethora of developmental measures adopted since

Independence for their welfare, the reach is inadequate. It is important to identify gaps in the overall endeavours to bring about all-round development of weaker sections of society. A critical review of the status of the minority communities indicates that as in the case of other weaker sections in the backwards amongst minorities, in terms of educational and economic progress, in access to basic infrastructure and share in decision making have miles to go.

Measures Suggested for Accelerated Development and Welfare of Minorities

41. The Commission had requested State Governments/UT Administrations to provide information relating to their developmental status and welfare measures taken for these classes through a Questionnaire. Based on the information received from the States/UTs, the discussions held with them and data & views available from other sources, special initiatives and thrusts required to ameliorate the difficulties are briefly enumerated in the following paragraphs:

41.1. There is a need to accelerate implementation of developmental and welfare schemes for the weaker sections among the minorities. This can be done only by *increasing the accessibility of the poorer among the minorities*, to opportunities, facilities and services for economic empowerment, educational advancement and to measures for ensuring social justice and equity.

41.2. It is necessary to collect information and data to assess the existing situation of minorities in different States and UTs, with a view to formulate need based, area specific programmes and schemes for targeting the socially and economically backward amongst the minority communities.

41.3. Public efforts and carefully conceived actions need to be taken to alleviate relative

backwardness, especially in areas of education, employment, training, productive credit and political participation of the weaker sections of minority communities.

41.4. It is essential to review and reform the working of *all 5 National Finance and Development Corporations* (for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Safai Karamcharis), so they can play an effective catalytic role in assisting the weakest amongst the disadvantaged minorities to become economically self-reliant. Business and managerial reforms to make them more effective financial instruments for empowering the weaker sections of the special groups is required. Adequate funds from banks and financial institutions need to be leveraged to make them self-reliant. Suitable, need-based viable activities need to be selected, with necessary training, and backward and forward market linkages to ensure optimal utilisation of funds and resources for the maximum number of minorities.

41.5. The role of National Minority Development and Financing Corporation has been undermined by insufficiency of funds and the stringent rules and regulations. As stated earlier, only 1.6 percent of eligible minority community members in minority concentrated districts had actually received financial support. Thus, both the quantum and also the net coverage needs to be substantially increased. For expanding coverage, all activities and vocation based corporations should be the channelising agencies and there should be no requirement for State guarantee. For ensuring this, projects should be prepared at the village and block level. The Monitoring Committees at Block and District level should review the progress of applications received and examine, approved and sanctioned. They should also regularly see whether the amounts sanctioned are adequate for setting up the activity or trade, that there is no undue delay in approval, sanction and disbursement of loan amount. They should also review the

recovery position. Reviewing the financial flow to minorities via the commercial banks, an RBI study (2001) recommended that lead banks of minority concentrated districts will have to play a far more pro-active role to ensure that minorities, particularly those who are poor and illiterate, have access to bank credit for taking up productive activities.

41.6. While the Governments of Bihar, West Bengal and UP have set up Departments of Minority Welfare, in other States/UTs, the work of Minority Welfare is being looked after by the Department of Social Welfare/Social Justice & Empowerment. It was suggested that a separate Department of Welfare of Minorities should be set up in those States/UTs where Minorities account for more than 15 percent of State/UT's population.

41.7. State Minorities Commissions have already been set up in the States of AP, Assam, Bihar, Chhatisgarh, Karnataka, Jharkhand, M.P., Manipur, Maharashtra, Rajasthan, Tamil Nadu, U.P., West Bengal, Uttaranchal and Delhi. Keeping in view the grievances and problems faced by the minorities, it was suggested that State Minorities Commissions should also be set up in the remaining States where minorities comprise more than 15 percent of population of the State/UT.

41.8. The Governments of AP and Karnataka have suggested that in order to empower the minority communities, their representatives should be in all State level Commissions, Committees, Boards and Corporations and the Chairmanship should be kept rotating among different religious groups with a view to provide a sense of participation.

41.9. Independent Minorities Development & Finance Corporations have been set up in the States of AP, Bihar, Karnataka and Tamil Nadu only. Provision of financial assistance at concessional rates to minority communities is being looked after only by the Backward Classes Finance & Development Corporations in the States of Kerala, Jharkhand, Tamil Nadu

and Pudducherry. In other States, there is no specific institutional set-up for extension of credit flow to minority communities. It was, therefore, suggested that States/UTs where population of minorities is more than 15 percent may consider setting up Minorities Finance & Development Corporations.

41.10. State Wakf Boards have been constituted in all States/UTs with sizeable Muslim population except Jharkhand, Goa, Arunachal Pradesh, Mizoram and Nagaland. It was reported during the visits of the Commission to various States/UTs that the Wakf Boards are short of funds for implementing developmental schemes. They are generally facing the problem of encroachments on their properties. Some State Governments have formed Wakf Tribunals for resolution of disputes. It was suggested that sufficient powers should be delegated to State Wakf Boards and they should be headed by senior officers for better management and getting the properties released from adverse possession. Karnataka model of Wakf Development Corporation should be adopted in all states having more than 15 percent Muslim population. Substantial portion of the revenue generated by the Wakf properties should be spent on the education of Muslim children, especially girls.

41.11. It has been noted that minority educational institutions face a lot of difficulties in getting registration from appropriate Boards/Universities. During visits to States/UTs, it was emphasised that recognition should be granted to minority institutions in a reasonable time period and procedure should be simplified. In addition to Central Universities, deemed universities, colleges and other leading institutions should be allowed to affiliate minority educational institutions.

41.12. During discussions, it was suggested that the Central Govt. should provide special package for education of Muslims; educational institutions run by minorities should be given grants by Maulana Azad Education Foundation;

special measures to promote education of girls be taken up. It was also suggested that Vocational Training Centres and Polytechnics be set up in minority concentration areas. The number of Anganwadis should be increased and Mid Day Meals scheme should be extended to all schools in minority concentrated areas. Adequate number of hostels and coaching centres should also be set up at district headquarters.

41.13. Madrasas of various grades and patterns are spread in almost all States/UTs for imparting religious education. In his book entitled "Centres of Islamic Learning in India", Dr. ZA Desai, ex-Director, Epigraphy, Archaeological Survey of India) has recorded that Madrasas were located at central spots. While the curriculum centred upon the Quran, writing exercises, secular poetry and subjects like grammar were also taught. During visits of the Commission to States/UTs, it came to our notice that the pattern of Madrasa education varied from State to State. Although Madrasa Education Boards have been set up in the States of Bihar, Kerala, Uttarakhand, Rajasthan, MP, West Bengal and, the Board had control over administrative matters, quality or pattern of education only on the Madrasas receiving grants from the Govt. of India. States like Kerala and Tamil Nadu generally follow a pattern where children going to Madrasas are also attending regular schools. The participants in Uttarakhand, J&K, Delhi, Rajasthan, AP, Karnataka, Tripura, Kerala, Orissa and MP recognised the need for modernisation of Madrasa education. It was noted that students from most of the Madrasas in Bihar, West Bengal and certain Madrasas in UP, are given Certificates which make them eligible for further studies in modern educational institutions. In Bihar, 23 Madrasas are up to B.A. level and 13 up to M.A. level. However, the number of Madrasas imparting regular quality education at par with the government and other institutions recognised by State Boards is very limited. Eligibility for employment, both in public and private sectors, depends on the quality

and content of education. It is, therefore, important that except for Madrasas that run and manage regular schools, the rest should be encouraged to adopt the Kerala model so that all children attend regular schools. While the modernisation of Madrasas/Maktabs can be pursued, it is no alternative to enhancing state school capacities to meet the requirements of the weakest of the weak among backward communities and classes. The State needs to aid only those Madrasas/maktabs which are following curricula of the State Board/ University for joining the mainstream.

41.14. Muslim Wakf properties are already being utilised, to some extent, for their educational development. There is need for streamlining and increasing the utilisation of Wakf properties for educational purposes. They may be encouraged to set up hostels, particularly for girls on priority.

41.15. Specific measures are required for promotion of education among backward classes including the Muslims and other religious minorities whose educational levels are low specially for girls at different levels including the following:

- i) Residential schools may be set up upto high school level in major towns and cities with minority concentration.
- ii) Nursery/pre-Nursery schools also need to be set up in minority concentrated towns and cities. Integrated Child Development Schemes (ICDS) should be universalised without any further loss of time and Anganwadis set up in all areas.
- iii) Hostels should be set up in each block/ district for girls and boys separately where a minimum of 50 percent seats should be reserved for backward/weaker sections including those from religious minorities.
- iv) At least two to three Navodaya Vidhyalayas be set up in each district with 50 percent of seats reserved for SC/ST/ religious minorities and weaker sections.

41.16. Studies have revealed that the pattern of education at middle and secondary level

does not fulfil the need of trade, industry and different vocations in the area. Vocational education should be strengthened and the curricula of school education at secondary/ senior secondary level linked to local trades and services and their needs and requirements.

41.17. Vocational Training Centres like ITIs and Polytechnics should be strengthened. It is necessary that the curriculum keeps pace with the changing needs of trade and commerce in the area. It is, therefore, important to regularly study educational and training requirement for different trades and to assess employment needs and potentialities within the region. Powers should be delegated at the regional level so that the training programmes and courses and curricula for ITIs/Polytechnics and other training institutions can be reviewed and curriculum revised and training organised to ensure employment. Every region/division should have a committee with government, public and private sector representation as also experts who will meet regularly, sponsor studies or assessments and offer need-based training and education to the youth of the area.

41.18. Vocational Training Centres should also be set up for skill upgradation for those working in different trades on the basis of local needs such as agriculture, horticulture, SSI/handlooms and handicrafts etc. and other trades in which the backward sections including minority communities are involved. Adult education and literacy programmes and curricula should be linked and combined with educational training.

41.19. The New Vocation Education Scheme as reported in the Mid Term review of the 10th Plan is full of possibilities and needs serious attention to benefit the weaker sections among minorities and other disadvantaged groups. There is need for special training in trades (traditional, area based, and artisan activity based).

41.20. A large section of minority population is still not aware of the schemes and programmes

of the government and agencies. It is, therefore, necessary that adequate publicity is made in minority concentrated areas regarding all schemes. And programmes of government and agencies. The RBI scheme regarding priority sector lending also needs to be effectively implemented and publicised.

41.21. One factor for economic marginalisation of large sections of minorities, particularly Muslims, is the decline of several trades and crafts as a result of mechanisation. There is, therefore, need to give greater focus to upgrading the traditional skills of the artisans and craftsmen and also to provide training and marketing assistance to these categories.

Cooperatives need to be organised in specific pockets, especially in the Minority concentrated districts with large concentration of artisans and other functional groups belonging to minorities whose professions are of similar nature. Artisans in urban areas should also be covered by industrial cooperative societies, and their credit, raw material and market support requirements should be met by such societies.

41.22. Large sections of backward among the minorities are not in a position at present to avail the benefits of existing schemes, due to lack of awareness. It was suggested that banks should have two windows – one for Below Poverty Line and the other for Above Poverty Line families. This will enable weaker sections to avail of loans under the prevailing schemes. Special efforts need to be made to prepare employment-oriented schemes for the poor. Vocational training centres should be set up in large numbers for boys and girls in minority concentration districts. It was also suggested that adequate publicity be given to development/welfare related activities of Central and State Governments through the local and regional newspapers.

41.23. The percentage of rural population engaged in cultivation and agricultural workers and labourers is substantial. There is need for

providing adequate facilities for training in agricultural trades and practices especially with reference to technological advancements that have taken place to raise productivity and enhance incomes.

41.24. Since the agricultural operations are seasonal, for economic empowerment it is necessary that those engaged in agriculture along with their family members are provided training in trades which can occupy them in off season and give them additional income. These training programmes can be evolved after identifying the area specific ancillary occupations and trades.

41.25. A large segment of population of the socially and economically backward population including those living below poverty line is engaged in household industry. They have little or no training and lack in skill as also quality and knowledge for advancement. On the basis of different categories of households industries action plan should be prepared for skill up-gradation on regular basis. Marketing facilities should also be provided both in rural and urban areas so that the middlemen are not able to exploit the household workers. Action to diversify training for other/alternate occupations should be taken to ensure higher income to families engaged in handicrafts, handlooms etc.

41.26. The poorest and the marginalised are often deprived of benefits from Government schemes and assistance from financial institutions. All religious minorities especially the women belonging to the socially and economically backwards amongst minorities should be organised as Self Help Groups and funds or assistance made available by financial institutions as also National Minorities Development and Finance Corporation as per rules applicable to others on a large scale. In this context, the initiatives taken by Andhra Pradesh through VELUGU Project to organise women throughout the State are a good example for adoption on a larger scale.

41.27. Economic empowerment of those sections engaged in menial/pollution based jobs can be organised by Finance and Development Corporations through their microfinancing schemes or NGOs. Two-pronged strategy for this is required. Pollution based vocations such as manual scavenging has to be targeted in an integrated manner. A concerted effort to introduce technological advancements to reduce risk and health hazards through mechanisation of cleaning of septic tanks etc. by Municipalities, Panchayats must be made compulsory. Other pollution-based vocations must be addressed.

41.28. Counseling - cum - guidance centres for entrepreneurs and artisans belonging to the SEB sections should be set up in DICs, SSI Units, DRDAs etc. in coordination with private entrepreneurs in the area. Help of professionals/experts should be taken. Services in the Centres should be provided through private entrepreneurs who should be able to help candidates in selecting the trade or activity, in formulating the project and setting up the enterprise. The charges for services can be included in the loan component and should be the first charge. This is essential both for socially and economically weak amongst minorities, the backward classes, SCs and STs and women as they often lack the capacity and knowledge as also the initiative to make right choices and implement them.

41.29. There is a need for encouraging the recruitment of members of the minority communities and other weaker sections at various levels in the police force and other services. The representation of minorities in police force, adequate training of police personnel, setting up of a mechanism for accountability on the part of police, and

participation and involvement of people in peace keeping are necessary for maintaining communal harmony.

41.30. There is need to have a legal mechanism to ensure that minority communities and marginalised groups get a fair deal in matters of recruitment and employment. There is need to ensure that local administration is fair, impartial and firm and does not act under political pressure. The role of institutions of the State especially the Government, police and para-military forces and the judiciary, is absolutely crucial in maintaining and sustaining an environment of communal peace and amity. Civil society organisations should also play a complementary and highly important role in this process. Legal protective measures should be uniform for all socio economic backward sections.

41.31. Monitoring the implementation of PM's 15-Point Programme

The 15-Point Programme for Minorities has been revised with a focus on socio-economic and educational development of minorities. It envisages comprehensive, holistic development of the minority groups. With a separate Ministry of Minority Affairs having been constituted, and the envisaged earmarking of 15 percent funds for central/centrally-sponsored developmental schemes targeted for the upliftment of weaker sections of the society, there is need to create an institutional mechanism both at Central and State level for periodical monitoring of implementation of the various provisos of this programme, with a view to ensure utilisation of funds earmarked under developmental schemes, so as to make welfare measures accessible, with benefits accruing to all eligible stakeholders.

RESERVATION AS A WELFARE MEASURE

Introduction

1.1. The spirit of equality pervades the provisions of the Constitution of India as the main aim of the founders of the Constitution was to create an egalitarian society wherein social, economic and political justice prevailed and equality of status and opportunity are made available to all. However, owing to historical and traditional reasons certain classes of Indian citizens are under severe social and economic disabilities that they cannot effectively enjoy either equality of status or of opportunity. Therefore, the Constitution accords to these weaker sections of society protective discrimination in various Articles including Article 15(4). This clause empowers the State, notwithstanding anything to the contrary in Articles 15(1) and 29(2) to make special reservation for the advancement of any socially and educationally backward classes of citizens or for SCs and STs.

1.2. Reservation is an affirmative action taken by the State to remove the persistent or present and continuing effects of past discrimination on particular segments of the Society to:

- (i) lift the 'limitation on access to equal opportunities';
- (ii) grant opportunity for full participation in the governance of the society;
- (iii) overcome substantial chronic under-representation of a social group; and
- (iv) serve/achieve the important constitutional/governmental objectives.

Historical Background of Reservation

Reservation during Pre-Independence Period

2.1. Policies involving reservation of seats for the marginalised section of the population have been in existence in the country for a long period of time. In the late nineteenth century, after the "first war of Independence", the British began to view the Indian population as a heterogeneous group. They initiated a range of policies for specific categories of the subject population – religious minorities as well as those belonging to lower castes. By the late nineteenth century the British had started preparing a list of "depressed classes" and they set up, scholarships, special schools and other programmes for their betterment. Also, with a view to assuaging the sentiments of the growing movements against the Brahmin domination in the government and administration, the British introduced some form of reservations. In Bombay, seats were reserved for all except Brahmins, Marwaris, Baniyas, Parsis and Christianias. In 1927 in Madras Presidency, Government reserved 5 of every 12 jobs for non-Brahmin Hindus, 2 each for Brahmins, Christians and Muslims and 1 for others. A few princely States like Baroda, Travancore and Kolhapur also introduced similar provisions. In Kolhapur, (Maharashtra) Shahuji Maharaj reserved 50 percent of the vacant seats in his administration for non-Brahmins.

2.2. Subsequently, the efforts of Dr. B.R. Ambedkar in particular and the All India

Depressed Classes in general eventually helped to expand the net of reservations. While the British had earlier reserved seats, only in legislative bodies, in 1943, reservations in services came into effect. Accordingly, 8.33 percent posts against direct recruitment made through open competition were reserved for Scheduled Castes. These instructions issued in 1943 can be called as origin of reservation in government services.

Reservations During Post-Independence Period

Reservation in Services in Favour of SCs and STs

2.3. At the time of Independence, instructions were issued on 21.9.1947 to provide reservations of 12.5 percent for Scheduled Castes in respect of vacancies arising in recruitment made through open competition. However, for recruitments made otherwise than open competition reservations of 16.66 percent was fixed. After Constitution was promulgated, the then Ministry of Home Affairs in its Resolution of 13.9.1950 provided 5 percent reservation for Scheduled Tribes apart from the reservation that was already in effect for the Scheduled

Castes. According to population ratio of these communities, based on 1961 Census, government on 25th March, 1970 increased the seats reserved for SCs & STs from 12.5 percent and 5 percent to 15 percent and 7.5 percent respectively. SC reservation is also available to Sikhs and Buddhists and ST to all minorities as ST identity is caste/religion neutral.

2.4. In 1974, reservations in promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A was introduced provided that the element of direct recruitment did not exceed 50 percent. This limitation of direct recruitment not exceeding 50 percent was raised to 66.66 percent in 1976 and to 75 percent in 1989. At this stage, Supreme Court intervened and ruled against reservations in promotions. However, the government amended the Constitution to incorporate Article 16(4A) and following this amendment government issued instructions on 13.8.1997 to continue the reservations in promotion for the SCs and STs till such time as the representation of each of these categories in each cadre reaches the prescribed percentages. Date-wise reservation percentages fixed for SCs and STs in services since 1943 onwards are indicated in the Table 8.1.

Table 8.1: Datewise Reservation percentages Fixed for SCs and STs

Sr. No.	Reservation percentage with description	Date of orders
1.	@ 8.33 per cent direct recruitment made through open competition in favour of S.Cs	Oct. 1943
2.	@ 12.5 per cent recruitment made by open competition in favour of SCs	21.9.47
3.	@16.66 per cent recruitment made otherwise than open competition in favour of SCs	21.9.47
4.	@ 5 per cent reservation in services in favour of STs	13.9.50
5.	@ 15 per cent and 7.5 per cent in favour of SCs and STs respectively, in direct recruitment on All India basis through the UPSC or by means of open test held by any other authority	25.3.70
6.	@ 16.66 per cent and 7.5 per cent in favour of SCs and STs in case of direct recruitment on all India basis by open competition otherwise than mentioned in column 5 above.	25.3.70
7.	Reservations in promotion by selection from Group C to Group B, within Group B and from Group B to lowest rung of Group A provided element of direct recruitment does not exceed 50 percent.	1974
8.	Limit of direct recruitment not exceeding 50 percent was raised to 66.66 percent in 1976 and then to 75 percent for facilitating reservations in promotion	1989
9.	Following amendment of Constitution to incorporate Article 16(4A) in 1992, Government issued instructions to continue the reservations in promotions for SCs & STs beyond 15.11.1997 till such time as the representation of each of these categories in each cadre reaches to prescribed percentages.	15.11.1997

2.5. To facilitate the fulfillment of the reservation quota, certain concessions are also given to SC & ST candidates in the form of relaxation of the maximum age limit prescribed for direct recruitment, exemption from payment of fees prescribed for recruitment/selection, relaxation of standards, including relaxation of experience, etc.

Reservations in Services in Favour of Other Backward Classes (OBCs)

2.6. The Princely State of Mysore instituted a system in which all communities other than Brahmins were denominated “Backward Classes” from 1918 and places were reserved for them in colleges and State services. In independent India, several States implemented the reservation in services and admissions in educational institutions in favour of Backward Classes much earlier than the Govt. of India. State-wise details of the reservation provided to the Other Backward Classes in admissions in educational institutions and services are given in Table 8.2.

2.7. The Government of India took initiatives for providing reservation to the Backward Classes immediately after the commencement of the Constitution and first Backward Classes

Commission, also known as Kaka Kalelkar Commission was constituted in 1953. The Commission submitted its report in 1955. Though the Commission recognised a number of causes for social and educational backwardness yet, it eventually used the criterion of caste to identify socially and educationally backward classes. The Commission listed 2399 Castes as socially and educationally backwards and recommended various welfare measures for OBCs including reservation in govt. services and educational institutions. The Central Govt. did not accept its recommendations because the caste-based reservations were considered retrograde step.

2.8. In 1979, the Second Backward Classes Commission popularly known as Mandal Commission, was constituted under Article 340 of the Constitution to investigate the conditions of socially and educationally backward classes and to determine the criteria for defining the socially and educationally backward classes and to examine the desirability or otherwise of making provision for the reservation in favour of such backward classes. The commission submitted its report to the Government on 31st Dec. 1980. The Commission used 1931 census data and 11 (eleven) indicators, grouped under

Table 8.2: Reservations for the OBCs in the Educational Institutions and Govt. Services

Names of the State	Percentage of reservation in educational institutions	Percentage of reservation in govt. services	Year
1. Andhra Pradesh	25	25	1970
2. Bihar	24	20	1978
3. Gujarat	10	10	1976
4. Jammu and Kashmir	42	42	1977
5. Karnataka	48	50	1975
6. Kerala	25	25	1953
7. Punjab	5	5	1965
8. Maharashtra	34	34	1964
9. Uttar Pradesh	15	15	1978
10. Tamil Nadu	31	31	1927
11. Haryana	2	10	NA
12. Himachal Pradesh	-	5	NA
13. Madhya Pradesh	25	25	NA

Source: Reservation Policy (Edition: 2005) by Dr. Ram Samujh

social, educational and economic criteria for identifying backward classes. This Commission estimated population of Other Backward Classes (OBCs) at 52 percent of the total population. Recommendations of the Second Backward Classes Commission (Mandal Report) were implemented by the Govt. of India on August 13, 1990 providing inter alia reservation of 27 percent of the vacancies in Civil posts and services under the Central Govt. filled through direct recruitment for socially and educationally backward classes with effect from 7.8.1990. However, reservation for OBCs in promotion has not been provided. The reservation rule also applies to Public Sector Undertakings, Financial Institutions including banks, autonomous bodies, statutory and semi-government bodies and voluntary agencies receiving grants from the Government. Pursuant to the Supreme Court judgment in Indra Sawhney and others versus Union of India on November 16, 1992, the Central Govt. constituted a committee under Justice R.P. Prasad to determine the criteria for identification of the socially advanced persons /sections for exclusion of 'creamy layer' from OBCs and the criteria suggested by the Committee was accepted by the Government of India.

2.9. The provisions for reservation in services in favour of SCs/STs and OBCs also include minorities although in the absence of data it is not possible to assess the impact of such a reservation on religious minorities.

Reservation in Admissions in Educational Institutions

2.10. Education was first and foremost commandment of Dr. B.R. Ambedkar and he called it as "milk of the lioness". Education is also one of the most important criteria to measure the forwardness or backwardness of any group of persons. Many social reformers and Princely States of Kolhapur, Baroda and Mysore realised the need of education and they rendered their contribution in providing educational facilities to the untouchables and other Backward Classes. Mahatma Jyoti Rao Phuley was the first person in India who

started a school for the untouchables in Pune in 1848. Sahuji Maharaj Bhonsale encouraged the non-brahminical classes in every possible way. He provided free education with lodging, boarding and scholarship to the students belonging to these communities. At the official level, the step was taken by the Madras Government by framing the Grants-in-Aid code in 1885 so as to regulate financial aid to the educational institutions providing special facilities to the students of depressed classes. Under British India, the provision for extension of education to the "depressed classes" was made much later.

2.11. In 1944, the then Ministry of Education prepared a scheme of post-matric scholarship for the students belonging to Scheduled Castes and it was extended to the Scheduled Tribes in 1948. Though after independence, specific guidelines to the States to take special care of the weaker section particularly those belonging to those Scheduled Castes and Scheduled Tribes were given under Article 46 yet there was no provision to provide reservation in admissions in educational institutions under the Constitution in the beginning. The Government of Madras made rules for reserving seats for the Scheduled Castes, Scheduled Tribes and other backward classes. However, the validity of the said rule was challenged in the State of Madras versus Smt. Champakam Dorairajan (AIR 1951 SC 525; 1951 SCR 525) and the Supreme Court declared such rule as unconstitutional. To overcome the situation arisen after the court judgment, the Constitution (1st amendment) Act 1951 was passed by inserting Clause (4) in Article 15. It empowered the State to make special provision for the advancement of socially and educationally backward classes, Scheduled Castes and Scheduled Tribes.

2.12. The then Ministry of Education, now Ministry of Human Resource Development for the first time in 1954 wrote to the State Governments suggesting that 20 percent seats should be reserved for Scheduled Castes and Scheduled Tribes in admissions in

educational institutions with a provision of 5 percent relaxation in minimum qualifying marks wherever required. Subsequently, this was modified in April 1964 by bifurcating the existing percentage as 15 percent for Scheduled Castes and 5 percent for Scheduled Tribes with interchangeable provision in the event of non-fulfillment of seats according to quota. Similar action was taken by the Ministry of Health & Family Welfare in respect of reservation of seats in the universities having medical education facilities and medical and dental colleges for admission to all post-graduate courses. University Grants Commission which was constituted in 1956 made provision towards reservation in admission in the under-graduate and post-graduate levels in favour of Scheduled Castes and Scheduled Tribes with due relaxation and concession. The percentage of reservation was revised in 1982 as 15 percent for Scheduled Castes and 7.5 percent for Scheduled Tribes. Presently, reservations are available to Scheduled Castes and Scheduled Tribes in admissions to the various under-graduate and post-graduate general, technical, medical and other professional courses in the universities and colleges. In addition to the reservation facility in admissions, provisions have also been made for freeship, scholarship, coaching and hostel facilities with a view to strengthening the educational base of Scheduled Castes and Scheduled Tribes.

Constitutional Provisions and Reservation Policy

3. The Constitution adopted a two-fold strategy for ensuring equality for the “depressed classes. On one hand it provided equality before the law, ensuring that everyone, irrespective of their caste will receive equal protection of the law and be treated alike; on the other hand it empowered the State to make special provisions to promote the educational and economic interest of the SCs, STs, OBCs and minorities to provide legal and other safeguards against discrimination in multiple spheres. The different provisions relating to reservations enshrined in the Constitution are as under:

- (I) **Article 14 - Right to Equality:** requires “the State not to deny any person equality before the law or the equal protection of the laws within the territory of India.” Thus, Article 14 uses following two expressions:
- (i) Equality before law, and
 - (ii) Equal protection of laws.

The objective of these expressions is to establish ‘equality of status’ as mentioned in the Preamble of the Constitution. This right to equality provides access to public resources, such as drinking water, well, roads, etc. Thus, the Constitution gave the right to equality and made it a Central component of the Fundamental Rights.

- (II) **Article 15 - Prohibition against discrimination:** prohibits discrimination on the ground of religion, race, caste, sex or place of birth.

Article 15 was amended by the Constitution (1st Amendment) Act, 1951 and new clause (4) was inserted under Article 15 to undo the effect of the Supreme Court decision in *State of Madras Versus Smt. Champakam Dorairajan* (AIR 1951 SC 525: 1951 SCR 525), according to which reservation of seats for different communities on the basis of caste and religion was held invalid. Article 15(4) empowers the State to make any special provision for the advancement of any socially and educationally backward class of citizen or the Scheduled Castes and Scheduled Tribes.

- (III) **Article 16 - Equality of opportunity in Public Employment** stipulates the rule of equality of opportunities in matters of public employment. According to the Clauses (1), (2) and (3) of Article 16 no discrimination shall be made only on the grounds of religion, race, caste, sex, descent, place of birth, residence or any of them in respect of any employment or appointment under the State. However, the principle of equality permitted a few exceptions. Among other things, it allowed under Article 16(4) reservation of seats for backward classes of citizens. It states: “Nothing in this article

shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of the State, is not adequately represented in the services under the State.”

Article 16(4) was an enabling provision. It was included as an exception to the general principle of equality of opportunity (Article 16). It did not mandate, but certainly permitted the State to reserve seats for backward classes of citizens in public service. Thus, Article 16(4) spoke of backward classes, not castes and did not spell out just who constituted these backward classes. Subsequently, Articles 16 (4A) and 16 (4B) were also inserted by making amendments in the Constitution 81st Amendment Act, 2000 and 85th Amendment Act, in 2001 respectively. These clauses were inserted with a view to overcoming the decision of the Hon'ble Supreme Court of India in *Indra Sawhney versus Union of India*. While Article 16 (4A) empowers the State to make provision for reservation in matters of promotion under the state in favour of SCs and STs which in the opinion of the State are not adequately represented in the services under the State, Article 16 (4B) empowers the State to make provision to fill up the unfilled reserved vacancies which were determined in accordance with clauses (4) or (4A) of Article 16 by launching special drive.

Extent to which posts can be reserved for scheduled castes and scheduled tribes/backward classes.

The Constitution does not lay down any limit or specific percentage for reservation in favour of Scheduled Castes, Scheduled Tribes and Backward Classes. Successive decisions of the Supreme Court beginning with *Balaji v State of Mysore* (1963) have fixed a general ceiling of 50 percent for all reservations taken together. Judicial pronouncements on this question have

a chequered history. In *Balaji v. State of Mysore* (1963), the Constitution Bench of the Supreme Court had rejected the argument that in the absence of a limitation contained in clause (4) of Article 15 no limit could be prescribed by the Court on the extent of reservation and held

“.....If a provision which is in the nature of an exception completely excludes the rest of the society, that clearly is outside the scope of Article 15(4). It would be extremely unrealistic to assume that in enacting Article 15(4) the Parliament intended to provide that where the advancement of the Backward Classes or Scheduled Castes or Tribes was concerned, the fundamental rights of the citizens constituting the rest of the society were to be absolutely ignored..... Speaking generally and in a broad way, a special provision should be less than 50 percent; how much less than 50 percent would depend on the relevant prevailing circumstances in each case.”

In *Devadasan v Union of India* (1985), the aforesaid rule of 50 percent was applied to a case arising under Article 16(4) and on that basis the carry forward rule (resulting in reservation in excess of 50 percent vacancies in any recruitment year) was struck down. Earlier, in *State of Kerala v N.M.Thomas* (1976), the correctness of this principle was seriously questioned. Fazal Ali, J observed:

“...Clause (4) of Article 16 does not fix any limit on the power of the Government to make reservation. Since clause (4) is a part of Article 16 of the Constitution, it is manifest that the State cannot be allowed to indulge in excessive reservation so as to defeat the policy contained in Article 16(1). As to what would be a suitable reservation within permissible limits will depend on the facts and circumstances of each case and no hard and fast rule can be laid down nor can this matter be reduced to a mathematical formula so as to be adhered to in all cases. Decided cases of this Court have no doubt

laid down that the percentage of reservation should not exceed 50 percent. As I read the authorities, this is however a rule of caution and does not exhaust all categories....The dominant object of this provision is to take steps to make inadequate representation adequate.”

(IV) Articles 29 and 30 - Minorities Interest and Educational Institutions:

These two Articles protect the cultural and educational rights of minorities (based on religion and language) which are summarised below:

- (i) Minorities have rights to conserve their distinct language, script or culture;
- (ii) They have right to establish and administer educational institutions;
- (iii) The State has to take certain precautions in case of compulsory acquisition of property of such minority educational institutions;
- (iv) The State shall not discriminate such educational institutions while granting aid; and
- (v) Article 29(2) imposes restriction on all educational institutions maintained by the State or receiving aid out of State fund as not to deny admission to any citizen on the ground only of religion, race, caste, language or any of them.

Here, the underlying objective is to equip each member of the weaker sections with the ability to compete with other citizens with dignity on a level playing field.

(V) Article 46 - Promotion of educational and economic interests of SCs, STs and Other weaker sections.

Being most important Article under Part IV of the Constitution (Directive Principles of State Policy) it stipulates that “the State shall promote with special care the educational and economic interests of weaker sections of the people and in particular of Scheduled Castes and Scheduled Tribes and shall protect them from social injustice & all forms of exploitation.”

The phrase “weaker sections of the Society” has not been defined under the Constitution. Hon’ble Supreme Court in the case of *Shantistar Builders Versus Narayan Khimalal Tokame* directed the Central Government to lay down appropriate guidelines regarding the expression “weaker section of the society”. Further, Hon’ble Supreme Court in *Indra Sawhney’s* case differentiated the phrase Backward Class of citizens mentioned under Article 16(4) from weaker section of the people of Article 46. According to the Apex Court the expression “weaker section of the people” is wider than the expression ‘backward class of citizens’ or SEBCs or SCs or STs. It connotes all sections of the society who are rendered weak due to various causes including poverty and natural and physical handicap.

(VI) Article 335 – Claims of Scheduled Castes and Scheduled Tribe to Services and posts and maintenance of efficiency of Administration:

While Article 16(4) enables the State to make provision for reservations in favour of SCs, STs and OBCs, Article 335 imposes responsibility on the State to ensure the maintenance of efficiency of administration. Accordingly, a proviso to Article 335 has been inserted by the Constitution 82nd Amendment Act, 2000 so as to overcome the crisis arising after Supreme Court decision in *S. Vinod Kumar Versus Union of India*. It empowers the State to make any provision in favour of SCs and STs for the relaxation of marks or lowering down of standards for reservation in promotions.

Institutional Arrangements to Implement and Monitor the Reservation Policy

4.1. The Central Government has developed administrative mechanism for regulating, monitoring and implementing the reservation policy and other programmes. At the National level there are Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs, Ministry of Minority Affairs and Planning

Commission (Backward Caste Division) as the Nodal set up for policy formulation, finalisation and implementation of the programmes for the development of Scheduled Castes, Scheduled Tribes, Other Backward Classes and minorities and overseeing their overall developments. These Ministries and Planning Commission also carry out evaluation and monitoring of the various educational and welfare schemes/ programmes meant for the SCs, STs, OBCs and minorities.

4.2. Besides, the Department of Personnel and Training (DOP&T) in the Ministry of Personnel, Public Grievances and Pensions (Government of India), regulate and monitor the reservation policy in public services. Its primary responsibilities are to enforce the rules and make changes thereof whenever warranted and also monitor the fulfillment of the reserved quotas. As regards reservation policy in admissions in educational institutions Ministry of HRD (Deptt. of Secondary & Higher Education) is the nodal authority. Further in each Ministry/Department and government funded organisation, there are separate administrative units for Scheduled Castes, Scheduled Tribes and OBCs with Liaison Officers who are responsible for ensuring that instructions issued by the Government on reservations for SCs, STs or OBCs are strictly complied with. The Department of Personnel & Training through administrative heads of the Ministries and organisations monitor and regulate reservations at the national level.

4.3. In addition, there are under mentioned independent institutions at the field level to ensure proper implementation of the reservation policy as approved by the Government as also to monitor the impact of various schemes/ programmes for the welfare and development for SCs, STs, OBCs and minorities:

- (i) National Commission for Scheduled Castes: set up under Article 338 of the Constitution as a high level independent constitutional body to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the constitution or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards
- (ii) National Commission for Scheduled Tribes: set up under Article 338A of the Constitution as a high level independent constitutional body to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the constitution or under any other law for the time being in force or under any order of the government and to evaluate the working of such safeguards.
- (iii) National Commission for Backward Classes: In pursuance of the direction of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No.27 of 1993) and set up National Commission for Backward Classes at the Centre. Section 9(1) of the Act provides that it shall "examine the requests for inclusion of any class of citizens as a backward class in the list and hear Complaints of Over-Inclusion or Under-Inclusion of any backward class in such list and tender such advice to the Central Government as it deems appropriate. Under Section 9(2) of the Act, the advice of the Commission shall ordinarily be binding upon the Central Government. Section 11 provides for periodic revision of list by the Central Government.
- (iv) National Commission for Minorities: set up to perform its statutory functions and to safeguard the interest of five religious minority communities i.e. Muslims, Sikhs, Christians, Buddhists and Parsis which are notified under the National Commission for Minorities (NCM) Act, 1992 and also to monitor and evaluate the development of minorities under the Union and States as well as monitor the working of the safeguards provided in the Constitution and laws enacted by Parliament and the State Legislatures besides making recommendation for the effective implementation of safeguards for the protection of the interest of minorities

by the Central Government or the State Governments.

Reservations Available to Socially and Economically Backwards

5.1. As stated in the previous paragraphs, reservation in employment are available to Scheduled Castes, Scheduled Tribes and Other Backward Classes. Similarly, reservations in educational institutions are available to the Scheduled Castes and Scheduled Tribes. However, Moily Committee recommended reservations to Other Backward Classes in educational institutions which has been accepted by the Government. No separate reservations are available to the religious and linguistic minorities excepting those included in the lists of Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Reservations in Employment under the Central Government

5.2. While reservation for Scheduled Castes and Scheduled Tribes is generally fixed in proportion to the population of SCs and STs in the respective State/UT, for OBCs it is fixed taking into account the proportion of their population in the concerned State/UT subject to a maximum of 27 percent and the fact that total reservations for SCs, STs and OBCs should not exceed the limit of 50 percent. Direct recruitment in Group C&D posts normally attract candidates from the locality or region. Reservation is not applicable in certain categories of posts in Departments of Space and Atomic Energy, scientific and technical personnel, Defense, Higher judiciary, etc.

5.3. Details in para 2.3 to para 2.9 throw light on the history and growth of reservations to scheduled castes, scheduled tribes and OBCs in services, para 2.10 to 2.12 describe the evolution of reservation in the admissions in educational institutions. Briefly, the reservations available to SCs, STs and OBCs in direct recruitment on All India basis is indicated in the Table 8.3.

5.4. The quantum of reservations fixed in favour of SCs, STs and OBCs in case of direct

recruitment to group 'C' & 'D' under Central Government normally attracting candidates from locality or region varies from State to State subject to upper limit of 50 per cent in aggregate. Details of the percentages of reservations fixed in the States are given in the Table 8.4.

5.5. Pursuant to the Supreme Court Orders in the Indra Sawhney and others Versus Union of India and others [Writ Petition (Civil) No. 930 of 1990], the Government of India appointed an Expert Committee to recommend criteria for exclusion of the socially advanced persons/sections (creamy layer) from the benefits of reservation for Other Backward Classes in Civil Posts and services under the Government of India. On the recommendations of the Expert Committee, Government of India vide DOP&T, O.M. No. 36012/22/93-Estt. (SCT), dated 8.9.1993 provided reservation for socially and educationally backward classes as under:

- (i) 27 percent of the vacancies in civil posts and services under the Government of India, to be filled through direct recruitment, shall be reserved for the Other Backward Classes;
- (ii) Candidates belonging to OBCs recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27 percent;
- (iii) The aforesaid reservation shall not apply to other Backward Classes belonging to the creamy layer;
- (iv) The OBCs for the purpose of the aforesaid reservation would comprise, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' lists;
- (v) The reservations provided to SCs, STs and OBCs put together do not exceed 50 percent of vacancies arising in an year;
- (vi) No reservation for OBCs in promotion;
- (vii) In respect of written examinations and interview, in order to fulfill the quota earmarked to OBCs, relaxation of

Table 8.3: Reservations in Services under the Central Government in Direct Recruitment

Class/Category	By Open Competitions (through UPSC & by means of open competitive test held by any other authority)			Otherwise than by open Competition		
	SCs	STs	OBCs	SCs	STs	OBCs
In Percentage terms	15	7.5	27	16.66	7.5	25.84

Table 8.4: Reservations in States/UTs

Sr. No.	Name of the State/ Union Territory	Percentage of Reservation		
		SCs	STs	OBCs
(1)	(2)	(3)	(4)	(5)
01	Andhra Pradesh	16	7	27
02.	Arunachal Pradesh	1	45	0
03.	Assam	7	12	27
04.	Bihar	16	1	27
05.	Chhattisgarh	12	32	6
06.	Goa	2	0	18
07.	Gujarat	7	15	27
08.	Haryana	19	0	27
09.	Himachal Pradesh	25	4	20
10.	Jammu and Kashmir	8	11	27
11.	Jharkhand	12	26	12
12.	Karnataka	16	7	27
13.	Kerala	10	1	27
14.	Madhya Pradesh	15	20	15
15.	Maharashtra	10	9	27
16.	Manipur	3	34	13
17.	Meghalaya	1	44	5
18.	Mizoram	0	45	5
19.	Nagaland	0	45	0
20.	Orissa	16	22	12
21	Punjab	29	0	21
22.	Rajasthan	17	13	20
23.	Sikkim	5	21	24
24.	Tamil Nadu	19	1	27
25.	Tripura	17	31	2
26.	Uttaranchal	18	3	13
27.	Uttar Pradesh	21	1	27
28.	West Bengal	23	5	22
29.	Andaman & Nicobar Islands	0	8	27
30.	Chandigarh	18	0	27
31.	Dadra & Nagar Haveli	2	43	5
32.	Daman & Diu	3	9	27
33.	Delhi	15	7.5	27
34.	Lakshadweep	0	45	0
35.	Pudducherry	16	0	27

Source: GOI, DOP&T OM No. 36017/1/2004-Est. (Res.) dated 5-7-2005

- standards be provided to OBC candidates as in the case of SC/ST candidates;
- (viii) Relaxation of Marks for grant of Non-Technical Scholarships/ Book Awards to OBCs; and
- (ix) Three years age relaxation would be given to the candidates of Other Backward Classes for direct recruitment over and above the prescribed age limit.

The above said instructions relating to reservations for OBCs have been extended to autonomous bodies, statutory and semi-government bodies and voluntary agencies receiving grants from government.

5.6. To facilitate the fulfillment of the reservation quota, further concessions are given to Scheduled Caste and Schedule Tribe candidates in the form of relaxation of the maximum age limit prescribed for recruitment/selection, and relaxation of standards, including relaxation of experience. Many of these concessions/relaxation provided for direct recruitment are also now extended to promotions.

Employment Status of Scheduled Castes, Scheduled Tribes & OBCS in Public Services

Employment Status of Scheduled Castes, Scheduled Tribes and Other Backward Classes in the Government Organisations

6.1. The number of persons employed in the Central Government and representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes therein for selected years is given in the Table 8.5.

6.2. As may be evident from the Table – 5 the employment opportunities in the Government has stagnated in 1994 and shown a decline

thereafter. The reasons for decline in the total employment could be:

- (i) non-expansion of governmental activities particularly pertaining to public sector compared to the socialistic approach of the 1960s, and/ or
- (ii) the financial constraints as the requirement of funds towards salary, wages and pensions have been on increase and a major share of the budget.

Consequently, the opportunity for employment in the Government Organisations has significantly reduced and it might have in turn affected employment of SCs, STs and OBCs also.

Even in this situation, the representation of Scheduled Castes and Scheduled Tribes has been on increase and reached very near to their proportion in the total population.

6.3. While reservation for Schedule Castes and Scheduled Tribes have been in effect from 1947 and 1950 respectively, reservation for other Backward classes in the Central Government were allowed from 1993. Groupwise and total representation of Scheduled Castes, Scheduled Tribes and other Backward Castes since 1965 in the Central Government

Services, in percentage terms is given in the Table 8.6.

As may be seen from the Table 8. 6, representation of Scheduled Castes and Scheduled Tribes has increased in all the Groups viz. A,B,C & D during the last five decades. While in Central Services Group A and B, Scheduled Castes constitute between 12-15 percent; in Group C their representation is about 17 percent and in Group D (excluding Sweepers) they are present in larger number than their percentage in population. Similarly, there has been appreciable increase in the representation of Scheduled Tribes in all groups of Central Services. Data regarding representation of other Backward Classes in the Central Services is for the year 2004 and this does not give true picture regarding their representations in Central Government Services. For a true picture to emerge, annual recruitment of OBCs has to be assessed against the total vacancies for the year which is not easily available.

6.4. However in All India Services like Indian Admn. Service; Indian Police Service and Indian Foreign Service and Central Services Group A & B for which recruitment is made

Table 8.5: Total Employment in the Central Government and Representation of SCs, STs & OBCs therein

(no. of employees)

Year As on 1 st of Jan.	Total Employees in Central Government Services Including SC,ST &OBCs	Scheduled Castes		Scheduled Tribes		Other Backward Classes	
		No. of Employees	Percentage Representation	No. of Employees	Percentage Representation	No. of Employees	Percentage Representation
1974	28,95,359	3,95,473	13.66	81,475	2.81	--	--
1984	33,03,342	5,27,573	15.97	1,49,391	4.52	--	--
1994	35,67,112	6,02,670	16.90	1,95,802	5.49	--	--
1999	35,44,740	5,91,740	16.70	2,18,653	6.17	--	--
2004*	30,58,506	5,21,423	17.05	1,99,991	6.54	1,38,680	4.53

Note: Figures representing SCs, STs and OBCs in the total Central Government Services excludes Sweepers.

* It does not include information in respect of Ministry of Environment & Forest.

Source: Tenth Five-Year Plan, 2002-07, Volume II and DOP&T Note No.42011/24/2006-Estt.(Res.), dated 31.08.2006.

through Civil Services Examination of Union Public Service Commission representation of Scheduled Castes, Scheduled Tribes and Other Backward Castes has been more or less equal to their share as is evident from Table 8.7.

As may be seen from the Tables 8.6 & 8.7, while vacancies reserved for OBCs are being filled fully in the All India services like Indian Administrative Service, All India Police Service and Indian Foreign Service and Central Services Group A & B for which recruitment is made through Civil Services Examination of UPSC, the same cannot be said for recruitment of Other Backward Classes to other categories of posts in the absence of data. While religious minorities are a part of SCs (Buddhists and Sikhs included), and of STs and OBCs (all religious minorities included), the data is not maintained religion wise and therefore, the representation of minorities is not clear.

Employment Status of Scheduled Castes, Scheduled Tribes and other Backward Classes in Central Public Sector Undertakings

6.5. As indicated in the Table 8.8, on 1.1.2005, in Central Public Sector Undertakings in Group A & B, the representation of Scheduled Castes

was around 13 percent and that of Scheduled Tribes was between 4 to 6 percent which is little less than their share in the population. As against this, representation of Other Backward Classes was between 6 to 8.5 percent. In Group C and D both Scheduled Castes and Scheduled Tribes were far in excess of their share and representation of other Backward Classes was between 17 to 22.60 percent

Employment Status of Scheduled Castes and Scheduled Tribes in the Public Sector Banks and Insurance Sector:

6.6. As is evident from the Table 8.9, while the representation of Scheduled Castes in Public Sector Banks in all categories has exceeded their share in population, representation of Scheduled Tribes is lagging behind in all the cadres. The representation of Scheduled Castes has been in far excess of their share in the category of subordinate staff. However, representation of Other Backward Classes in the category of officers and clerks is much below the reserved quota of 27 percent:

6.7. The representation of Scheduled Castes in Group A services of General Insurance Company and Scheduled Tribes in all the Insurance companies is lagging behind.

Table 8.6: Representation of the SCs, STs & OBCs in Central Government Services (%)

As on 1st of Jan.	Group A			Group B			Group C			Group D			Total		
	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC
1965	1.64	0.27	--	2.82	0.34	--	8.88	1.14	--	17.75	3.39	--	13.17	2.25	--
1970	2.36	0.40	--	3.84	0.37	--	9.27	1.47	--	18.09	3.59	--	13.09	2.4	--
1975	3.43	0.62	--	4.98	0.59	--	10.71	2.27	--	18.64	3.99	--	13.84	2.94	--
1980	4.95	1.06	--	8.54	1.29	--	13.44	3.16	--	19.46	5.38	--	15.67	3.99	--
1985	7.3	1.73	--	10.03	1.57	--	14.87	4.2	--	20.8	5.70	--	16.83	4.66	--
1990	8.64	2.58	--	11.29	2.39	--	15.19	4.83	--	21.48	6.73	--	16.97	5.33	--
1995	10.15	2.89	--	12.67	2.68	--	16.15	5.69	--	21.26	6.48	--	17.43	5.78	--
2001	11.42	3.58	--	12.82	3.70	--	16.25	6.46	--	17.89	6.81	--	16.41	6.36	--
2002	11.09	3.97	--	14.08	4.18	--	16.12	5.93	--	20.07	7.13	--	16.98	6.11	--
2003	11.93	4.18	--	14.32	4.32	--	16.29	6.54	--	17.98	6.96	--	16.52	6.46	--
2004*	12.20	4.10	3.9	14.50	4.60	2.30	16.90	6.70	5.20	18.40	6.70	3.30	17.05	6.54	3.65

Source: DOP & T vide their Note No. 42011/24/2006-Estt. (Res.), dated 30th August, 2006.

* Excludes information in respect of one Ministry.

Table 8.7: Representation of SCs, STs and OBCs in the All-India & Central Services (Group A & B) through Civil Services Examination (%)

Year	IAS			IPS			IFS			Central Services Group A			Central Services Gr. B		
	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC
2004	13.1	6.6	28.6	12.5	9.0	23.9	5.0	10.0	25.0	19.0	9.3	27.0	-	89.0	-

Source: - Ministry of Personnel, Public Grievances & Pensions Annual Report, 2005-06.

In Group B services the representation of Scheduled Castes and Scheduled Tribes has not reached the prescribed limit of 15 percent for SCs and 7.5 percent for STs. Further, in Group C and Group D services (excluding sweepers), the representation of Scheduled Castes has exceeded the prescribed target. The representation of Scheduled Tribes in Group D services (excluding Sweepers) is nearing this target but in Group C services excepting Life Insurance Corporation, other companies are lagging behind as is indicated in Table 8.10.

Employment Status of Scheduled Castes and Scheduled Tribes in the Indian Railways during 2004-05

6.8. As may be seen from the Table 8.11, the representation of Scheduled Castes in all Groups has reached the level of their proportion in the total population. However the representation of Scheduled Tribes is yet to reach their percentage share in the population.

Representation of OBCs in Different Sectors of Economy

6.9. Data provided by NSSO in its 1999-2000 survey results show that Other Backward Classes have a much higher percentage of representation in different sectors of economy vis-à-vis their share of 27 per cent agreed to. Further, comparing the share in jobs of other communities with SCs, STs, OBCs, as given in the Table 8.12, it is seen that excepting in professional and managerial jobs where OBCs have a share which is close to the percentage of reservation agreed to for them, in other categories of jobs such as services and production, OBCs have higher percentage share than the Hindus. In fact, in almost all major jobs identified in the Table, OBCs are present in reasonable numbers:

Literacy and Educational Status of Scheduled Castes, Scheduled Tribes and Other Backward Classes

7.1. Framers of our Constitution were aware of the need of the State to promote education amongst

Table 8.8: Representation of SCs, STs and OBCs in 211 Public Enterprises as on 01.01.2005

Category	Total No. of Employees	Representation of SCs, STs and OBCs					
		SCs		STs		OBCs	
		Number	Percentage	Number	Percentage	Number	Percentage
Group A	1,65,405	20,864	12.61	6,607	3.99	10,410	6.29
Group B	1,54,174	20,335	13.18	9,444	6.12	13,001	8.43
Group C	6,64,501	1,31,204	19.74	64,957	9.77	1,13,407	17.06
Group D (excluding Safai Karamcharis)	2,42,973	53,027	21.82	34,594	14.23	54,845	22.57
Total	12,27,053	2,25,430	18.37	1,15,602	9.42	1,91,663	15.61

Source: Annual Report of Department of Public Enterprises, 2005-06.

Table 8.9: Representation of SCs & STs and Other Backward Classes in Public Sector Banks & Financial Institutions on 31.12.2005:

Category	Total No. of Employees	No. of Employees belonging to					
		SCs		STs		OBCs	
		Number	Percentage	Number	Percentage	Number	Percentage
Officers	2,58,543	40,076	15.50	14,186	5.49	6,570	2.54
Clerks	3,44,426	55,776	16.10	17,114	4.97	11,436	3.32
Sub-staff	1,48,343	37,550	25.31	9,896	6.67	33,453	22.55
Sweepers	39,784	22,576	56.75	2,496	6.27	3,136	7.88
Total	7,91,096	1,55,978	19.72	43,690	5.52	54,595	6.90

Source: Department of Economic Affairs, Banking Division Note No. 5/10/2006-SCT (B) dt. 4th December, 2006

all and especially amongst weaker sections of the population. Hence a number of safeguards have been provided in the Constitution under Article 15(4), Article 29(1), Article 46 for educational development of weaker sections of the society. The Supreme Court of India in its judgment in the Unnikrishnan case (1993), held that all citizens have a Fundamental Right to education upto 14 years of age. Accordingly, Constitution was amended to make education a Fundamental Right of all children between 6-14 years.

7.2. Recent estimates of literacy at the national level have shown significant increase from 52 percent in 1991 to 64.8 percent in 2001. The increase has been significant amongst

educationally backward States. Large scale expansion of formal primary education in the early 90s and the innovative strategies of the primary educational development projects like DPEP (District Primary Education Programme) have contributed substantially to these increase. Though the female literacy has also grown during this period, yet female literacy among Scheduled Castes, Scheduled Tribes and Muslim is 41.90 percent, 34.76 percent and 50.1 percent respectively against the national average of 53.7 percent. Among minorities, lowest literacy rate is in the Muslim communities which is 59.1 percent against the national average of 64.8 percent. However, literacy rate among Muslims is higher than the literacy rate of Scheduled Castes and Scheduled Tribes. Though the

Table 8.10: Representation of SCs and STs in the Insurance Sector as on 1.1.2002

Company/Group	Total Employees	S.C. Employees	Percentage of S.Cs Employees	S.T. Employees	Percentage of S.T. Employees
Group A					
National	3919	602	15.36	108	2.75
New India	5041	784	15.52	155	3.07
Oriental	4049	676	16.69	103	2.54
United India	4695	880	18.74	155	3.30
Gic	322	38	11.80	11	3.40
Lic	17023	2692	15.81	896	5.26
Total	35049	5672	16.18	1428	4.07
Group B					
National	2670	241	9.02	46	1.72
New India	3732	365	9.78	105	2.81
Oriental	2814	323	11.36	89	3.13
United India	2851	275	9.60	56	1.96

Gic*	0	0	0	0	0
Lic	19079	2662	13.95	891	4.67
Total	31146	3866	12.41	1187	3.81
Group C					
National	10018	2007	20.03	529	5.28
New India	12001	2039	16.89	492	4.07
Oriental	9667	1824	18.87	588	6.08
United India	10908	2356	21.59	617	5.66
GIC	263	68	25.86	13	4.94
LIC	74414	12518	16.82	5628	7.56
TOTAL	117271	20812	17.74	7867	6.70
Group D (Excluding Sweepers)					
National	1824	606	33.22	122	6.68
New India	2599	1007	38.74	231	8.88
Oriental	1936	609	31.15	160	8.26
United India	2423	1009	41.64	188	7.75
GIC	95	26	27.37	13	16.38
LIC	8277	2090	25.25	688	8.31
Total	17154	5347	31.17	1402	8.17

* There is no provision of Group B in GIC of India.

Source: - VIIth Report of the National Commission for Schedule Castes and Scheduled Tribes 2001-2002.

participation of the dalits, tribals, women, and minorities has improved in the last five decades, the unequal development in the hierarchical social order continues to be reflected in the indicators of educational status of various communities. Status of literacy rates, State-wise among Scheduled Castes, Scheduled Tribes, and minorities are indicated in the Table 8.13.

7.3. With the improvement in the literacy rate, enrolment of the students at the primary stage has also gone up. This is evident from the details given in the Table 8.14. Excepting 1980-81, when enrolment of Scheduled Tribes

was below their share in the population, the enrolment of Scheduled Castes and Scheduled Tribes students has been progressively higher than their proportion in the population.

7.4. Though, there has been overall improvement in the literacy rate and enrolment at the primary stage, there are still wide gaps in the educational levels of religious minorities as is evident from the details given in the Table 8.15.

The relative position of different religious communities with regard to their

Table 8.11: Representation of SCs & STs in Railways

Group	Number of Employees	Scheduled Castes		Scheduled Tribes	
		Number of Employees	Percentage to Total Employees in the Group	Number of Employees	Percentage to Total Employees in the Group
Group A	8002	1,284	15.93	577	7.16
Group B	6686	1,094	16.20	404	5.98
Group C	872120	1,30,253	14.89	52,298	5.98
Group D	535443	1,02,925	19.22	34,619	6.46
Grand Total	14,22,251	2,35,556	16.52	87,898	6.16

Source: Annual Report of Ministry of Railways, 2004-05.

Table 8.12: Representation of OBCs in different Sections of Economy

S.No.	Category of Jobs	SC/ST	Muslims	OBC	Hindus
1	Professional & Managerial	14.3	9.7	24.2	51.8
2	Sales	15.5	14.7	28.2	41.5
3	Services	28.6	9.1	36.5	25.8
4	Agriculture	36.3	6.1	35.7	21.9
5	Production	28.8	16.6	33.3	21.2
6	Total of Jobs	30.7	9.5	33.7	26.1

Source: Report on Reservation Workshop by JNU based on NSSO Report 1999-2000

educational level varies vis-à-vis national average. Muslims (65.31 per cent) are better off at primary level of education but their proportion slides down at senior secondary (4.53 per cent) and graduation level (3.60 per cent). As against this, while Christians at the primary level (45.79 per cent) are lower than the national average, their share increases at senior secondary (8.70 per cent) and graduation (8.71 per cent) level. Other religions follow almost national average level.

7.5. The reasons for wide variation in the educational levels of different communities could be low enrolment; and/or low female literacy rate and/or high drop out rates at primary and secondary stages. Further, among those, remaining in the school, majority of them barely attain the educational standard expected of them due to the lack of infrastructure facilities in the schools and/or poor quality of education available particularly in rural and hilly and backward areas. In such a situation children belonging to the socially and economically poor families suffer most and remain at a disadvantageous position vis-à-vis those attaining proper educational standards within their communities.

7.6. As may be seen from Table 8.16, in institutions of higher education, Scheduled Castes and Scheduled Tribes are not present in proportion to their population.

While the increasing share of Scheduled Castes and Scheduled Tribes in public services shows

that reservations in government posts and public services have enabled these communities to be more adequately represented, it also means that there is much smaller pool of candidates from among whom these positions are being filled. In other words, against 10 percent Scheduled Caste graduates, about 14 percent of officers in Group A and B are coming from this group. Similar may be the situation with the Other Backward Classes and minorities. This shows that there is urgent need to increase the pool of students – receiving quality education and then opting for and qualifying for graduation and post-graduation programmes amongst the socially and economically backward irrespective of caste or religion.

Impact of Reservation Policy in Employment and Education

8.1. As may be evident from the details in the preceding paragraphs, the policy of reservation had a salutary effect in terms of induction of Scheduled Castes, Scheduled Tribes and Other Backward Classes into public sector employment and in educational institutions. However, their existing share in employment and educational institutions still falls short of target in certain categories of jobs and higher education. The target in the case of Group 'D' and 'C' are close to population mark of 15 percent for Scheduled Castes and 7.5 percent for Scheduled Tribes but fall short in Group 'A' and 'B'. As against this true position regarding the representation of Other Backward Classes in Central Services is not available. However, as stated in para 6.4, in All India Services and

Table 8.13: State-wise Literacy Rate among SCs, STs & Religious Communities

(in percent)

States	All Religions	Hindus	SC	ST	Muslims	Christians	Sikhs	Buddhists	Jains
India	64.8	65.1	54.69	47.10	59.1	80.3	69.4	72.7	94.1
Andhra Pradesh	60.5	59.4	53.52	37.04	68.0	75.3	78.7	54.8	93.2
Assam	63.3	70.0	66.78	62.52	48.4	56.4	90.4	69.9	95.3
Bihar	47.0	47.9	28.47	28.17	42.0	71.1	79.8	59.0	93.3
Chhattisgarh	64.7	63.9	63.96	52.09	82.5	75.3	89.0	84.9	96.8
Gujarat	69.1	68.3	70.50	47.74	73.5	77.7	85.1	66.9	96.0
Haryana	67.9	69.4	55.45	--	40.0	85.3	68.9	67.4	94.2
Himachal Pradesh	76.5	76.8	70.31	65.50	57.5	82.8	83.0	73.7	96.3
J & K	55.5	71.2	59.03	37.46	47.3	74.8	85.4	59.7	86.5
Jharkhand	53.6	54.6	37.56	40.67	55.6	67.9	87.8	62.5	90.9
Kerala	90.9	90.2	82.66	64.35	89.4	94.8	92.4	92.1	95.5
Madhya Pradesh	63.7	62.8	58.57	41.16	70.3	85.8	82.9	74.4	96.2
Maharashtra	76.9	76.2	71.90	55.21	78.1	91.0	88.9	76.2	95.4
Orissa	63.1	63.3	55.53	37.37	71.3	54.9	90.5	71.0	93.3
Punjab	69.7	74.6	56.22	--	51.2	54.6	67.3	72.7	95.9
Rajasthan	60.4	60.2	52.24	44.66	56.6	83.0	64.7	71.4	94.0
Tamil Nadu	73.5	72.0	63.19	41.53	82.9	85.8	83.7	86.3	92.2
Uttar Pradesh	56.3	58.0	46.27	35.13	47.8	72.8	71.9	56.2	93.2
West Bengal	68.6	72.4	59.04	43.40	57.5	69.7	87.2	74.7	92.8
Delhi	81.7	82.8	70.85	--	66.6	94.0	92.1	83.8	96.8
Arunachal Pradesh	54.3	64.6	67.64	49.62	57.7	47.0	92.4	44.9	85.2
Goa	82.0	81.9	71.92	55.88	75.4	83.8	95.5	82.8	95.7
Karnataka	66.6	65.6	52.87	48.27	70.1	87.4	83.7	54.8	84.3
Manipur	70.5	75.3	72.32	65.85	58.6	65.9	88.5	53.3	94.5
Meghalaya	62.6	69.3	56.27	61.34	42.7	65.3	74.7	70.8	69.9
Mizoram	88.8	79.3	89.20	89.34	74.7	93.1	91.8	45.8	61.7
Nagaland	66.6	74.9	--	65.95	48.2	66.2	82.8	74.6	94.5
Sikkim	68.8	69.4	63.4	67.14	57.8	72.4	97.2	67.3	90.7
Uttaranchal	71.6	74.1	63.40	63.23	51.1	87.9	73.1	76.3	96.3
A&N Island	81.3	81.7	--	66.79	89.8	77.0	94.1	91.4	100.0
Chandigarh	81.9	80.5	67.66	--	64.1	88.5	92.0	91.7	97.3
Dadra & Nagar Haveli	57.6	56.5	78.25	41.24	80.4	64.6	91.7	63.4	94.4
Daman & Diu	78.2	77.7	85.13	63.42	80.3	88.2	93.0	84.4	94.6
Lakshadweep	86.7	96.4	--	86.14	86.1	97.4	100.0	100.0	--
Tripura	73.2	75.3	74.68	56.48	60.9	67.9	98.4	49.2	82.9
Pudducherry	81.2	80.3	69.12	47.10	87.8	87.3	90.9	92.8	96.3

Source: Census of India 2001

Table 8.14: Comparative Enrolment Status of Scheduled Castes and Scheduled Tribes

(figure in thousands)

Year	Total Enrolment	SC Enrolment	Percentage of SC Enrolment	ST Enrolment	Percentage of ST Enrolment
1980-81	72688	10981	15.11	4660	6.41
1985-86	86465	13921	16.10	6580	7.61
1990-91	99119	15794	15.93	7869	7.94
1995-96	109734	18536	16.89	9224	8.40
1999-2000	113612	20435	17.98	10650	9.37
2000-2001	113800	21195	18.62	10995	9.66
2001-2002	113883	21504	18.88	11731	10.30
2002-2003	122397	21669	17.70	11830	9.67
2003-2004	128266	23129	18.04	12517	9.75

Source: Selected Educational Statistics of Ministry of HRD for the year 2003-2004

Table 8.15: Comparative Educational Status of Religious Communities at different Levels

(in percent)

Religion/Communities	Upto Primary Level *	Middle	Secondary	Senior Secondary	Diploma	Graduation	Unclassified
All Religion	55.57	16.09	14.13	6.74	0.72	6.72	0.02
Hindus	54.91	16.18	14.25	6.92	0.71	7.01	0.01
Muslims	65.31	15.14	10.96	4.53	0.41	3.6	0.05
Christians	45.79	17.13	17.48	8.7	2.19	8.71	0.01
Sikhs	46.70	16.93	20.94	7.57	0.90	6.94	0.02
Buddhists	54.69	17.52	14.09	7.65	0.35	5.7	0.01
Jains	29.51	12.27	21.87	13.84	1.03	21.47	0.01
Other Religions	62.12	17.48	11.24	4.55	0.26	4.35	0.01

*includes Literate Without Education, below Primary level and Primary level

Source: - Census of India, 2001

Central Services for which recruitment is made through Union Public service Commission representation of Other Backward Classes is very near to their share. With the growth in the share of Scheduled Castes and Scheduled Tribes in public services, it had positive multiple effect on the social and economic situation of these two disadvantaged groups. The data provided by the Ministry of Personnel indicates that in recent years the vacancies reserved for the Scheduled Castes, Scheduled Tribes and other backward classes are being filled fully even in the 'elite' services at the Centre.

8.2. There are differing views on the impact of the reservation policy on maintenance of efficiency and quality of administration. One view is that

persons appointed on the basis of reservation with reduced educational standards etc. are likely to suffer from inferiority complex, which is bound to affect the quality and efficiency. Since the job reservation and appointment to public services is for public good, the quality and efficiency for the proper discharge of public service is of paramount consideration. On the contrary, in the absence of any scientific or systemised study, it would be extremely difficult to conclude that reservation had or has adverse impact on the efficiency and quality of administration. Even if it is conceded for argument sake that reservation has an adverse impact, such an impact is likely to be minimal and can be remedied with special interventions such as training etc. In any case in the context

Table 8.16: Scheduled Castes & Scheduled Tribes Studying at different Level of Education

Level of Education	Total	General		SC		ST	
		Number	Percentage	Number	Percentage	Number	Percentage
Ph.D.	65525	60282	92.0	3859	5.9	1384	2.1
M.A.	427234	354675	83.0	58017	13.6	14542	3.4
M.Sc.	237439	207470	87.4	29484	10.5	4985	2.1
M.Com	141954	124378	87.6	14119	10.0	3457	2.4
BA/BA Hons	3824833	3107202	81.3	513771	13.4	203860	5.3
B.SC/B.Sc. Hons.	1614067	1399426	86.7	178829	11.1	35812	2.2
B.Com Hons.	1613374	1432000	88.8	150616	9.3	30758	1.9
BE/B.SC. Engg/B.Arch	772923	708782	91.7	48783	6.3	15358	2.0
Medical/ Dental/ Nursing/ Pharmacy/ Ayurveda	223235	184194	82.5	28935	13.0	10106	4.5
B.Ed./BT	114681	90298	78.7	18023	15.7	6360	5.6
Other	973873	738435	75.8	153094	15.7	82344	8.5

Source: Selected Educational Statistics 2003-04

of the objectives that such reservation serves, it is an acceptable policy.

8.3. Reservation did not provide equal opportunities within each group/community to all of beneficiaries. Consequently, different castes and tribes within a group/community have not benefited from reservation equally. Almost in all categories of beneficiaries among Scheduled Castes, Scheduled Tribes or other Backward Classes and minorities, there is a growing sense of deprivation amongst different categories, which is leading to internal dissension. For example*, in Punjab the Valmiki Samaj is asking for separate quota of reservations on the ground that Ramadasis and Mazbis have cornered the benefits. Likewise Chamars in UP and Mahars in Maharashtra are said to have benefited from the reservations more than other castes identified in the Schedule from these regions. Similar accusations have been made against the Meena community by other Scheduled Tribes. Problems of this kind are manifold in the case of Other Backward Classes as in each State there are dominant groups, usually with economic and political

clout, who reap the benefits of reservations. There are Ezhavas in Kerala, Nadars and Thevars in Tamil Nadu, Vokkalingas and Lingayats in Karnataka, Lodhs and Koeris in the Central India. Yadavs and Kurmis in Bihar and UP and Jats in Rajasthan, which despite their dominant status have been, clubbed as backward classes eligible for benefits under reservations. For these reasons, reservation has become a contentious issue today, more so when it is applied to Other Backward Classes.

* Report on Workshop "Assessment of the impact of reservation policy" organised by JNU, New Delhi.

8.4. Reservation for Minorities has been provided by the State Governments of Kerala and Karnataka as per details given in Table 8.17.

The Government of Andhra Pradesh also passed an Act providing 5 percent reservation for Muslims. However, this has been turned down by the Apex Court pending for want of specific recommendations by the State Backward Classes Commission.

Difficulties Encountered in Implementing Reservation Policy

9. Problem of false/fake caste/community certificates is a serious problem and is on increase. Consequently, genuine persons are deprived of benefits of reservation. For any person to be entitled to the benefits/ privileges as a Scheduled Castes or Scheduled Tribes, he has to obtain a certificate in the prescribed format from the designated authority to show that he belongs to SC or ST. This certificate is a necessity for appointment in Govt./ PSU etc. against reserved posts. DOP&T has issued instructions giving details of the authorities who can issue such certificates along with the procedure for verification of caste status by the competent authority. Similarly, the really deserving Other Backward Classes may be deprived of benefits of reservation due to the submission of false certificates by those who are not really the OBCs. The rare availability of seats/ jobs allures candidates to take the help of false/fake certificate, which is managed by money or muscle power. The Supreme Court has also taken serious note of such a tendency like taking of reservation benefits by those for whom it is not meant. Therefore, this issue is serious and there is urgent need to evolve a simple and foolproof mechanism in this regard. In addition, it has been found that Scheduled Tribes in some States (such as Kerala and Tamil Nadu) where their proportion in total population is barely two per cent have to wait for several years to fall on the roster point. This procedure has affected adversely the Primitive Tribal Group (PTG) which number as much as five and six respectively in these two States. The total number of PTG in the country is seventy-five. It may, therefore, be prudent to review

the policy in this regard so that the Primitive Tribal Group at least avail of employment in Government of India where reservation for them is 7.5 percent as against 2 percent in State.

Employment Opportunities in Organised Private Sector

10.1. While the complete data on employment opportunities in private sector in the country is not available, it is estimated that the government and the private organised sector comprise only a fraction of the total workforce. The organised private sector employed about 84.32 lakh persons in 2002 which is less than 3 per cent of the total work force which is estimated around 350 million. Year-wise growth in the employment opportunities in the different sectors in the organised Private Sector from 1981 to 2002 is indicated in the Table 8.18 .

10.2. As may be seen from the Table 8.18, employment opportunities in the organised private sector have grown mostly in the manufacturing industry followed by the Community and Social Services Sector. In other sectors of economy, there has been marginal increase over the years. Contrary to this, survey carried out by the Central Statistical Organisation (CSO) in 1998 covering 30.35 million enterprises other than crop production and plantations in the country reveals that nearly 80 percent of the enterprises (i.e. 24.39 million) were self-financing and 44.8 percent enterprises were owned by the Scheduled Castes, Scheduled Tribes and other Backward Classes in rural and urban areas combined together as per details given in Table 8.19.

Table 8.17: Reservation for Minorities by State Government

S.No.	State	Category	Reservation Provided	
			In educational institutions	In employment
1.	Kerala	Muslims	10 percent	12 percent
		Christian/LC/Anglo Indians	2 percent	4 percent
2.	Karnataka	Muslims	4 percent	4 percent

Table 8.19: Ownership of the Enterprises by SCs, STs & OBCs (%)

	Rural	Urban	Combined
Scheduled Castes	9.0	5.8	7.7
Scheduled Tribes	5.2	2.3	4.0
Other Backward Classes	36.0	29.1	33.1
Total	50.2	37.2	44.8

Source: - Reservation and Private Sector (Edition: 2005) by Sukhdeo Thorat

There is, therefore, urgent need for the enhancement of credit system for the enterprises in the private sector, especially those owned by SCs, STs and other backward classes and providing vocational and entrepreneurship training to them for improving the quality and productivity of these enterprises.

10.3. As stated earlier, there has been very little or no increase in the employment opportunities in the public sector in the past. In fact with the ban on creation of new posts the employment opportunities in the public sector have dwindled. Also, the scope of employment in the organised private sector is limited as the number of jobs in this sector are less than 3 per cent of the total work force which is estimated around 350 million. Therefore, the possibility of providing reservation for socio-economically backward classes in the Private Sector has been under consideration of the Government and a high level Coordination Committee has

been set up by Prime Minister's Office to prepare code of conduct on affirmative action to be progressively adopted by industry. However, the industry have informed the government that they would want voluntary action rather than legal binding in the matter for the following reasons:

- (i) Today, 9 out of every 10 jobs created in India are in the informal sector, while the rest is generated in the government and organised private sector. As such, majority of the additional jobs are in the informal sector and not in the organised private sector; and
- (ii) Allocation of jobs on the basis of caste/community/religion may lead to the violation of the work contracts that India's IT and IT enabled companies have entered into with European and US clients. Western Governments might use Caste quotas as a non-trade barrier against the IT industry as they have against Carpet industry.

10.4. In view of the above, the Confederation of Indian Industries (CII) has proposed a voluntary code of conduct for affirmative action for empowerment of disadvantaged groups by way of promoting human capital formation and entrepreneurship where undermentioned targets and milestones are set by companies themselves:

Table 8.18: Year-wise Details of Employment Opportunities in the different Sectors of Economy in the Organised Private Sector

(Figure in Lakhs)

Sector of Economy		Year				
		1981	1990	1995	2000	2002
i.	Manufacturing	45.45	44.57	47.06	50.85	48.67
ii.	Construction	0.72	0.68	0.53	0.57	0.56
iii.	Wholesale, retail trade	2.77	2.91	3.08	3.3	3.35
iv.	Transport, storage	0.6	0.52	0.58	0.7	0.76
v.	Finance and insurance	1.96	2.39	2.93	3.58	3.91
vi.	Community and social services	12.22	14.6	16.03	17.23	17.42
Total (including others)		73.95	75.82	80.58	86.49	84.32

Source: - Reservation and Private Sector (Edition: 2005) by Sukhdeo Thorat, Chairman UGC

A - Role of CII Member Industry

- (i) Provide scholarships for school students and help them successfully Complete their school education.
- (ii) Companies running private schools will link up with a government School in their vicinity in order to raise their overall standards.
- (iii) Economically backward candidates could be accommodated in the vocational training by large companies.
- (iv) CII members in specific industrial clusters will collectively set up training centers for economically backward candidates.
- (v) While providing and distributing midday meals should continue to be the responsibility of the government, healthcare and food packaging companies will help in improving the nutritional standards and hygienic quality of the meals being given to the children.
- (vi) Member companies will actively engage with local authorities in the following areas:
 - For revamping curriculum
 - For upgrading facilities
 - For providing industry exposure to faculty
 - For providing technical, training and financial inputs to the ITIs located in their area of operation
- (vii) Large and medium companies will work with district industry centers and sponsor vendor development programs for disadvantaged groups, and
- (viii) Member companies will create and enhance livelihoods through ancillary development and follow benchmarks set up by other companies.

B - Role of Confederation of Indian Industry

- (i) CII will implement its Skills Development Program across the country to address the needs of the youth. Vocational skills will be imparted in all-important trades to ensue employability and also to make people more efficient as they become self-employed.
- (ii) Upgrade 100 Industrial Training Institutes identified by the govt. in the first phase to

improve employability and to encourage self-employment.

- (iii) CII will work with NGOs and Self Help Groups so that the successful members from these groups are encouraged to set up their own enterprises; and
- (iv) Revamp the financial system to provide concessional credit to disadvantaged groups to promote enterprise through linkages with Nationalised Banks.

Views of the State/UT Governments on Reservations

11. During the visits of the Commission to the States/UTs, the Commission in addition to the official meetings had inter-alia interactions with the Chief Ministers and Governors of certain States and the views expressed on the issue of reservation during these visits are as under:

- (i) Education is the only means to address the problem of reservation in services and those who are economically poor should be provided with Scholarships and other facilities to enable them to continue their education etc.
- (ii) Quality of education should be improved right from the school stage.
- (iii) Exclusion of Communities from the Scheduled Lists should be a continuous process and decadal surveys should be carried out regularly to review these lists to avoid misuse of reservation policy.
- (iv) Reservations to the deprived sections of the society should be restricted to one-generation only.
- (v) Concept of Creamy layer may be introduced for SCs and STs on the pattern of OBCs so as to ensure that the most backwards among them could also derive benefits from the reservations earmarked.
- (vi) Reservation should be extended to the poorest in the society irrespective of the religion one pursues.
- (vii) Teaching in modern subjects besides Urdu and religious education should be introduced in Madarsas; and
- (viii) There is need for the reservation in private sector.

12. A workshop was organised on Reservations and its impact at Jawahar Lal Nehru University, New Delhi on 31st July, 2006. Recommendations of workshop are annexed in Volume II of the report.

13. The reservation as a policy has been a matter of debate since we achieved independence. Reservation as tool for socio-economic upliftment was adopted as a short-term measure for specific categories of people who for various reasons were discriminated and deprived. In this context Pandit Jawahar Lal Nehru in his communication addressed to the Chief Ministers dated 27.6.1961 inter-alia observed as under:

“I have referred above to efficiency and to our getting out of our traditional ruts. This necessitates our getting out of the old habits of reservations and particular privileges being given to this caste or that group... It is true that we are tied up with certain rules and conventions about helping the Scheduled Castes and tribes. They deserve help but, even so, I dislike any kind of reservation more particularly in services. I react strongly against anything, which leads to inefficiency and second-rate standards. I want my country to be a first class country in every-thing. The moment we encourage the second-rate, we are lost.” He also observed “If we go in for reservations on communal and caste basis, we swamp the bright and able people and remain second rate or third rate. I am grieved to learn of how far this business of reservation has gone based on communal considerations. It has amazed me to learn that even promotions are based sometimes on communal or caste considerations. This way lies not only folly but disaster. Let us help the backward groups by all means, but never at the cost of efficiency.”

14. In view of the foregoing, the Commission has considered the following viewpoints:

14.1 The basic criteria for reservation should be socio-economic backwardness with fool-proof arrangement of issue of certificates.

In fact, religion or caste should not be the basis of Reservation. Also Article 16(4) should be the basis for providing reservation benefit to minority groups who are socio-economically backward class of citizens.

14.2. The policy of reservation must be consistent with the objective of reservation so that the same does not outlast its constitutional object and allow a vested interest to develop and perpetuate itself. There should be no need for reservation or preferential treatment once equality is achieved. In fact, it should be temporary in concept, limited in duration, conditional in application and specific in object. Any attempt to perpetuate reservation and upset the constitutional mandate of equality is destructive of liberty and fraternity and all the basic values enshrined in the Constitution. A balance has, therefore, to be maintained between the competing values and the rival claims and interests so as to achieve equality and freedom for all.

14.3. The concept of reservation is an exception and therefore, it should aim at the achievement of self-abolition, i.e. by way of the elimination of backwardness and bringing the backwards economically and socially upward. The sooner the need for reservation is brought to an end, the better it would be for the nation as a whole. The sooner we redressed all disabilities and wiped out all traces of historical discrimination, and stopped identifying classes of citizens by the stereo-typed, stigmatised and ignominious label of backwardness, the stronger, healthier and better united we will emerge as a nation founded on diverse customs, practices, religions and languages but knitted together by innumerable binding strands of common culture and tradition.

14.4. Reservation was adopted as the means to provide opportunities in employment.

While the weaker sections should be given due opportunity, it is necessary to break the vicious circle of limited sections cornering the opportunities. Presently, the concept of creamy layer in employment is applicable in case of Other Backward Castes and not for Scheduled Castes and Scheduled Tribes. This anomaly needs rectification as while the sections of minorities belonging to SCs/STs are availing the reservation facility irrespective of their economic status, the minorities included in the list of the Other Backward Castes do not get this facility. Therefore, there is need to have a uniform approach in this regard by excluding the creamy layer from the purview of reservation in all cases including Scheduled Castes and Scheduled Tribes. Further, if an individual has benefited from the reservation in the matter of employment, it may be worthwhile to consider his next generation for educational benefits only. After 60 years of independence and 10 five-year plans, which have focused in special incentives and programmes, based on policy of positive discrimination, it is necessary to step forward, remove differential approach based on caste, class, religion, and to adopt uniform strategies for the socially, economically and educationally poor. Reservation should be limited to them.

- 14.5. Similarly, the reservation on promotion is admissible to the Scheduled Castes and Scheduled Tribes and not to Other Backward Castes. Since, sections of minorities are included in the lists of Scheduled Castes and Scheduled Tribes on one hand and Other Backward Castes on the other, this has resulted in some anomaly. It is necessary that the position is reviewed and a uniform approach in reservation is adopted limited to entry point only and not promotions.
- 14.6. Since the existing Lists of SC, ST, OBC have not been scientifically prepared with proper survey and data on the socio-economic

status of a particular caste or class, the entire system of reservation as also of the SC, ST, OBC Lists needs to be overhauled. Since, BPL Lists are being prepared on the basis of social/ educational and economic criteria, these are more scientific. Changes/ revisions are possible periodically in this as they are prepared after a regular survey which is not the case of SC, ST, OBC categories. This should be taken in to account for making any recommendations regarding criteria/ reservation benefits for backward sections.

- 14.7. In India, where there is still competition for admission to schools at the primary level and quality of education is a distant dream, limited resources and facilities that are available must be distributed fairly. As discussed in the Chapter on “Measures for Welfare and Development of Minorities” of this Report, there is need to provide greater opportunities for quality education at primary and secondary level (including the coaching classes) to equip the weaker sections for competing on merit along with others in recruitment to public employment. Universal Elementary Education (UEE) and Sarva Shiksha Abhiyan (SSA) should make this possible.
- 14.8. There are multiple sources of deprivation and inequality. The deprived sections are deeply affected by the poor delivery of basic education. In such a situation, how the multiple sources of inequality in the society should be addressed ensuring that benefits reach the most marginalised members of the society is an important issue. Individual States/UTs may have to experiment with a range of models for delivering basic education and monitoring the implementation of schemes involving local communities to ensure that the schemes do not remain on paper only. Viewed in this background, many scholars to day favour a system of weightages rather than fixing quotas and earmarking seats for some groups. The understanding being that reservation tend to create inter-community

conflicts and enhance particular identities. They also imply a deviation from the norm of open competition and filling of seats on the basis of opportunities being given equally to all. Weightages, on the other hand, do not compromise the principle of open competition while taking note of the fact that competition is not always fair. To make the competition fair, some special consideration is given to the relatively marginalised groups by way of extra weightage.

14.9. During the workshop organised by the Delhi School of Economics (University of Delhi) on 29th– 30th August, 2006, it was inter-alia felt that instead of quota, a handicap approach wherein individuals or household attributes should assume importance without excluding group characteristics may be relevant. The model is intended to be evidence-based and it addresses four main dimensions of group disadvantages – caste/community, gender, region and sector of residence (i.e. rural or urban). There should be separate evaluation of urban and rural candidates based on the location of school where 10th class examination was taken. Also, during the workshop it was also felt that creamy layer among the backward classes should be skimmed off failing which the concession granted by the reservation policy will only be grabbed by the creamy layer and not reach the truly weaker sections of the society as has been the case so far.

14.10. Jawahar Lal Nehru University has devised a unique admission policy which combines constitutionally mandated reservations with a system of weightages for other marginalised communities. The objective of the University's admission policy is to ensure that adequate number of students from the under-privileged and socially handicapped sections of our society are admitted to the University and to maintain all-India Character of the University by having students from

different regions of the country especially the backward areas. Such a system of weightages may be better suited for the development of socially and economically backward sections of the society.

14.11. Prof. Andre Beteille, Chairman, ICSSR while discussing the matter of "Right and Policy", have opined that Private Sector can be more actively engaged in affirmative action. But that may not happen so long as affirmative action continues to be equated with mandatory numerical quotas administered under strict bureaucratic supervision. Privatisation, liberalisation and globalisation require an employment policy that is radically different from one governed by mandatory quotas based on caste and community. Hence, the imposition of mandatory quotas on private companies may not help in addressing the problem of inequalities in the conditions of competition. Instead, the government may encourage private companies to devise their own programmes of affirmative action by giving tax concessions to companies etc. that diversify the social composition of their employees and make investments in education and training. It will be in the long-term interest of the companies, and not just in the public interest, to adopt active measures to seek out, stimulate and nourish the vast reservoir of unutilised talent that exists in the socially and educationally backward communities.

14.12. Policy of reservations in the field of employment and education has a long and complex history in India. There is a range of reservation policies. While there is a single central policy on reservation, different states in India have devised their own policies and many of these differ significantly from the Central policy. To ensure proper implementation of reservation system, constitution of separate body - High Powered Commission is recommended.

DEMANDS FOR AMENDING CONSTITUTION (SCHEDULED CASTES) ORDER 1950

Constitutional Provisions

1. The Constitution of India does not restrict the Scheduled Castes class to any select religions. The term “Scheduled Castes” has been defined in Article 366 (24) read with Article 341(1) as:

“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 purposes of this Constitution.

- (a) 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.
- (b) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (I) 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.

2. Under these provisions a Constitution (Scheduled Castes) Order was issued in 1950. Para 3 in the Order said that any non-Hindu could not be regarded as a Scheduled Caste. Since this Order was amended in 1956 to include Sikhs, and in 1990 the Buddhists, among the

Scheduled Castes, since the latter amendment this para says that nobody who is not a Hindu, Sikh or Buddhist can be a Scheduled Caste. The text of the Order is reproduced below.

The Constitution (Scheduled Castes) Order, 1950

In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order namely:

1. This Order may be called the Constitution (Scheduled Castes) Order, 1950.
2. Subject to the provisions of this Order, the castes, races or tribes or parts of, or groups within, castes or tribes specified in (Parts to (XXII) of the Schedule to this Order shall, in relation to the States to which those Parts respectively related, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those Parts of that Schedule.
3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste.
4. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.”

Moves for Change by Legislation

Efforts have been made in the past to get the Constitution (Scheduled Caste) Order 1950 amended by legislation so as to make it religion-neutral. A number of Private Members' Bills have been moved in Parliament, but to no avail. An official Bill called the Constitution (Scheduled Castes) Orders (Amendment) Bill was at last drafted in 1996. The opinions expressed by the State/UT governments on the Bill, obtained by the central government, were divided. The government also took note of the recommendations of the 1983 Gopal Singh Panel and the central Minorities Commission which were strongly in favour of deleting para 3 of the SC Order of 1950, and of the Scheduled Castes and Scheduled Tribes Commission which was against the same. In view of all this divergence of opinion the Bill was not introduced in the Parliament.

Recent Court Cases Awaiting a Decision

1. In three different pending petitions before the Supreme Court of India the petitioners have challenged paragraph 3 of Constitution (Scheduled Castes) Order, 1950 saying that a person not professing the Hindu, Sikh or Buddhist faith cannot be included in the lists Scheduled Castes. They have relied upon the following grounds:

- (a) Secularism is a basic feature of the Constitution of India. The denial of equal privileges to persons of Scheduled Caste origin converted to Christianity is in violation of both the basic features enshrined in Article 25 and the preamble of the Constitution.
- (b) The Constitution has provided for equality of opportunity to all those who are similarly situated. Persons of Scheduled Caste origin converted to Christianity are identically situated vis-à-vis their counterparts professing Hindu, Sikh and Buddhist religions.
- (c) Even after conversion, the caste label continues and it is difficult for a person in

Indian society to get out of the vice of caste system.

- (d) Caste is more a social combination than a religious group and that even though the tenets of Christianity do not recognise caste, it is in fact a reality.
- (e) The only available judgment on this issue, namely, the constitutionality of paragraph No.3 of the Constitution (Scheduled Caste) Order, 1950 in *Soosai vs. UOI* 1985 (Supp) S.C.C. 590. In the Judgment, the Supreme Court had accepted that the caste continued even after conversion. It had, however, sought for more material to show that the handicaps of persons of Scheduled Castes had remained the same even after conversion to Christianity. In the said case, the Court was not satisfied with the material placed before it.
- (f) The position of persons of Scheduled Caste origin converted to Christianity remains the same as before. They continue to be forced into the most demeaning occupations. Their position both in the Church as well as amongst fellow Christians is no better than that suffered by their counterparts in other religious denominations. They continue to be both poor and socially and educationally backward. Inter-marriages between them and upper caste Christians are rare. In the Churches they are segregated from the upper caste Christians. Even after death they are buried in different burial grounds.
- (g) The atrocities committed on the Dalits are uniform irrespective of the religions they belong to. Yet persons of Scheduled Caste Origin converted to Christianity are deprived of special protective provisions solely on the basis of religion.

The petitioners have sought the relief that the Supreme Court should strike down paragraph 3 of the Constitution (Scheduled Castes) Order 1950 as unconstitutional being violative of articles 14, 15 and 16 of the Constitution and direct the Government to extend the protection available under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Civil Rights Act,

1955 to all persons of Scheduled Caste origin irrespective of their religion.

2. Seven Writ Petitions making the same demand are pending in different High Courts, based mainly on the following pleas:

- (a) The Presidential Order of 1950 was issued by the President of India under Article 341 of the Constitution. The power conferred on the President by Public notification is a delegated power which cannot run contrary to Article 13(2) of the Indian Constitution which states as follows: "The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause shall, to the extent of the contravention, be void. Under Article-13(3), unless the context otherwise requires (a) law include any ordinance order by law, rule, regulation, notification custom or usages having in the territory of India the force of law. So the Presidential Order of 1950 is unconstitutional and it is a black letter written outside the Constitution introduced through the back door by an executive order. Under Article 341 the President has no authority to proclaim the para 3 of the scheduled Caste order contrary to the Articles 15(2), 16(2), 29(2) and it is also against the basic structure of the Constitution as decided in the *Kesavanandha Bharati Vs. State of Kerala* and para 3 of the Presidential order can be quashed as per the judgment of the Supreme Court decided in *Maharaja Dhi Raja Jiwaji Raja Sindhia Bahadur Madhava Rao. Vs. Union of India* in AIR 1971 SC 530 (1971) ISCC 85 para 3 of the Presidential Order is anathema which disfigures the beauty of the written Constitution of India.
- (b) Even under Article 341 the President is not given a power to proclaim to prohibit any citizen from professing any religion of his choice. But the President under Article 341 prescribes indirectly people particularly (Scheduled Caste) not to

profess any religion different from Hindu or Sikh religion. In other words to get a benefit under Scheduled Caste Order 1950 a citizen should profess only Hindu or Sikh religion. This is against the preamble of the Indian Constitution, which secures "liberty of thought, expression, belief, faith and worship to all its citizens. Under Article 341 the power given to the President is to specify the Caste and not to specify religion or to identify the Caste by the symbol of religion and hence it is a coloured legislation under guise of Presidential Order.

- (c) The explanation given under Article 25 cannot be construed as exception to treat Sikhs, Jains, Buddhist and Hindus as a single class or group except for the purpose of applicability of personal laws under Article 25(2) and the Presidential Order is treating the members of the Caste who come under para 2 of the Presidential Order has misconstrued explanation 2 of Article 25 for the purpose of discriminating other religions such as Christians and Muslims. Para 3 of Scheduled Caste Order of 1950 suffers as it discriminates the citizens on the ground of religion only, whereas the schedule Tribes Order 1951 has omitted para 3 deliberately and citizens of Backward Class and the forward Class are not subject to the discrimination on religion only in getting the equality of status and of opportunity is undermined in the case of Schedule Caste under the Presidential Order of 1950 and it does not promote fraternity among all its citizens irrespective of Caste, religion and creed.
- (d) In view of the judgment passed by the Apex court in *Indira Sawhney Vs. Union of India* Suppl. (3) Supreme Court Cases 217, the impugned Constitution (Scheduled Caste) Orders 1950 is required to be struck down. The Apex Court in the said judgment delivered by B.P. Jeevan Reddy J (on behalf of Kania C.J., Veykantchalia, Ahmadi, and for himself) in majority view came to the conclusion that the concept of Castes is not confined to Hindu religion only but it extends irrespective of the religious sanction.

(e) That the action of the Government is arbitrary and discriminatory on the ground that on one hand the Muslims have been excluded for the purposes of treating their Caste as Scheduled Caste, but on the other hand the Muslims are included in the list of backwards meaning thereby that the person belonging to a Caste which has been included in the list of Scheduled Caste shall stand excluded from being treated as Scheduled Caste on the simple ground that he is a Muslim. But on the contrary, if a person though Muslim, but his Caste is included in the list of backwards, shall stand included for the purpose of treating him a backward. In view of this, the action of the Government suffers from hostile discrimination against Scheduled Castes Muslims.

These petitioners have also sought the same relief as sought in the petitions pending before the Supreme Court.

Diversity of Views

There is a wide divergence in the views/opinions expressed on this subject before the Commission. The following views, for and against, have been expressed before us :

A. Views in favour

- (i) Even though Christianity and Islam do not recognise caste system or untouchability, the ground reality in India is different. Persons of Scheduled /Caste origin converted to Christianity/Islam are continued to be subjected to disabilities, including untouchability associated with caste and occupation, as they continue to be part and parcel of the Indian society.
- (ii) It is not only the society that discriminates against persons of Scheduled Caste origin converted to Christianity/Islam (inasmuch as such converts are not treated by other members of their own religion or by members of other religions as their equals), they are being discriminated

against even by their own religious institutions like church or the mosque; the manifestation of discriminations being separate churches/mosques or separate prayer halls or prayer timings in the same church/mosque for them and earmarked areas for the burial of their dead.

- (iii) Denial of Scheduled Castes status to them despite untouchability related practices being enforced against them or atrocities committed against them deprives them of the protection of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (iv) Despite no visible change in their social or economic status as a result of conversion, the converts are deprived of the benefits of reservation, support and development schemes formulated for their counterparts in Hindu, Sikh and Buddhist religions. This amounts to discrimination by the state on the ground of religion.
- (v) Exclusion of Christianity and Islam from the purview of the Constitution (Scheduled Caste) Order 1950 is discriminatory and unconstitutional being violative of the provisions of fundamental rights guaranteed under Articles 14,15, 16 and 25 of the Constitution. Change of religion being a strictly personal matter, such change should not deprive persons of Scheduled Caste origin protection and benefits available to similarly placed persons in other religions.
- (vii) Although Sikhism and Buddhism do not recognise Caste system like Christianity and Islam, both Sikhs and Buddhists have been given the status of Scheduled Caste by amending the Constitution (Scheduled Castes) Order 1950. There is no reason as to why similar dispensation can not be extended to similarly placed persons who profess Christianity or Islam. That this is not being done, is discrimination on the ground of religion that is prohibited by the Constitution.
- (viii) Groups and classes of persons of Scheduled Caste origin professing Christianity/Islam who are included in the list of OBCs should

be delisted therefrom and be given status of Scheduled Castes.

B. Counter Views

- (i) The very basis of identification of a certain class of people as Scheduled Caste is social, educational and economic backwardness arising from the age old practice of untouchability that flowed from a rigid caste system in Hindu religion.
- (ii) Persons professing Christianity or Islam were not treated as depressed class/scheduled caste by the British in pre-Independent India or by the Indian Government after independence. The status of depressed class/scheduled caste was an inseparable concomitant of Hindu religion in British and Independent India.
- (iii) Persons of Scheduled Caste origin converted to Christianity/Islam who are socially and educationally backward are included in the list of OBC and are benefiting from reservation in services/ educational institutions in favour of OBCs and from other schemes and institutional support systems formulated for OBCs.
- (iv) Apart from the benefits available to socially and educationally backward amongst Christians and Muslims as OBCs, they are also benefiting from the constitutional, legal and institutional protection/arrangements as members of minority communities.
- (v) Presently, reservation is available for SCs and STs @ 15 percent and 7.5 per cent respectively although, as per 2001 Census, their share in population is much more. Grant of SC status to converts to Christianity/ Islam would, therefore, adversely affect the benefits available to Scheduled Caste in

the matter of reservation in services/posts and educational institutions and related matters.

Conclusion

1. Inclusion of castes in the old Government of India (Scheduled castes) Order 1936 itself was based on general impressions and not on any actual survey of the caste situation in the country. The same can be said about the Constitution (Scheduled Castes) Order 1950 which was based on the old SC Order of 1936. Inclusion of additional castes from time to time under the present Order of 1950 is also not based on a scientific survey of the actual caste situation in the country.
2. By all available evidence we do find the caste system to be an all-pervading social phenomenon of India shared by almost all Indian communities irrespective of religious persuasions.
3. It is claimed and agreed to by almost all sections of the society in India, in various context and especially in respect of the issue of reservations, that no special benefits can be given to any community or group on the basis of religion. At the same time, however, it is generally insisted upon that the class of Scheduled Castes must remain religion-based. This seems to be illogical and unreasonable.
4. Our recommendations on this matter made in accordance with these conclusions are given in Chapter-X.
5. Member-Secretary of the Commission did not agree with these conclusions and has given a Note of Dissent.

RECOMMENDATIONS AND MODALITIES FOR THEIR IMPLEMENTATION

1. In the preceding chapters, we have discussed at length the socio-economic status of the religious and linguistic minorities, the legal and constitutional provisions for safeguarding their interests, and welfare and developmental measures adopted for giving a greater thrust to their growth and development with a view to mainstream them.. We have also reviewed the criterion which already exists for identifying the socially and economically backward amongst different categories of people in the country including the religious and linguistic minorities. While reviewing the status of socially & economically backward amongst different classes including the minorities, the Commission has been guided by the Constitutional provisions and the goals that the Constitution has set for the country. The ultimate objective as laid down by the Constitution is of a country secular in nature, based on the principles of equality, social justice and equity for all its citizens without discrimination on the basis of caste, creed, sex or religion. Taking note of the existing inequalities, it makes both mandatory and enabling provisions for facilitating the creation of a society where caste, class, religion will have none or minimal influence. In conformity with Constitutional directives two pronged strategy has been evolved for enhancing the status of its people. The socially and economically backward are eligible for benefits from all policies and programmes of Government without any discrimination as they are meant for all. Additionally, special provisions have been made for the categories of SCs, STs, OBCs, weaker sections and minorities to ensure

greater thrust and focus for their accelerated development to bring them at par with the general category of people through line Ministries/Departments/ Institutions. The Commission is aware that many of these programmes and interventions have enabled positive discrimination in favour of the backwards for their educational, social and economic development which have had favourable impact on their status. These programmes are being implemented for the last several decades.

2. The Commission has also taken note of the changing nature of the socio-economic structure of the society since independence. It was noted that due to the impact of various departmental and other policies and programmes, industrialisation and migration from rural to urban areas, the rigidities of the age-old social structures have undergone a change which have substantially blurred the existing divisions in the society. The dwindling role of Government has reduced the potential for employment within the Government. The economy is growing at a fast pace due to technological advancements, industrialisation and expansion of communication network. These have opened newer vistas for employment with the result that the potential for employment by and large exists outside the Government.

3. Despite the initiative taken by the Government through policies of positive discrimination and affirmative action through reservation, special schemes and programmes for social, educational and economic

development, it was noted that there is a wide spread perception by both policy formulators and implementers of programmes as also the target groups that the flow of benefits to them has not been uniform and the poorest amongst them have by and large been left out. While reviewing the policies and programmes, the Commission has consciously tried to identify the causes for such wide spread belief regarding unequal treatments. The Commission is of the view that a uniform approach towards socially and economically backward needs to be evolved which should not be based on caste, class or religion so that social justice and equity can be guaranteed to all. The criterion, therefore, should be uniform based on social, educational and economic indices equally applicable to all. Those educationally and economically backward are, by and large, also socially backward.

4. Ideally there should be no distinction on the basis of caste, religion or class. There should be single List of socially and economically backward including religious and linguistic minorities based on common criteria. The existing Lists prepared on the basis of backwardness of caste or class should cease to exist after the List of socially and economically backward is ready. The new list of socially and economically backward has necessarily to be family/household based. It should be all inclusive and based on socio-economic backwardness.

5. On the basis of the above, the Commission strongly feels that as education is crucial for development and enhancement of social and economic status, the focus has to be not only on extending the facilities for education to all equally, but also ensuring the quality of education. Education through acquisition of knowledge improves ability and capacity and instills confidence and competitive spirit. It nurtures and strengthens self reliance and enables individual to seek better employment opportunities. Educational programmes, therefore, have to equip the individuals for their social and economic development. Facilities

through various measures must, therefore, be provided by both the public and private sectors which should reflect the needs of the various sections of the society and its economy.

6. As we have discussed in the Chapter on Welfare Measures, education is the key to development. It is the most important requirement for improving the socio-economic status of the backward sections among religious minorities. The literacy and educational levels among religious minorities vary considerably from one community to the other and from one area to the other. While educational level of Jains, Christians and Parsis is higher, that of Muslims and Buddhists is low and is next to SC/ST. Census statistics on the status of religious minorities reveals that the educational status of Muslims is relatively low. However, disaggregated data presents a picture of unevenness in the educational status of Muslims and Buddhists cutting across the States. The States of Bihar, Madhya Pradesh, Rajasthan and UP which account for almost 65 percent of the total population of Muslims in the country, present a dismal picture in terms of social indicators of development for the general population also. In terms of educational, social and economic status, in the under-developed or backward States, the poor and socially and economically backward of each community, including the Muslims, are equal victims and suffer equally from disabilities or deprivation. There is, therefore, an urgent need for taking a comprehensive view of socially and economically backward of all communities in an integrated manner and not deal with the issue of educational backward in a segregated manner. The need for expanding coverage and providing quality education, focusing on girl's education and strengthening vocational education is vital for educational development of weaker sections among all backward classes, SCs and STs and minorities.

7. Now that national programmes like Sarva Siksha Abhiyan are available to all sections of society throughout the country, there is a need

to ensure participation in the programme by all children belonging to religious minorities, SCs/STs and other backward classes so that the facilities are equally shared and dropout rates can be contained. Area based approach needs to be adopted and socially and economically backwards targeted locally.

8. The educational status of minorities has been discussed in the preceding chapters. We find that the enrolment of children of religious minorities at the primary level is better than that of SC/ST. However, the dropout rate of Muslims is higher at the middle and secondary level. Social and economic prosperity is closely linked to the level of education and training of an individual. Acquisition of knowledge and competitive spirit is essential for accessing facilities and opportunities that the society and its economy offer. The socially and economically backward minorities need to be enlightened about the importance of acquiring knowledge and creating competitive spirit with a view to ensuring that merit is properly rewarded and reservation is not used to kill initiative and competitive spirit. The intelligentsia among the religious minorities should convince the community for active participation in educational programmes/schemes and nurture initiative and spirit of competition amongst them.

9. As in the case of education, the economic status of religious minorities varies from group to group and area to area. While level of education and status has direct linkage with the employability and economic wellbeing of an individual, economic empowerment is also dependent on several other factors. The work participation both in the case of females and males, traditional and cultural influences especially with regard to female participation, the type and nature of work etc. also influence the economic status of individuals, households and often of communities. In the case of religious minorities, the work participation rate of Buddhists, Hindus and Christians is approximately the same as for all religious populations which is 39.1 percent. The WPR of

Sikhs is slightly less than the national average. However, in the case of both Jains and Muslims it is low though, perhaps, for different reasons. Muslims are the lowest at 31.3 percent. In terms of categories of workers more Hindus, Sikhs and Christians are cultivators than Muslims. Christians and Sikhs are lowest in terms of agriculture workers while Muslims have the highest percentage of workers in the household industry sector. In terms of 'other occupations' the number of Christians is proportionately the largest in this category at 52.8 percent. The number of Muslims in this category stands at 49.1 percent, Hindus at the lowest at 35.5 percent. The level of poverty determines the economic status of individuals. In terms of poverty figures while percentage of people living below the poverty line, Muslims approximate to that of Hindus in the rural areas, the percentage of Muslims living below poverty line in the urban areas is high. The largest number of people in the rural areas who live below poverty line belong to the category of other religions.

10. From the above figures, it can safely be said that by and large the religious minorities are more urban based than rural based. While more Christians are engaged in wage employment, more Muslims are employed in household industries and are by and large self-employed. Despite these variations, it is apparent that the population of religious minorities is as dispersed as that of majority community. It is, therefore, necessary that to economically empower the poor in a holistic manner adequate infrastructure has to be created and access through State and community interventions ensured keeping in mind their varied needs and requirements both in the rural and urban areas. Jain and Parsi communities are economically better off and very few of them would, if at all, come into the category of people below poverty line or backward classes.

11. The status of women in the society largely determines the social and economic well-being of a society and country. Their participation

in economic activities at home and outside on equal footing and the response of the community in providing support system to facilitate their continuous involvement at all levels indicates socio-economic health of the society. It is, therefore, important that equal rights are not only guaranteed to them but are ensured in all spheres and a protective, secure environment conducive to women's involvement is provided.

12. In every organisation—governmental or non-governmental, planning and implementation are both equally important aspects of administration. Planning, formulating policies and programmes for the development of the country and its peoples for fulfilling the objectives that are laid down, is vital for sustainable development. Good governance not only depends on appropriate policies which are need based, identify target areas and groups or households but is equally dependent on a suitable administrative framework and mechanism that ensures delivery of services and facilities in an equitable and just manner. For effective implementation of programmes, it is important that infrastructure - institutional and administrative - is in place. Systems need to be in place to regularly review policies, programmes and mechanisms to assess their appropriateness and feasibility as also to constantly monitor to ensure that the target groups and beneficiaries are availing the services and facilities being provided for them. Concurrent evaluation is necessary to identify the gaps and or causes for tardy implementation and corrective measures taken midstream for realisation of aims and objectives.

13. In the preceding Chapters we have pointed out shortfalls and lacunae in the existing policies and programmes, and the anomalies that exist and have come to light in implementation. It has also been highlighted that these have resulted in marginalising the socially and economically backward of all categories since the benefits have gone to the upper crust within the groups

of backwards. Changes in the existing criterion for identifying the eligible out of the backwards is necessary. In a democracy, decentralisation of administrative and financial powers and authority is important. This is specially vital in a vast country like ours which has variations in terrain, population distribution, culture, tradition, state of development and needs – area and people-wise. In order to ensure that the socially and economically backward amongst all categories including the minorities are able to take benefits from the schemes and programmes, powers must be vested at a level from where the access to and for each individual/household of socially and economically backward is possible. In order to establish the efficacy of administration, it has to be ensured that the constitutional provision of equal treatment to socially and economically backwards irrespective of caste, creed is followed in word and spirit for ensuring the flow of benefits to the SEB families.

14. Reservation as a measure of affirmative action has been discussed in detail in Chapter No. 8. The Commission considered various view-points brought before it during the visits to States as also during interaction with governmental authorities, NGOs, social scientists etc. The Commission was of the view that ideally the criteria for reservation should be socio-economic backwardness and not religion or caste. Further, Article 16(4) should be the basis for providing reservation benefits to minority groups who are socially and economically backward. Reservation should be provided only as a short term, time-bound measure for enabling greater participation, both in education and employment. As we have mentioned earlier, the lists of SC/ST and OBC have not been scientifically prepared either on the basis of a proper survey or reliable data on socio-economic status of a particular caste or class. Therefore, the entire system of reservation, including that for SCs/STs and OBCs needs to be overhauled. Reservation as available to SCs and STs is open-ended as it is available to

all belonging to the category irrespective of income, educational and economic status. OBCs enjoy 27 percent reservation in employment, though creamy layer is excluded. The norms and methodology adopted, as pointed out in Chapter-VIII is full of anomalies and hence amenable to large-scale abuse. For this reason, the better off among the groups take advantage of reservation at the cost of the socially and economically backward and deprived. It is, therefore, necessary to limit benefits of reservation to the socially and economically backward only. Since BPL lists are prepared on the basis of social/educational and economic criteria, they are more scientific. They are also revised periodically. BPL lists should, therefore, be made eligible for grant of reservation without distinction on caste, class, group or religion basis.

15. The Commission is of the view that provision of educational facilities to all sections of population at all levels is most important. The quality of education at primary and secondary level is paramount to equip the weaker sections for competing on merit for admission in higher/professional educational institutions. As discussed in the Workshop organised by the Delhi School of Economics, referred to in the Chapter on Reservation, the four main dimensions of group disadvantages are caste/community, gender, region and sector of resident (rural or urban). It is also essential to ensure that creamy layer among the backward classes is kept out failing which concessions granted by the Reservation Policy will be grabbed by the creamy layer and not reach the poorest of the poor.

16. We now proceed to list the concrete recommendations we would like to make to answer each of the Commission's Terms of Reference – three original and a fourth one added later.

Term of Reference No. 1

Criteria for Identifying Socially and Economically Backward Classes among the Religious and Linguistic Minorities.

16.1.1. In our considered opinion the ultimate goal should be the evolution of a uniform pattern of criteria for identifying the backward, which should be based only on the educational and economic status of people and not on their caste or religion, and its application equally to all sections of the citizens irrespective of their caste or religion. And, we do suggest that overall efforts should be directed towards gradually leading the Nation to that goal.

16.1.2. We, however, do understand that achievement of that ultimate goal will take a long time as it would obviously require building public opinion and procuring national consensus in its favour, as also a strong political will for translating it into concrete action. We are, therefore, recommending some other measures to be adopted now, pending the possible achievement of what we have called the ultimate goal.

16.1.3. The measures recommended by us will in our opinion pave the way for achieving the aforesaid ultimate goal in future on one hand, while ensuring on the other hand a faithful compliance at present with the constitutional directives of social, economic and political justice and equality of status and opportunity as proclaimed by the Preamble to the Constitution and detailed in its provisions on Fundamental Rights.

Religious Minorities

16.1.4. We wish to clarify, at the outset, that whatever recommendations of a general nature (for all minorities) we are making here are not only for the communities notified as "minorities" by executive action under the National Commission for Minorities Act 1992 but for all religious minorities – large or small – including the Hindus in the Union Territory of Lakshadweep and the States of Jammu & Kashmir, Meghalaya, Mizoram, Nagaland and Punjab.

16.1.5. We recommend that in the matter of criteria for identifying backward classes there should be absolutely no

discrimination whatsoever between the majority community and the minorities; and, therefore, the criteria now applied for this purpose to the majority community – whatever that criteria may be – must be unreservedly applied also to all the minorities.

- 16.1.6. As a natural corollary to the aforesaid recommendation we recommend that all those classes, sections and groups among the minorities should be treated as backward whose counterparts in the majority community are regarded as backward under the present scheme of things.
- 16.1.7. We further recommend that all those classes, sections and groups among the various minorities as are generally regarded as ‘inferior’ within the social strata and societal system of those communities – whether called ‘*zat*’ or known by any other synonymous expression – should be treated as backward.
- 16.1.8. To be more specific, we recommend that all those social and vocational groups among the minorities who but for their religious identity would have been covered by the present net of Scheduled Castes should be unquestionably treated as socially backward, irrespective of whether the religion of those other communities recognises the caste system or not.
- 16.1.9. We also recommend that those groups among the minorities whose counterparts in the majority community are at present covered by the net of Scheduled Tribes should also be included in that net; and also, more specifically, members of the minority communities living in any Tribal Area from pre-independence days should be so included irrespective of their ethnic characteristics.

Linguistic Minorities

- 16.1.10. In our opinion the concept of ‘backwardness’ is to be confined in its application to religious minorities as it has no relevance for the linguistic minorities.

The latter may be facing some other problems like discrimination and denial of constitutional rights in practice, but no linguistic group may be regarded as backward by itself. We are not, therefore, recommending any criterion for identifying ‘socially and economically backward classes’ among the linguistic minorities.

- 16.1.11. We are, of course, conscious of the fact that those linguistic minority groups who keep their education restricted to their own language are often handicapped in the matter of competing with others in respect of educational development and economic advancement. To address this problem we are recommending some specific welfare measures, but would not like to identify language as one of the criteria for identifying backward classes among the people.

Term of Reference No. II

Measures of Welfare for Minorities including Reservation

- 16.2.1. As democracy is a game of numbers, the numerically weaker sections of the citizenry in any society may and often do get marginalised by the majority. This is eminently true of the religious minorities in India where the society remains intensively religious and religion-conscious and the religious minorities live with a predominant religious community accounting for over 80 percent of the national population. In such a situation legal protection from the hegemony and preponderance of the majority community becomes a pressing need of the religious minorities as a whole, and not just that of the ‘backward’ sections among them. To provide such necessary protection by law we do have in the Constitution a Directive Principle of State Policy, Article 46, which speaks of “weaker sections of the people” – *notably without subjecting them to the condition of backwardness* – and mandates the State to “promote with special care” the educational and economic interests of such

sections. It is keeping this in mind that we are making certain recommendations for the religious communities as such – though we are, of course, also recommending some special measures for the socially and educationally backward sections among the minorities.

16.2.2. We have a convinced opinion that backwardness – both social and economic – actually emanates from educational backwardness. We are, therefore, making certain measures for the educational advancement of the religious minorities – especially the Muslims and the Neo-Buddhists - who were identified under the National Education Policy of 1986 as educationally most backward among all the religious communities of the country. At the same time we are also recommending some measures for the economic betterment of the backward sections among the religious minorities.

16.2.3. As regards linguistic minorities, they are entitled to certain reliefs under some specific provisions of the Constitution, and it is in accordance with those provisions that we are recommending some welfare measures also for them.

General Welfare Measures

Educational Measures

16.2.4. We further clarify that by the word 'education' and its derivatives as used below we mean not only general education at the primary, secondary, graduate and postgraduate levels, but also instruction and training in engineering, technology, managerial and vocational courses and professional studies like medicine, law and accountancy. All these subjects and disciplines – as also the paraphernalia required for these like libraries, reading rooms, laboratories, hostels, dormitories etc, - are included in our recommendations for the advancement of education among the minorities.

16.2.5. As the meaning and scope of Article 30 of the Constitution has become quite uncertain, complicated and diluted due to their varied and sometimes conflicting judicial interpretations, we recommend that a comprehensive law should be enacted without delay to detail all aspects of minorities' educational rights under that provision with a view to reinforcing its original dictates in letter and spirit.

16.2.6. The statute of the National Minority Educational Institutions Commission should be amended to make it wide-based in its composition, powers, functions and responsibilities and to enable it to work as the watchdog for a meticulous enforcement of all aspects of minorities' educational rights under the Constitution.

16.2.7. As by the force of judicial decisions the minority intake in minority educational institutions has, in the interest of national integration, been restricted to about 50 percent, thus virtually earmarking the remaining 50 percent or so for the majority community – we strongly recommend that, by the same analogy and for the same purpose, at least 15 percent seats in all non-minority educational institutions should be earmarked by law for the minorities as follows:

- (a) The break up within the recommended 15 percent earmarked seats in institutions shall be 10 percent for the Muslims (commensurate with their 73 percent share of the former in the total minority population at the national level) and the remaining 5 percent for the other minorities.
- (b) Minor adjustments *inter se* can be made in the 15 percent earmarked seats. In the case of non-availability of Muslim candidates to fill 10 percent earmarked seats, the remaining vacancies may be given to the other minorities if their members are available over and above their share of 5 percent; but in no case shall any seat within the recommended 15 percent go to the majority community.

- (c) As is the case with the Scheduled Castes and Scheduled Tribes at present, those minority community candidates who can compete with others and secure admission on their own merit shall not be included in these 15 percent earmarked seats.

16.2.8. As regards the backward sections among all the minorities, we recommend that the concessions now available in terms of lower eligibility criteria for admission and lower rate of fee, now available to the Scheduled Castes and Scheduled Tribes, should be extended also to such sections among the minorities. Since women among some minorities – especially the Muslims and Buddhists – are generally educationally backward, we recommend the same measure for them as well and suggest that other possible measures be also initiated for their educational advancement.

16.2.9. In respect of the Muslims – who are the largest minority at the national level with a country-wide presence and yet educationally the most backward of the religious communities – we recommend certain exclusive measures as follows:

- (i) Select institutions in the country like the Aligarh Muslim University and the Jamia Millia Islamia should be legally given a special responsibility to promote education at all levels to Muslim students by taking all possible steps for this purpose. At least one such institution should be selected for this purpose in each of those States and Union Territories which has a substantial Muslim population.
- (ii) All schools and colleges run by the Muslims should be provided enhanced aid and other logistic facilities adequate enough to raise their standards by all possible means and maintain the same.
- (iii) The Madarsa Modernisation Scheme of the government should be suitably revised, strengthened and provided with more funds so that it can provide

finances and necessary paraphernalia either (a) for the provision of modern education up to Standard X within those madarsas themselves which are at present imparting only religious education or, alternatively, (b) to enable the students of such madarsas to receive such education simultaneously in the general schools in their neighbourhood. The Madarsa Modernisation Scheme may, for all these purposes, be operated through a central agency like the Central Wakf Council or the proposed Central Madarsa Education Board.

- (iv) The rules and processes of the Central Wakf Council should be revised in such a way that its main responsibility should be educational development of the Muslims. For this purpose the Council may be legally authorised to collect a special 5 percent educational levy from all wakfs, and (ii) to sanction utilisation of wakf lands for establishing educational institutions, polytechnics, libraries and hostels.
- (v) In the funds to be distributed by the Maulana Azad Educational Foundation a suitable portion should be earmarked for the Muslims proportionate to their share in the total minority population. Out of this portion funds should be provided not only to the existing Muslim institutions but also for setting up new institutions from nursery to the highest level and for technical and vocational education anywhere in India but especially in the Muslim-concentration areas.
- (vi) Anganwaris, Navodaya Vidyalayas and other similar institutions should be opened under their respective schemes especially in each of the Muslim-concentration areas and Muslim families be given suitable incentives to send their children to such institutions.

16.2.10. As regards the linguistic minorities, we recommend the following measures :

- (a) The law relating to the Linguistic Minorities Commissioner should be amended so as to make this office responsible for ensuring full implementation of all the relevant Constitutional provisions for the benefit of each such minority in all the States and Union Territories.
- (b) The three-language formula should be implemented everywhere in the country making it compulsory for the authorities to include in it the mother-tongue of every child – including, especially, Urdu and Punjabi – and all necessary facilities, financial and logistic, should be provided by the State for education in accordance with this dispensation.
- (c) Members of those linguistic minority groups whose education is limited to their mother tongue and who do not have adequate knowledge of the majority language of the region should be provided special facilities in the form of scholarships, fee concession and lower eligibility criteria for admission to enable them to acquire proficiency in the regionally dominant language.
- (d) Urdu-medium schools should be provided special aid and assistance – financial and otherwise – to enhance and improve their efficiency, standards and results.

Economic Measures

16.2.11. As many minority groups specialise in certain household and small scale industries, we recommend that an effective mechanism should be adopted to work for the development and modernisation of all such industries and for a proper training of artisans and workmen among the minorities – especially among the Muslims among whom such industries, artisans and workmen are in urgent need of developmental assistance.

16.2.12. As the largest minority of the country, the Muslims, as also some other minorities have a scant or weak presence in the agrarian sector, we recommend that special schemes should be formulated for the promotion and development of agriculture, agronomy and agricultural trade among them.

16.2.13. We further recommend that effective ways should be adopted to popularise and promote all the self-employment and income-generating schemes among the minorities and to encourage them to benefit from such schemes.

16.2.14. We recommend that the rules, regulations and processes of the National Minorities Development and Finance Corporation be overhauled on a priority basis – in the light of the recent report recently submitted by the NMDFC Review Committee and in consultation with the National Commission for Minorities – with a view to making it more efficient, effective and far-reaching among the minorities.

16.2.15. We further recommend that a 15 percent share be earmarked for the minorities – with a break-up of 10 percent for the Muslims (commensurate with their 73 percent share of the former in the total minority population at the national level) – and 5 percent for the other minorities in all government schemes like Rural Employment Generation Programme, Prime Minister's Rozgar Yojna, Grameen Rozgar Yojna, etc.

Reservation

16.2.16. Since the minorities – especially the Muslims – are very much under-represented, and sometimes wholly unrepresented, in government employment, we recommend that they should be regarded as backward in this respect within the meaning of that term as used in Article 16 (4) of the Constitution – *notably without qualifying the word 'backward' with the words "socially and educationally"* – and that 15 percent

of posts in all cadres and grades under the Central and State Governments should be earmarked for them as follows:

- (a) The break up within the recommended 15 percent shall be 10 percent for the Muslims (commensurate with their 73 percent share of the former in the total minority population at the national level) and the remaining 5 percent for the other minorities.
- (b) Minor adjustment *inter se* can be made within the 15 percent earmarked seats. In the case of non-availability of Muslims to fill 10 percent earmarked seats, the remaining vacancies may be given to other minorities if their members are available over and above their share of 5 percent; but in no case shall any seat within the recommended 15 percent go to the majority community.

16.2.17. We are convinced that the action recommended by us above will have full sanction of Article 16 (4) of the Constitution. Yet, should there be some insurmountable difficulty in implementing this recommendation, as an alternative we recommend that since according to the Mandal Commission Report the minorities constitute 8.4 percent of the total OBC population, in the 27 percent OBC quota an 8.4 percent sub-quota should be earmarked for the minorities with an internal break-up of 6 percent for the Muslims (commensurate with their 73 percent share in the total minority population at the national level) and 2.4 percent for the other minorities – with minor adjustments *inter se* in accordance with population of various minorities in various States and UTs.

16.2.18. We further recommend that the reservation now extended to the Scheduled Tribes, which is a religion-neutral class, should be carefully examined to assess the extent of minority presence in it and remedial measures should be initiated to correct the imbalance, if any. The situation in Meghalaya, Mizoram, Nagaland

and Lakshadweep which are minority-dominated and predominantly tribal, as also such tribal areas/districts in Assam and all other States, is to be especially taken into account in this respect.

16.2.19. We recommend that the judicial reservation recently expressed in several cases about the continued inclusion of the creamy layer in various classes enjoying reservation, inclusive of the Scheduled Castes and Scheduled Tribes, should be seriously considered for acceptance as a State policy.

Additional Term of Reference

Para 3 of the Constitution (Scheduled Castes) Order 1950

16.3.1. On a careful examination of prevalence of the caste system among various sections of the Indian citizenry we have concluded that caste is in fact a social phenomenon shared by almost all Indian communities irrespective of their religious persuasions. Many of the particular castes are found simultaneously in various religious communities, equally facing problems of social degradation and mistreatment both by their co-religionists and the others.

16.3.2. We are also conscious of the fact that the Constitution of India prohibits any discrimination between the citizens on the basis of caste, and yet it sanctions special affirmative measures for Scheduled Castes. At the same time it prohibits any discrimination on the ground of religion. Reading all these constitutional provisions together, we are convinced that any religion-based discrimination in selecting particular castes for affirmative action will conflict with the letter and spirit of the constitutional provisions. We are accordingly making the following recommendations on this additional Term of Reference added by the government to our original Terms of Reference several months after we began our work

16.3.3. We recommend that the caste system should be recognised as a general social

characteristic of the Indian society as a whole, without questioning whether the philosophy and teachings of any particular religion recognise it or not – since the Indian brands of certain faith traditions like Christianity and Islam have never assimilated many puritan principles of those religions, posing this question in respect of the caste system only and singling out for a differential treatment is unreasonable and unrealistic.

16.3.4. We would like this fact to be duly recognised that among the Muslims of India the concepts of *zat* (caste) and *arzal* (lower castes) are very much in practice; and even the Muslim law of marriage recognises the doctrine of *kufw* –parity in marriage between the parties in all vital respects including social status and descent – which in this country means nothing but caste.

16.3.5. In view of what has been said above, we recommend that Para 3 of the Constitution (Scheduled Castes) Order 1950 – which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists, thus still excluding from its purview the Muslims, Christians, Jains and Parsis, etc. – should be wholly deleted by appropriate action so as to completely de-link the Scheduled Caste status from religion and make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.

16.3.6. We further recommend that all those groups and classes among the Muslims and Christians, etc. whose counterparts among the Hindus, Sikhs or Buddhists, are included in the Central or State Scheduled Castes lists should also be covered by the Scheduled Caste net. If any such group or class among the Muslims and Christians, etc. is now included in an OBC list, it should be deleted from there while transferring it to the Scheduled Castes – placing the same persons in the Scheduled Caste list if they are Hindu, Sikh or Buddhist but in the OBC list if they follow any other religion – which is the case in many States - in our

opinion clearly amounts to religion-based discrimination.

16.3.7. We further recommend that as the Constitution of India guarantees freedom of conscience and religious freedom as a Fundamental Right, once a person has been included in a Scheduled Caste list a willful change of religion on his part should not affect adversely his or her Scheduled Caste status – as that would in our opinion conflict with the basic constitutional provisions relating to equality, justice and non-discrimination on religious grounds; as also with the spirit of the old and time-tested Caste Disabilities Removal Act of 1850.

Term of Reference No. III

Modalities for Implementing Our Recommendations

16.4.1. We have been asked also “to suggest the necessary constitutional, legal and administrative modalities” required for the implementation of our recommendations. In this regard we have to say as follows.

16.4.2. We are not suggesting any amendment in the Constitution – as we are fully convinced that none of our recommendations requires for its implementation any amendment of the Constitution and that each of these can be fully implemented by legislative or/and administrative action.

16.4.3. We recommend that all Central and State Acts, Statutory Rules and Regulations be suitably amended to implement those of our recommendations which in the opinion of the Ministry of Law and Justice or any another concerned authority may require such amendments.

16.4.4. More specifically, we recommend the following legislative actions which in our opinion are required either for the implementation of some of our recommendations stated above or otherwise in the interest of the welfare of minorities :

- (a) Enactment of a detailed law to enforce the dictates of Article 30 of the Constitution;

- (b) Amendment of the National Commission for Backward Classes Act 1993;
- (c) Amendment of the Constitution (Scheduled Castes) Order 1950 and the Constitution (Scheduled Tribes) Order 1951 as also of the Central and State lists of the Scheduled Castes and Scheduled Tribes;
- (d) Review of the laws and rules, processes and procedures, relating to selection and notification of OBCs at the Central and State levels;
- (e) Enactment of a law to clothe with statutory status and judicial enforceability the Prime Minister's 15-Point Programme for Minorities 1983 as modified in 2006;
- (f) Amendment of the National Commission for Minorities Act 1992 and the National Commission for Educational Institutions Act 2004 so as to make it necessary for the government to appoint as the chairpersons and members of these bodies – through a Search Committee as in the case of the National Human Rights Commission – only reputed experts in the constitutional, legal, educational and economic matters relating to the minorities;
- (g) Necessary amendments in the Wakf Act 1993 and all the Rules framed under its provisions;
- (h) Review and necessary overhaul of the laws, rules, regulations, procedures and processes relating to the National Minorities Development and Finance Corporation and the Maulana Azad Education Foundation.

16.4.5. We recommend the following administrative measures which in our opinion are required either for the implementation of some of our recommendations or otherwise in the interest of the welfare of minorities:

- (a) Establishment of a Parliamentary Committee to consider and decide in the light of the Constitution policy matters relating to the minorities;
- (b) Establishment of a National Committee consisting of Chairpersons of NHRC, NCW, NCBC, NCST, NCSC, NCM, NCMEI, NMDFC, CLM, Central Wakf Council and Maulana Azad Foundation along with nominated experts for monitoring the educational and economic development of the minorities;
- (c) Creation of similar bodies in all the States/UTs for the same purpose and consisting of local top-level officials dealing with minority-related matters and independent experts;
- (d) Establishment of a National-level Coordination Committee consisting of representatives of all the nationalised banks and other financial institutions to work under the RBI for monitoring credit flow to the minorities;
- (e) Establishment of State Minorities Commissions and Minority Welfare Departments in all those States and UTs where these do not exist as of now;
- (f) Decentralisation of all minority-related schemes, programs and plans so as to create suitable district-level mechanisms for their day-to-day implementation;
- (g) Revision of the list of Minority Concentration Districts as suggested by the NCM in 1990s and initiating special educational, economic and general welfare measures there through the local administration;
- (h) Appointment of Minority Welfare Committee consisting of officials and local experts in all districts of the country to act the nodal agencies of NCM, State Minorities Commissions and all other Central and State-level bodies working for the minorities.

DISSENT NOTE ON CONFERMENT OF SCHEDULED CASTE STATUS ON SC CONVERTS TO CHRISTIANITY AND ISLAM

Mrs. Asha Das, Member-Secretary

1. Chapter-IX of the Report relates to the Term of Reference which the Ministry of Social Justice & Empowerment, Govt. of India referred to the Commission on 24.8.2005 vide which the Ministry asked the Commission “as a part of its larger terms of reference for recommending welfare measures for the minorities including reservation in education and Government employment, examine the justification for specification of Dalit Christians (or Scheduled Caste converts to Christianity) and Dalit Muslims (or Scheduled Caste converts to Islam) as Scheduled Caste for the purposes of reservation. If the opinion is in the affirmative, then Scheduled Caste converts to Christianity or Islam will have to be deleted from the Central list of Other Backward Classes and States wherever they are included”. The Commission was also asked “to examine whether the condition of ‘religion’ from Para 3 of the Constitution (Scheduled Caste) Order be deleted or Christianity and Islam be included in Para 3 of the Constitution (Scheduled Caste) Order, 1950”. The Commission was asked to give its specific recommendation on these aspects in its Report. Subsequently, vide Notification No.14/6/2005/MC dated 28.9.2005 a formal amendment to the terms of reference of the Commission was received which desired this Commission “to give their recommendations on the issues raised in Writ Petition No.180/04 and 94/05 filed in the Supreme Court and in certain High Courts of India relating to para 3 of the Constitution (Scheduled Castes) Order 1950, in the context of ceiling of 50 percent on reservations as also the modalities of inclusion in the list of Scheduled Castes.”

2. There are three Writ Petitions which have been filed by Christians in the Supreme Court of India – WP Nos.180/04, 94/05 and 625/05.

Similarly, in various High Courts of the country, seven Writ Petitions have been filed by Muslims with reference to para 3 of the Constitution (SC) Order, 1950. All these Writ Petitions challenge para 3 of the Constitution (SC) Order, 1950 as discriminatory and violative of Fundamental Rights guaranteed under Articles 14, 15(4) and 16(4) of the Constitution.

3. The issues arising from the Terms of Reference assigned to this Commission and the Writ Petitions mentioned above which need to be examined are the following:

- (i) the justification for specification of Scheduled Caste converts to Christianity and Scheduled Caste converts to Islam as Scheduled Caste for the purposes of reservation.
- (ii) whether the condition of ‘religion’ from Para 3 of the Constitution (Scheduled Castes) Order be deleted or Christianity and Islam be included in Para 3 of the Constitution (Scheduled Castes) Order.
- (iii) the Constitutional validity of para 3 of the Constitution (SC) Order, 1950; and
- (iv) the impact of recommendations on para 3 of the Constitution (SC) Order, 1950
 - (a) on the ceiling of 50 percent on reservation.
 - (b) the modalities of inclusion in the List of SCs.

4. In order to examine the issues raised in para 3 above it would be necessary to understand the Constitutional provisions which authorise special dispensation for Scheduled Castes and the reasons and historical background which necessitated these provisions. In this regard apart from examining the Constitutional provisions, the Commission had also examined the response of the Government including those of specific Ministries/Departments on

the Writ Petitions and similar issues raised earlier. Besides, it also invited views and opinion from members of public through press advertisement; held meetings and discussions with State authorities, community leaders, social workers, NGOs etc. at its headquarters and also during its visits to 28 States/UTs. We also took note of the reports of studies sponsored by the Commission and issue based workshops organised through premier institutions.

5. Before constitutionality of various provisions with reference to the Term of Reference is examined, it would be appropriate to refer to the grounds of the Writ Petitions pending in Supreme Court and High Courts. These have been examined in Part III of Chapter IX on 'Demands for amending Constitutional (SC) Order, 1950 and are, therefore, not being repeated.

6. The arguments and justifications put forth during the visits, meetings and reports etc. mentioned above in favour and against conferment of SC status for persons of SC origin converted to Christianity and Islam were as follows:

In Favour of Conferment of SC Status

- (i) Even though Christianity and Islam do not recognise caste system or untouchability, the ground reality in India is different. Persons of Scheduled Caste origin converted to Christianity/Islam continue to be subjected to disabilities, including untouchability associated with caste and occupation, as they continue to be part and parcel of the Indian society.
- (ii) It is not only the society that discriminates against them (inasmuch as such converts are not treated by other members of their own religion or by members of other religions as their equals), they are being discriminated against even by their own religious institutions like church or the mosque; the manifestation of discriminations being separate churches/

mosques or separate prayer halls or prayer timings in the same church/mosque for them and earmarked areas for the burial of their dead.

- (iii) Denial of Scheduled Caste status to them despite untouchability related practices being enforced against them or atrocities committed against them deprives them of the protection of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (iv) Despite no visible change in their social or economic status as a result of conversion, the converts are deprived of the benefits of reservation, support and development schemes formulated for their counterparts in Hindu, Sikh and Buddhist religions. This amounts to discrimination by the State on the ground of religion.
- (v) Exclusion of Christianity and Islam from the purview of the Constitution (Scheduled Castes) Order 1950 is discriminatory and unconstitutional being violative of the provisions of Fundamental Rights guaranteed under Articles 14, 15, 16 and 25 of the Constitution. Change of religion being a strictly personal matter, such change should not deprive persons of Scheduled Caste origin, protection and benefits available to similarly placed persons in other religions.
- (vi) Although Sikhism and Buddhism do not recognise caste system like Christianity and Islam, both Sikhs and Buddhists have been given the status of Scheduled Castes by amending the Constitution (Scheduled Castes) Order 1950. There is no reason as to why similar dispensation cannot be extended to similarly placed persons who profess Christianity or Islam. That this is not being done is discrimination on the ground of religion that is prohibited by the Constitution.
- (vii) Such of the persons of Scheduled Caste origin converted to Christianity/Islam who are included in the list of OBCs should be de-listed there from and be given status of Scheduled Castes.

Against Conferment of SC Status

- (i) The very basis of identification of a certain class of people as Scheduled Caste is social, educational and economic backwardness arising from the age-old traditional practice of untouchability that flowed from a rigid caste system in Hindu religion.
- (ii) Persons professing Christianity or Islam were not treated as depressed class/scheduled caste by the British in pre-Independent India or by the Indian Government after independence. The status of depressed classes/Scheduled Castes was an inseparable concomitant of Hindu religion in British and Independent India. The Scheduled Caste status was accorded to persons professing Sikh or Buddhist religions for the reason that they were basically sects of Hindu religion rather than being independent religions like Christianity or Islam.
- (iii) Persons of Scheduled Caste origin converted to Christianity/Islam who are socially and educationally backward are included in the list of OBCs and are benefiting from reservation in services/educational institutions in favour of OBCs and from other schemes and institutional support systems formulated for OBCs.
- (iv) Apart from the benefits available to socially and educationally backward amongst Christians and Muslims as OBCs, they are also benefiting from the constitutional, legal and institutional protection/arrangements as members of minority communities.
- (v) Presently, reservation is available for SCs and STs @ 15 percent and 7.5 per cent respectively although, as per 2001 Census, their share in population is much more. Grant of SC status to convert to Christianity/Islam would, therefore, adversely affect the benefits available to Scheduled Castes in the matter of reservation in services/posts and educational institutions and related matters.

In order to appreciate the reasons for separate delineation of SCs, it is important that the

historical background and constitutional & legal position with reference to the same is examined.

Scheduled Castes: Historical Background and Constitutional & Legal Position

7. In order to understand who the Scheduled Castes are, it is important to go into its genesis. The term "Scheduled Caste" appeared for the first time in the Government of India Act, 1935. The Government of India Scheduled Castes Order 1936 was issued under this Act. Paragraph 3 of this Order issued on 30th April, 1936 provides that "No Indian Christian shall be deemed to be a member of Scheduled Caste". The concern for selected Hindu castes, however, dates back to 1880 when Sir Denzil Ibbetson, the then Census Commissioner in British India, classified certain marginalised caste groups involved in diverse occupations into 17 groups. However, when apprehensions were raised regarding their Hindu background, more stringent criteria for identifying those who were 100 percent Hindus was adopted. The criteria for identifying them was based on relationship of the castes with the Brahmins; their authority to worship God, recognise Vedas; entry into temples for them and whether or not their touch and proximity caused pollution. It is obvious that even as early as 1880 the identification of depressed classes was from within the Hindu religious community. An elaborate attempt was made by the Census Commissioner J.S.Hatton in Census Report 1931 to specify criteria for identifying the untouchable groups. He proposed a series of steps, which revolved around the incidence of disabilities arising out of untouchability amongst Hindus. These included:
 - (i) Whether the caste or class in question is served by clean Brahmins.
 - (ii) Whether the caste or class in question is served by the barbers, water-carriers, tailors, etc., who serve high caste Hindus.

- (iii) Whether the caste in question pollutes a high caste Hindu by contact or by proximity.
- (iv) Whether the caste or class in question is one from whose hands a high caste Hindu can take water.
- (v) Whether the caste or class in question is debarred from using public conveniences, such as roads, ferries, wells or schools.
- (vi) Whether the caste or class in question is debarred from the use of Hindu Temples.
- (vii) 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.
- (viii) 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.
- (ix) Whether it is depressed on account of the occupation followed and whether but for that occupation it would be subject to no social disability.

The above criteria, which in other words means discrimination based on the obnoxious practice of untouchability may appear to hold good for purposes of specifying the Scheduled Castes*. **Thus the test applied was the social, educational and economic backwardness arising out of the historical custom of untouchability**.**

8. The very basis for inclusion of certain castes in the Schedule to the Government of India (Scheduled Castes) Order 1936, and subsequently in the Schedule to the Constitution (Scheduled Castes) Order 1950 which was based on the earlier Order was the traditional practice of untouchability that had plagued Hindu society for hundreds of years resulting in social, educational and economic backwardness of such castes. Parameters or criteria applied by the British authorities for identifying depressed classes, which, later, came to be known as Scheduled Castes largely related to the practices and prejudices arising from untouchability. "The phenomenon of untouchability in this country is fundamentally of religious

and political origin. Untouchability is a part of the Hindu religious system". # Thus religion was the basis for inclusion of castes in the list of 'Scheduled Castes' in 1936 as also in 1950.

9. In the year 1956, an amendment was made in the Constitution (Scheduled Castes) Order 1950 and the Hindu and the Sikh religions were placed on the same footing with regard to specification of Scheduled Castes. In the year 1990, another amendment was made in the Constitution (Scheduled Castes) Order, 1950 and the Buddhist religion was also brought under the realm of Scheduled Castes. These amendments referred to above were supported by the Explanation II of Article 25 of the Constitution of India, which reads as under:

"In sub-clause (b), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religions, and the reference to Hindu religious institutions shall be construed accordingly".

It may be mentioned that the Scheduled Castes converted to Buddhism in large numbers after the 1950 Order were already enlisted as Scheduled Castes. They converted voluntarily to protest against the unseemly practice of untouchability. The notification continued the recognition so that they could benefit from the special protection/facilities already available to them.

Constitutional Validity of Constitution (Scheduled Castes) Order, 1950

10. It has been argued that paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 is discriminatory and violates Articles 14, 15(4)

* Report of the Commissioner for Scheduled Castes and Scheduled Tribes, Government of India, 28th Report, 1986-87 PP:549-550.

** Handbook on Scheduled Castes and Scheduled Tribes, office of the Commissioner for Scheduled Castes and Scheduled Tribes, 1968, P.27.

Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents. 1969 – p.1.

and 16(4) as also Articles 15(2), 16(2), 25, and Article 341.

Article 14 establishes equality before law or equal protection within the territory of India. Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Article 16 guarantees right to equality of opportunity and employment in public offices. All these Articles while guaranteeing equality before law, prohibiting discrimination on grounds of religion, caste etc. and/or guaranteeing equality of opportunity for employment specifically make provisions for certain categories on the ground of social and educational backwardness and for Scheduled Castes and Scheduled Tribes under Articles 15(4), 16(4) and 16(4A).

11. The Constitution in recognition of the social stratification of the society and the unequal status of different groups makes provisions for several categories of people from amongst the backwards who needed special protection and ameliorative steps for enhancing their status and standing in the society. Articles 15(4), 16(4), 46 and 341 are relevant in this regard. These included the Scheduled Castes, who were the only category recognised on the basis of religion and discriminatory practices existing within Hinduism by the Constitution. Castes of Hindu religion identified on 'untouchability' related parameters were already scheduled under the 1936 Order. The Scheduled Tribes were also given a special status on the basis of geographical isolation. Articles 15 (4), 16(4) and 46 made provisions for identifying socially and educationally backward classes and the weaker sections in addition to the Scheduled Castes and Scheduled Tribes and providing for their advancement. Thus the Constitution makes provision for those discriminated against within a religion, or on account of residing in inaccessible areas, or because of educational and social backwardness or belonging to weaker sections. These are all exceptions provided within Articles that guaranty equality and non-discrimination etc.

12. The validity of the order was considered by the Supreme Court in Writ Petition No. 9596/83 in the case of Soosai Vs The Union of India and Others (AIR 1986 SC 733). In para 7 of the judgment the Court had observed that "Now it cannot be disputed that the Caste system is a feature of the Hindu social structure. It is a social phenomenon peculiar to Hindu society. The Apex Court in para 8 of their aforesaid judgment further observed that, "it is quite evident that President had before him all this material indicating that the depressed classes of the Hindu and the Sikh communities suffered from economic and social disabilities and cultural and educational backwardness so gross in character and degree that the members of those Castes in the two communities called for the protection of the Constitutional provisions relating to the Scheduled Castes. It was evident that in order to provide for their amelioration and advancement it was necessary to conceive of interventions by the State through its legislative and executive powers. It must be remembered that the declaration incorporated in paragraph 3 deeming them to be members of the Scheduled Castes was declaration made for the purposes of the Constitution. It was declaration enjoined by clause (1) of Article 341 of the Constitution." The Apex Court in para 8 of the judgment thus, observed that, "it is therefore, not possible to say that President acted arbitrarily in the exercise of his judgment in enacting paragraph 3 of the Constitution (Scheduled Castes) Order, 1950."

13. The Constitution (Scheduled Castes) Order enlists those communities, which are eligible for getting benefits as Scheduled Castes. Under Article 341 the criteria followed for identification of communities is their extreme form of social and educational backwardness arising due to age-old practice of untouchability. Article 15(4) of the Constitution provides "Nothing in this Article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes". Thus, the State is empowered by the

Constitution to make special provision for Scheduled Castes and Scheduled Tribes in addition to the backward classes. In this context, it is relevant that Article 341 should be read harmoniously with Article 15(4) of the Constitution, which makes it clear that communities identified under Article 341 are a separate class of people belonging to Hindu religion who are given special protection by the State on account of discriminations they have suffered for hundreds of years.

14. This is also sustained by the debate in Constituent Assembly which recognised “That the Scheduled Castes were a backward section of the society who were handicapped by the practice of untouchability” and that “This evil practice of untouchability was not recognised by any other religion” i.e. other than Hindu. It is apparent that the Constitution (SC) Order, 1950 relates to castes of Hindu religion. The Constitution (Scheduled Castes) Order, 1950 is not an exhaustive list of all socially backward classes in India nor is it intended to be so. It only relates to the Castes discriminated within the Hindu religious system. The Constitution (SC) Order, 1950 is thus not discriminatory or violative of Articles 14, 15, 16 & 25 of the Constitution nor is it ultra vires of the Constitution as it provides for a special category i.e. the Scheduled Castes who have been given a special status under the Constitution.

15. Article 341 of the Constitution does not intend that all socially and economically backward classes be included in it; nor does the Constitution limit measures such as reservations to Scheduled Castes and Scheduled Tribes. The protection provided by Article 16(4) is intended to cover all backward classes and is wider in scope than Article 341. The categories included under Scheduled Castes are so included for certain historical reasons that are applicable to that particular class.

16. It may further be pointed out that including all socially or economically backward classes, irrespective of religion, in paragraph 3 of the 1950 Order would be tantamount to a failure to

recognise the specific historical discrimination suffered by those classes included in Scheduled Castes. Inclusion of all backward classes in the 1950 Order would constitute a discrimination against Scheduled Castes by treating the experience of all sections of backward classes as similar to the historical discrimination faced by Scheduled Castes in India.

The Constitution (SC) Order, 1950 is thus neither unconstitutional nor ultra-vires of the Constitution nor is it violative of any fundamental right guaranteed by the Constitution.

Conferment of Scheduled Castes Status on Scheduled Cast Converts to Christianity and Islam

17. The principal arguments of the section demanding Scheduled Caste status for persons of Scheduled Caste origin converted to Christianity or Islam, both as per Writ Petitions and arguments made available to the Commission, are primarily two. First, that such converts continue to face discrimination, disabilities and handicaps, as also social, educational and economic backwardness, as their Hindu counterparts, notwithstanding their conversion, whether voluntarily or otherwise, to Christianity or Islam. While they concede that the tenets of Christianity or Islam do not sanctify or even recognise caste system or any disability including untouchability arising there-from, they also contend that the ground reality is totally different, basically for the reason that despite the conversion, these people continue to be part and parcel of the Indian society which is still largely caste based. Such converts face discrimination not only by upper caste Hindus and the better off sections within the Christian or Muslim community, but also by Christian or Muslim religious institutions like the Church, Mosque, Cemetery and their clergies. The second important argument is that, given the situation that persons of Scheduled Caste origin converted to Christianity or Islam continue to be subjected to caste based disabilities and discriminations, the distinction made by the Constitution (Scheduled Castes)

Order 1950 between followers of Hindu, Sikh or the Buddhist religions on the one hand and Christianity and Islam on the other hand are alleged to be discriminatory and violative of fundamental rights guaranteed by Articles 14, 15, 16 and 25 of the Constitution.

18. Viewed in this background the eligibility of Christians and Muslims for inclusion in SC list is examined below:

- (i) Admitting, for arguments sake, that persons of scheduled caste origin converted to Islam/ Christianity face discrimination within their own community, a pertinent question that needs to be answered is whether the discrimination or the disabilities/handicaps arising there from is comparable in their oppressive severity to the discrimination faced by depressed classes in Hindu religion. Separate enclosures in prayer halls of Churches or in burial grounds or the reluctance on the part of certain sections within their community to socialise with converts, though reprehensible, do not appear to match the oppression and consequential disability that has to be braided by depressed classes or untouchables in Hindu religion. There is also no documented research and precise authenticated information available to establish that the disabilities and handicaps suffered by Scheduled Caste members in the social order of its origin (Hinduism) persists with their oppressive severity in the environment of Christianity/Islam. However, studies conducted by Rev. Samuel Mateer a British Missionary in Kerala and Tamil Nadu (i.e. erstwhile Princely State of Travancore. Cochin and Madras Presidency) during his stay of over 25 years in India, and published in the form of two books titled "Land of Charity" and "Native Life in Travancore" in 1870 and 1883, respectively, show that the "slave caste" (the present Scheduled Castes) converted to Christianity in these States became socially, educationally and economically in a better position than their brethren who remained in Hinduism.
- (ii) Incidentally, available social indicators in regard to Christians (separate figures for persons of Scheduled Caste origin converted to Christianity is not available) reveal that in terms of literacy and education levels, work participation rate, etc. Christians are way ahead of other major religious groups (other than Jains) like Hindus, Muslims, Sikhs or Buddhists. For example, as per 2001 census, the literacy rate for Christians is 80.3 percent against 65.1 percent for Hindu 59.1 percent for Muslims, 69.4 percent for Sikhs, 72.7 percent for Buddhists and 64.8 percent for all religions. This lead holds good both for males and females. In the case of Scheduled Castes the literacy rate is 54.60 percent and work participation rate is 42.9 percent. The work participation rate for Christians at 39.7 percent is the highest among religious communities after Buddhist (40.6%) and Hindus (40.4%). However, the work participation rate in respect of females in Christian community (28.7%) is the second highest after female Buddhists (31.7%) and ahead of Hindu (27.5%), Muslims (14.1%) and Sikhs (20.2%). Literacy rate of Muslims at 59.1 percent is lower than the all India average (64.8%) though higher than that of Scheduled Castes. However, upto the primary education level, the percentage of Muslims is highest at 66.31 percent as compared to Hindus 54.91 percent, Christians 45.79 percent, Sikhs 46.70 percent Buddhist 54.69 percent and Jains 29.51 percent. The above indicators are pointers to the fact that in terms of important indices like literacy and work participation, Christians are somewhat better off compared to their counterparts in other religions while Muslims are by and large comparable.
- (iii) Both Islam and Christianity do not accept 'caste system' which is a basic feature of Hinduism. It may also be mentioned that discrimination on the grounds of caste/untouchability within a religious community that does not recognise, much less sanctify, caste system calls for internal reforms within the religion and community-based interventions rather than governmental

intervention for inducting them into the caste system from which they chose to move to an egalitarian religion.

- (iv) Granting Scheduled Caste status to such converts by the Government may amount to formal introduction of caste system in Islam/Christianity and changing the basic tenets of the religion, which will be outside the jurisdiction of both the Parliament and the Judiciary.
- (v) In *Soosai etc. vs. Union of India*, the petition was disposed of by the Court on technicality rather than merit. The Court did not go into the question whether a person of scheduled caste origin converted to Christianity was entitled to the benefits/protection available under the Constitution to Scheduled Castes if such a person continued to be subjected to untouchability related practices despite the conversion. The petition was dismissed for the reason that no authoritative or detailed study dealing with the condition of persons converted to Christianity was placed on record.
- (vi) Even though those who profess Christianity or Islam were never treated as Scheduled Caste in British India or in India after independence, efforts have been made from time to time to seek conferment of Scheduled Caste status on persons of Scheduled Caste origin professing Christianity. Private Members Bill had been moved more than once. The National Convention of the Parliamentary Forum of the Scheduled Caste/Scheduled Tribes in 1992 also passed a resolution for extending reservation facility to persons of Scheduled Caste origin to Christianity. Constitution (Scheduled Caste) Order (Amendment Bill) was also prepared in 1996 though never introduced. The views of the various Central Ministries/Departments and State Governments were obtained in this regard. They drew attention to the debate of the Constituent Assembly and pointed out the need for determining the precise number of persons who would be covered. The absence of any suggestion on the cut off

date for determining who would benefit was also pointed out. It was also mentioned by several States and Commissions that there was no justification for including Scheduled Caste converts to Christianity in the Scheduled Castes list. There would be enormous difficulty in identification of the original caste in the absence of authentic records. Besides, their representation in services was adequate and that they were already getting the benefits of reservation etc. as OBCs.

- (vii) The Protection of Civil Rights Act of 1955 is a religion neutral Act. It is applicable to all “religions and religious denominations throughout India”^{*} Hence, the argument put forth by the petitioners that the benefits under the Act are not available to Christians and Muslims is not based on factual information. The SC/ST (Prevention of Atrocities) Act, 1989 is, however, specific to these two categories only.
- (viii) Both Islam and Christianity are religions, which originated out side India. These came from foreign lands to India along with traders, invaders and preachers/missionaries over a period of time spanning hundreds of years and firmly established themselves as more and more indigenous people converted from their religion to Islam/ Christianity. Both are religions that do not recognise caste. It may be extremely difficult to hazard a guess about the number of the progeny of such traders/ invaders/ preachers/settlers from foreign lands and Scheduled Castes who converted in the present population of Muslims/Christians in India. What can, however, be said with an element of certainty is that a vast majority of Muslims and Christians in India today comprise of the converts and their progeny. If this hypothesis is accepted, the identification of such Muslims/ Christians who were originally of SC origin will pose many problems as no authentic records have been maintained.
- (ix) Any procedure adopted to identify the

^{*}Report of the Committee on Untouchability p.7.

SC converts to Christianity and Islam at this stage even if a cut off date is fixed is bound to produce innumerable problems that will hazard rational and equitable decision for identifying those truly eligible. The chances of abuse and of the ineligible siphoning benefits at the cost of deserving are tremendous. Even for the Castes that are listed there is enough evidence that false certificates are being obtained. In fact, what is necessary is to ensure equitable treatment to converts from Hinduism or any other religion to another who continue to be socially and economically backward, for protection and access to services for their socio-economic upliftment. Uniform law for dealing with untouchability already exists. PCR Act is applicable to all.

- (x) It may be difficult to fault the rationale adopted during British rule, and continued after independence, behind identification of depressed classes/scheduled castes on the basis of untouchability related disabilities which were peculiar to the Hindu society, arising from a highly rigid caste system. As already mentioned, the SC Order of 1936 was based on 'caste' and its application to the Hindu religion is apparent from the fact that paragraph 3 of the order issued on 30th April, 1936 provides clearly that "No Indian Christian shall be deemed to be member of a Scheduled Caste". The Constitution (Scheduled Castes) Order, 1950 was based on the Constitution (SC) Order of 1936 and adopted the same criteria for identification of castes i.e. practices and prejudices arising from untouchability that had plagued Hindu society for centuries and had resulted in the social, educational and economic backwardness of the castes enlisted. The 1956 and 1990 amendments to the Constitution (Scheduled Castes) Order 1950 have been justified on the ground that Sikh and Buddhist religions were primarily home-grown sects within Hindu religion rather than being independent religions in the nature of Christianity or Islam. Besides

they draw support from Explanation II below Article 25 of the Constitution which provides that reference to Hindu in sub-clause(b) of clause(2) of Article 25 shall be construed as including a reference to persons professing the Sikh, Jain or Buddhist religion.

- (xi) The positive discrimination on the ground of social and economic backwardness arising out of untouchability was granted to certain castes professing Hinduism with the objective of achieving the constitutional guarantee of equality. And hence the provision of Article 15(4). In pursuance of the special status of the Scheduled Castes as a first step, untouchability was abolished by Article 17 of the Constitution and its practice in any form forbidden. Enforcement of any disability arising out of untouchability was an offence punishable under the Protection of Civil Rights Act of 1955. After 50 years of effort to eradicate untouchability to enlarge the list of the untouchables would bring to naught all initiatives taken so far to change the age old social structure. It would in fact be a retrograde step not in keeping with the constitutional commitment of non-discrimination.
- (xii) The rigidities and severities of the traditional Caste structure and discrimination which were a part and parcel of the Hindu Caste system have changed substantially. The Caste distinctions have eroded and the behaviour towards Scheduled Castes has undergone a tremendous change. Caste distinctions have largely transformed into class distinctions specially in urban and semi-urban areas. There is adequate evidence to establish this through various socio – economic studies. In the case of Christians and Muslims the discrimination reported is within the community itself. Separate enclosures in Churches for "Dalits" or separate Cemeteries – are issues to be addressed primarily by the religious leaders through reform within their system and through welfare and legal measures and not by introducing Caste system into religions that do not recognise

it. In the last 60 years the effort has been towards eradicating the practice of 'untouchability' and Caste distinctions and discriminations existing with in the Hindu religion. There is, therefore no justification for incorporating this abominable and discriminatory practice into other religions, notwithstanding that the religious tenets of both Christianity and Islam do not permit it, and notwithstanding the fact that the very competence of the State – executive, Parliament or even judiciary – to introduce 'caste' into religions that profess egalitarian regime is questionable.

(xiii) There is enough evidence to establish that 'untouchability' is on the decline. The Annual Report of the Government of India, Ministry of Social Justice & Empowerment, laid on the Table of the Lok Sabha and the Rajya Sabha on 25.11.05 and 28.11.05, respectively, on the Protection of Civil Rights Act, 1955 for the year 2003 reveals that during 2003 only 651 cases were registered in the country in 12 States. Out of these, 495 (76.04%) cases were registered in Andhra Pradesh alone, followed by 69 cases in Karnataka, 39 in Maharashtra and 17 each in Madhya Pradesh and Puducherry. The number of cases registered in Jharkhand(4), Tamil Nadu(3), Kerala(2), Orissa(2), Chandigarh(1), Gujarat(1) and Himachal Pradesh(1) varied between one to less than five. In all other States/Union territories, viz, Assam, Arunachal Pradesh, Bihar, Chhatisgarh, Goa, Haryana, Jammu & Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Sikkim, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and NCT of Delhi, no case was registered under the Act. Compared to this, the average yearly number of cases registered under the Act during first half of 1980s was in the region of 4000 which declined to 2493 in 1991-92, 1581 in 1992-93, 1387 in 1993-94 and 982 in 1994-95. Admitting that like offences under numerous other statutes including the Indian Penal Code, a

large number of offences committed under the Protection of Civil Rights Act, 1955 are either not reported or, if reported, are not registered, the number of registered cases in relation to the scheduled caste population of the country is an indicator of the fact that the incidents of untouchability, outlawed and punishable, have become more of an exception rather than the rule. 57 years of Government's and society's crusade against untouchability, increase in the level of education and awareness of the people boosted by nearly all pervasive reach of print and electronic media, assertiveness by scheduled castes of their own status and rights, etc. had a definite impact on people's thinking and behaviour pattern in regard to untouchability. Social change has impacted on the Caste structures with the result the rigidities of the system and the severities of the practice have been diluted. It is necessary to prune the list of Scheduled Castes on the basis of comprehensive surveys so that the benefit of positive action in favour of Scheduled Castes percolates to the people who deserve it the most and is not cornered by the elite amongst the Scheduled Castes.

(xiv) The prevalence of untouchability in the country and within the Hindu caste structure has vastly changed over the last 60 years. The access to services and facilities in the country is available to all irrespective of caste and religion and wherever discrimination is practiced, a system of dealing with, and of corrective measures has been provided. In the recent past, there have been occasions when the higher caste or the so-called higher castes have come forward to permit free entry to all SC's in temples where they were not allowed earlier. It may not be out of place to mention that services and facilities are provided on equal terms to those following vocations which are pollution based e.g. manual scavengers and others engaged in unclean operations irrespective of their religious or caste affiliations.

(xv) The views expressed by the State

Governments, Chief Ministers, other political heads, institutional heads and NGOs have an important bearing on whether or not the status of Scheduled Caste should be granted to Scheduled Castes converts to Christianity and Islam. Out of total of 35 States, only seven states have concurred with the proposal, five have opposed the inclusion and 10 have given no comments. Others have not yet formulated their views. Many Scheduled Caste organisations have opposed the grant of Scheduled Caste status to Scheduled Caste converts to Christianity and Islam on the grounds of their having embraced religions other than Hinduism only because of the discrimination faced by them on account of untouchability. Similarly, Buddhist organisations in several States represented that the Buddhists should not be included in the Scheduled Caste lists because they adopted or embraced Buddhism only because of the strong hold of the Caste system in Hinduism and the discriminatory practices against them. Representatives of Muslim Organisation in several States were vociferous in stating that Muslims cannot be termed "Scheduled Castes" but should be included in OBCs and given benefits.

(xvi) In view of the foregoing, the demand for grant of Scheduled Caste status per se is unjustified. However, the reasons for the demand merit consideration and call for action for ensuring special facilities and dispensations if atrocities or discriminations on the basis of untouchability arising out of vocation are found to be practiced against them. It may be reiterated that the PCR Act is not religion based and is available to followers of all religions. Opportunities for better education, employment etc. need to be ensured where needed and the discriminatory practices redressed through administrative, legal welfare and developmental measures and not by inclusion in the Scheduled Caste list on the plea that caste continues even after conversion even though the adopted religion does not permit it.

(xvii) During the workshop held on "Social Economic and Educational status of Muslims: Problems and Policy options" organised by the Commission in collaboration with Indian Institute of Public Administration the Muslim scholars opined that there are three globally accepted determinants of socio-economic backwardness, namely child mortality, degree of urbanisation and the average life expectancy at birth. As far as the Muslim community is concerned, they are ahead of the majority community in this regard. In the circumstances, they were of the view that the frequent attempts to provide religion-based reservations to Muslims cannot be justified either constitutionally or ethically. They were also of the opinion that non-acceptance of small family norm and abysmally low female work participation are responsible for relatively lower per capita income of the Muslim community. Both of these are controlled by the powerful clergy of the community. No amount of reservations can cure this situation. The solution lies in rescuing the community from clutches of fundamentalist scholars and Mullahs. Therefore, the Constitution should be amended to introduce affirmative action programmes for those minorities, which are educationally backward and under represented in legislative bodies and civil services. They also suggested that a common civil code should be formulated.

(xviii) The Scheduled Castes Organisations have also been demanding that if despite their request the Scheduled Caste status is given to converts to Christianity and Islam, this should not be at their cost i.e. it should not affect the reservation quota and other privileges/benefits available to them.

(xix) The solution lies not in expanding the list of castes and numbers for inclusion in the SC list. In fact a fresh assessment of the lists of SC persons is a dire necessity to identify those who still remain below pollution levels. After almost 60 years of concerted efforts, we need to move towards removing all differences as prescribed in the Constitution on the basis of religion, Caste, creed, class,

etc. and evolving a uniform methodology for identifying the socially and economically backward in the country so that benefits from services, programmes and policies and legal and other protections against abuse or exploitation are provided on an equal basis without any discrimination to the deprived and/or socially and economically backward.

(xx) In this context, it may not be out of place to mention that the inclusion of caste in the Government of India (Scheduled castes) Order 1936 itself was not based on any authoritative data. No extensive survey of prevalence of untouchability related practices was undertaken. On the contrary, it was largely based on impressions, though painstakingly gathered. The same can be said about the Constitution (Scheduled Castes) Order 1950, which was based on the 1936 Order. Inclusion of castes from time to time in the schedule to the Order, too, is not based on any survey. All this adds to a high probability of subjectivity and / or political considerations in the identification of scheduled castes notwithstanding that amendment/modification of a State specific schedule, after its initial notification by the executive, requires legislation by Parliament. However, in view of the fact that untouchability, which was the sole basis for identification of a class as Scheduled Caste, has been abolished by the Constitution and has been outlawed by a Parliamentary Statute and there has been a sea change in the attitude and perceptions of the society in post Independent India consistent with increased education and awareness, there should be no further inclusion in the list of Scheduled Castes. Instead, the emphasis should be on exclusion of all castes from the list and preparation of a comprehensive list of socially and economically backward on criteria based on social and economic status. Many members of the Scheduled Castes have freed themselves from the pernicious yoke of untouchability and resultant disabilities in the last 60 years

due to initiatives taken through positive discrimination in their favour as also the social change resulting from economic development and globalisation.

(xxi) The concept of identifying a caste or community as backward caste or scheduled caste has now become archaic and has created a vested interest in backwardness. After nearly sixty years of planned development and affirmative action in favour of backwards and Scheduled Castes, there does not possibly exist a single Caste or class of which every single constituent is backward. Admitting that social and economic emancipation is a long drawn process which has been further extended by an inefficient and often incorrect delivery system, a sizeable section in each caste has reaped the advantages of developmental schemes and positive action. They must make way for more deserving ones, more so because of severe constraints on resources. Therefore, there is a need for a fundamental change in the policies and programmes where under every individual, regardless of his religion, caste, creed etc. qualifies for positive discrimination in his/her favour on social, educational and economic parameters. Under the new dispensation the caste, class and religion need to be replaced by the family/household as a unit for the purpose of eligibility for positive discrimination to be elbowed out as soon as the family reaches the prescribed threshold of social, educational and economic status. There is no alternative to targeting the socially and economically backward and poor except by identifying them individually and as a household. We must recognise that the smallest minority is the individual who is socially and economically poor and marginalised and the social and economic advancement of each of the backwards holds the key to nation's economic prosperity and social equality and justice. List of SEB families should be prepared on the basis of a universal survey and for those continuing to follow vocations considered 'pollution based' should be prepared and time bound

programmes undertaken for rehabilitation – in alternate jobs and by changing the nature of jobs by improvements through technology in traditional occupations. Until such a mechanism/system is devised and established the concept of exclusion of ‘creamy layer’ from the benefits meant for Scheduled Castes and Scheduled Tribes should be introduced as an interim measure, as has been done in the case of backward classes for the purpose of employment under the state so that those who have benefited from the system and interventions do not deprive the eligible from reaping the benefits.

19. There are 2 other issues on which the Commission’s views have been sought with reference to the Constitution (SC) Order of 1950. They relate to 50 percent reservation and the modalities for inclusion. With regard to the ceiling of 50 percent in reservation the Hon’ble Supreme Court has already decided in the case of Indira Sawhney and Others Vs Union of India that the ceiling of 50 percent on reservations will continue. Since Scheduled

Caste converts to Christianity and Islam are not to be included in the list of Scheduled Castes, no change in the ceiling merits consideration at this stage. Similarly, no change in modalities is called for.

20. In view of the preceding discussion with reference to the issues mentioned in para 3 of the note my views are as follows:

- (i) There is no justification for inclusion of SC converts to Christianity or SC converts to Islam as Scheduled Castes.
- (ii) The Constitution (SC) Order 1950 issued under Article 341 of the Constitution read with Article 15(4) is religion based. Therefore, the condition of ‘religion’ from para 3 of the order should not be deleted.
- (iii) The ceiling of 50 percent of reservation should continue as has been adjudicated by the Supreme Court.
- (iv) As SC converts to Christianity/Islam do not qualify for inclusion as SCs, they should continue to form part of OBCs and avail of facilities and reservations given to the OBCs until a comprehensive list of SEB’s is prepared.

(Asha Das)
Member Secretary

A Note on Member-Secretary's Dissent Note

Written by NCRLM Member Dr Tahir Mahmood and fully endorsed by the Chairman Justice RN Misra & Members Dr Anil Wilson and Dr Mohinder Singh

We had a last-minute chance to see the Member-Secretary's Dissent Note. We are not sure of the propriety of this Dissent Note against the unanimous recommendations of the rest of the Commission [as member-secretaries of commissions are generally not members in their own independent capacity but *ex officio* members by virtue of their administrative position], but yet we have not raised any objection to it. However, we would like to clarify as follows :

- (a) The recommendations made by us under our additional Term of Reference have been guided by its own wording and by the thrust of the pending court cases on this issue which it refers to. We have not been concerned about what any officer of the Commission's Nodal Ministry may have written in this respect to the Member-Secretary.
- (b) We have found no indication whatsoever in the Constitution – either in Article 341 or elsewhere – of an intention that Scheduled Castes must remain confined to any particular religion or religions. Article 341 only empowers the President (read Central Government) to issue the initial lists of Scheduled Castes and the Parliament to amend such lists later. It does not even remotely create any caste-religion link in respect of Scheduled Castes. Such a link was created – unwarrantedly in our opinion – by executive action while issuing the Constitution (Scheduled Castes) Order 1950. And we have recommended removal of this link by legislative action in terms of Article 341.
- (c) We strongly refute the contention that Article 25 of the Constitution supports the view that the Sikh, Buddhist and Jain faiths are to be regarded as off-shoots of the Hindu religion – in our considered opinion this view is clearly based on a misreading of that Article and conflicts with the letter and spirit of the Constitution. Accordingly, we refute the claim that it was because of this intrinsic “support” from the Constitution that the Scheduled Castes Order 1950 could be amended to include Sikhs and Buddhists among the Scheduled Castes.
- (d) We cannot understand that if according to any indication in the Constitution Sikh, Buddhist and Jain faiths were akin to Hinduism, why did the Constitution (Scheduled Castes) Order 1950 initially declare that no non-Hindu could be a Scheduled Caste – thus excluding even the Sikhs, Buddhists and Jains? Why it took the Sikhs six long years and the Buddhists another fourteen years (20 years in all since 1950) to get themselves included in the Scheduled Castes net? And why are the Jains even now excluded from it? It seems that the Scheduled Castes net was initially restricted to Hindus for some supra-Constitutional reasons and seeking support from the Constitution for later extending it to the Sikhs and Buddhists was an afterthought – which, however, is wholly repugnant to the letter and spirit of the Constitution.
- (e) The statement made in the Dissent Note that “Sikh and Buddhist religions were primarily home-grown sects within Hindu religion rather than being independent religions” is deplorable as it offends the religious sensitivities of the Sikh and Buddhist citizens of India who have always regarded their faiths as “independent religions.”
- (f) Equally deplorable is the volatile attempt made in the Dissent Note to place “religions which originated outside India” on a footing different from those born in India. As it introduces an absolutely un-Constitutional distinction between the two self-created categories of religions prevailing in India, we denounce it in the strongest possible terms.
- (g) Para 3 of the Constitution (Scheduled Castes) Order 1950 does not at all speak of

Scheduled Castes converting to Christianity or Islam. That a Scheduled Caste Hindu, Sikh or Buddhist on converting to any other religion must lose his Scheduled Caste status is only a secondary effect of the said Para 3. Its main and more serious effect is that those sharing even by birth the same castes as are listed as Scheduled Castes are excluded from the net only because they are not Hindu, Sikh or Buddhist. In our opinion, this effect of Para 3 conflicts with the Constitutional guarantees of equality of status and opportunity and no religion-based discrimination and, therefore, we have recommended its repeal.

- (h) The Fundamental Rights of the citizens enshrined in the Constitution are the supreme and overriding part of the Constitution – and this part does insist on complete equality

of citizens without any discrimination whatsoever on religious grounds. The origin of the caste system in a particular religion in the distant past, the egalitarianism of some other faith traditions in their original unadulterated form, and other similar things, fondly talked about in the Dissent Note cannot be accepted as factors that can be allowed to prevail over the Constitution's unconditional emphasis on the equality of citizens and non-discrimination between the followers of various religions among the citizens of India.

For the reasons mentioned above we reject the contentions made in the Dissent Note and firmly stand by every word of the recommendations we have made under this Term of Reference.

Appendix

TEXTS OF THE GOVERNMENT RESOLUTIONS AND NOTIFICATIONS

Appendix: 1.1

Ministry of Social Justice and Empowerment (Minorities Division) Resolution

New Delhi, the 29th October, 2004

No. 1-11/2004-MC (D) - Whereas the Government of India has been seized of the welfare needs of socially and economically backward sections among religious and linguistic minorities;

2. And whereas a detailed examination would be required to determine the criteria for identifications of socially and economically backward sections among religious and linguistic minorities and to suggest measures for their welfare;
3. Now, therefore, the Government of India has resolved to constitute a National Commission for a period of 6 months from the date of appointment of the Chairperson to recommend measures for welfare of socially and economically backward sections among religious and linguistic minorities;
4. The Terms of Reference of the National Commission are as follows:
 - (a) to suggest criteria for identification of socially and economically backward sections among religious and linguistic minorities;
 - (b) to recommend measures for welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and government employment;
 - (c) to suggest the necessary constitutional, legal and administrative modalities, as required for the implementation of their recommendations; and to present a Report of their deliberations and recommendations.
5. The Commission shall consist of a Chairperson, 3 Members and a Member-Secretary. The Chairperson and Members will be persons of ability, who should have knowledge of socio-economic problems of religious and linguistic minorities. One of the Members should be an expert in legal and constitutional matters. The Member-Secretary should have administrative experience.

6. The Commission shall obtain such information, as it may deem necessary or relevant to the subject matter from any authority, organization or individual.
7. The Commission may adopt its own procedure of working and may visit any part of India as and when considered necessary.
8. The Headquarters of the Commission shall be in New Delhi
9. The Commission shall submit its Report within a period of six months.

SWAPNA RAY, Jt. Secy.

(To be Published in Part I, Section I of the Gazette of India: Extra Ordinary)

Government of India
Ministry of Social Justice and Empowerment

New Delhi, dated the 15th March, 2005

Notification

F.No. 1/11/2004-MC(D)- The Government of India has notified the setting up of a National Commission for socially and economically backward sections among the religious and linguistic Minorities vide Resolution of even no. dated 29th October, 2004. The Commission would suggest criteria for the identification of and recommend measures for the welfare of the socially and economically backward sections among the religious and linguistic Minorities, including reservation in education and Government employment. It would also suggest the necessary constitutional, legal and administrative modalities, as required for the implementation of their recommendations and present a Report of their deliberations and recommendations. Therefore, the Government of India hereby appoints the following as Chairperson and Members of the National Commission for socially and economically backward sections among religious and linguistic Minorities:

- | | | |
|-----|---|-------------|
| (1) | Justice Ranganath Misra
Former Chief Justice,
Supreme Court of India,
& former Member of Parliament (Rajya Sabha),
Tulsipur, Cuttack - 753 008. | Chairperson |
| (2) | Professor (Dr.) Tahir Mahmood
Former Chairperson,
National Commission for Minorities,
B-113, Triveni Apartments,
Sheikh Sarai-I, New Delhi - 110 017. | Member |
| (3) | Dr. Anil Wilson,
Principal,
St. Stephen's College,
Delhi - 110 007 | Member |
| (4) | Dr. Mohinder Singh,
Director,
National Institute of Punjab Studies,
Bhai Vir Singh Sahitya Sadan,
Bhai Vir Singh Marg,
Gole Market, New Delhi - 110 001. | Member |

2. The tenure of their appointments will be for six months with effect from the date of assumption of charge of the Chairperson.

Sd/-
(Dr. G. Prasanna Kumar)
 Joint Secretary to the Govt. of India

Copy along with copy of the above referred Resolution forwarded to:

1. Justice Ranganath Misra, Former Chief Justice, Supreme Court of India & former Member of Parliament (Rajya Sabha), Tulsipur, Cuttack - 753 008.
2. Professor (Dr.) Tahir Mahmood, Former Chairperson, National Commission for Minorities, B-113, Triveni Apartments, Sheikh Sarai -I, New Delhi - 110 017
3. Dr. Anil Wilson, Principal, St. Stephen's College, Delhi - 110 007
4. Dr. Mohinder Singh, Director, National Institute of Punjab Studies, Bhai Vir Singh Sahitya Sadan, Bhai Vir Singh Marg, Gole Market, New Delhi - 110 001.
5. Prime Minister's Office (Shri Pulok Chatterji, Joint Secretary), South Block, New Delhi.
6. Cabinet Secretariat (Smt. Vandana Jena, Joint Secretary), Rashtrapati Bhawan, New Delhi.
7. PS to Minister (SJ&E)/PS to MOS (SJ&E)/Sr. PPS to Secy. (SJ&E)/PPS to AS(SJ&E)/PSs to all JSs.
8. All other Ministries/Departments of the Govt. of India.
9. Pay & Accounts Office, M/o of SJ&E, Shastri Bhawan, New Delhi.
10. B&C/Genl./Estt./Facilitation Centre/Information Officer, PIB.

Sd/-
(U.S. Kumawat)
 Deputy Secretary to the Govt. of India

(To be Published in Part I, Section 1, of the Gazette of India : Extra Ordinary)

Government of India
Ministry of Social Justice and Empowerment

New Delhi, dated the 10th May, 2005.

Notification

F. No. 1/11/2004-MC(D)-The Government of India has notified the setting up of a National Commission for socially and economically backward sections among the religious and linguistic Minorities vide Resolution of even no. dated 29th October 2004. The Commission would suggest criteria for the identification of and recommend measures for the welfare of the socially and economically backward sections among the religious and linguistic Minorities, including reservation in education and Government employment. It would also suggest the necessary constitutional, legal and administrative modalities, as required for the implementation of their recommendations and present a Report of their deliberations and recommendations.

2. The Government of India hereby appoints Smt. Asha Das, formerly Secretary, Govt. of India, D-297, Sarvodaya Enclave, New Delhi-110017, as Member Secretary of the National Commission for Socially and Economically Backward sections among Religious and Linguistic Minorities, with immediate effect.
3. The tenure of the appointment will be upto 20.09.2005.

Sd/-

(U.S. Kumawat)

Deputy Secretary to the Govt. of India

Copy to:

1. Smt. Asha Das, D-297, Sarvodaya Enclave, New Delhi-110017.
2. Chairperson, NCRLM, Jawahar Lal Nehru Stadium, Gate No. 30, New Delhi
3. Members of NCRLM, JNU Stadium, Gate No. 30, New Delhi.
4. Prime Minister's Office (Shri Pulok Chatterji, Joint Secretary), South Block, New Delhi.
5. Cabinet Secretariat, (Smt. Vandana Jena, Joint Secretary), Rashtrapati Bhawan, New Delhi.
6. PS to Minister (SJ&E)/PS TO MOS (SJ&E)/ Sr. PPS to Secy. (SJ&E)/PPS to AS (SJ&E)/ PSs to JSs.
7. Pay & Accounts Office, M/O SJ&E, Shastri Bhawan, New Delhi.
8. B&C/Genl./Estt./Facilitation Centre/Information Officer. PIB.

Sd/-

(U.S. Kumawat)

Deputy Secretary to the Govt. of India

Tele. 2376 5013

(To be Published in the Gazette of India, Extra Ordinary, Part -i, Section -i)

No. 14/6/2005-MC
Government of India
Ministry of Social Justice and Empowerment

New Delhi, dated the 28th September, 2005

Notification

The Government of India have resolved to expand the terms of reference of the National Commission for Religious and Linguistic Minorities, constituted vide Resolution No. 1-11/2004/MC(D) dated the 29th October, 2004 to add the following clause to its terms of reference as follows:

(d)- "to give its recommendations on the issues raised in W.P. 180/04 and 94/05 filed in the Supreme Court and in certain High Courts relating to para 3 of the Constitution (Scheduled Castes) Order, 1950, in the context of ceiling of 50% on reservations as also the modalities of inclusion in the list of Scheduled Castes."

Sd/-

(Dr. G. Prasanna Kumar)

Joint Secretary to the Government of
India

Tel. No. 2376 5005

To

The Manager,
Govt. of India Press,
Mayapuri,
New Delhi

Copy to:

1. Member Secretary, National Commission for Religious and Linguistic Minorities.
2. President's Sectt./PMO/Cabinet Sectt.
3. PS to Minister (SJ&E)/PS to MOS (SJ&E)
4. Sr. PPS to Secretary (SJ&E)/PPS to AS (SJ&E)
5. PS to all JSs/FA
6. All Officers in the Ministry of Social Justice & Empowerment
7. PAO/B&C/Genl/Estt
8. Notification Folder

Press Release

National Commission for Religious and Linguistic Minorities

(Ministry of Minority Affairs)

1. The Government of India has constituted the National Commission for Religious and Linguistic Minorities vide Resolution dated 29th October, 2004 to recommend measures for welfare of socially and economically backward sections among the religious and linguistic minorities. The original Terms of Reference of the Commission included to suggest criteria for identification of socially and economically backward sections among the religious and linguistic minorities, to recommend welfare measures for them including reservation in education and government employment and to suggest necessary constitutional, legal and administrative modalities for implementation of their recommendations.
2. The Commission which started functioning from 21st March, 2005, comprises of Justice Ranganath Misra, former Chief Justice of India as Chairman, Prof. Dr. Tahir Mahmood, Dr. Anil Wilson and Dr. Mohinder Singh as Members and Mrs. Asha Das, former Secretary to the Govt. of India, as Member-Secretary. Later, taking note of the demands from various quarters to specify the SC converts to Christianity as well as Islam as 'Scheduled Caste' and keeping in view the seven Writ Petitions filed in different High Courts as also the Civil Petitions no. 180 of 2004 and 94 of 2005 filed in the Supreme Court for declaring Clause-3 of the Constitution (SC) Order, 1950 as unconstitutional and void, the Govt. of India referred the matter on 24th August, 2005 to the Commission as part of its larger Terms of Reference.
3. While examining the issue, the Commission has already made a reference to the State Governments/UT Administrations for eliciting their views on this subject. The Commission is also interacting with various private and non-governmental experts and agencies on the issue.
4. NGOs and members of public at large are requested to inform the Commission of their views within a period of three weeks of their release at the undermentioned address:

The Joint Secretary,
National Commission for Religious & Linguistic Minorities,
Gate No. 30, 2nd Floor,
Jawaharlal Nehru Stadium,
Lodhi Road,
New Delhi - 110003.
Fax No. 24367794
E-mail: ncrim2005@rediffmail.com

Appendix: 2

LIST OF WORKSHOPS SPONSORED BY THE COMMISSION

Sl. No.	Subject of Workshop	Name of Institution/Organization
1.	Issues Concerning Disadvantaged Parsis	Tata Institute of Social Sciences, Mumbai.
2.	Issues Concerning Disadvantaged Sikhs	Indian Social Institute, Lodhi Road, New Delhi.
3.	Issues Concerning Disadvantaged Buddhists	Yashwantrao Chavan Academy of Development Administration (YASHDA), Pune.
4.	Linguistic Minorities	Central Institute of Indian Languages, Ministry of Human Resource Development, Mysore.
5.	Reservation Policy - Assessment of Impact	School of Social Sciences, JNU, New Delhi.
6.	Issues Concerning Disadvantaged Christians	Centre for Research, Planning and Action (CERPA), New Delhi.
7.	Conferment of Scheduled Caste Status to Persons Converted to Christianity and Islam	Tata Institute of Social Sciences, Mumbai.
8.	Depoliticising Backwardness – Alternative Approaches	Delhi School of Economics, University of Delhi, Delhi.
9.	Issues Concerning Disadvantaged Muslims	Indian Institute of Public Administration (IIPA), New Delhi.

LIST OF STUDIES SPONSORED BY THE COMMISSION

Sl. No.	Subject of Study	Name of Institution/Organization
1.	A Study on Socio-Economic Status of Minorities - Factors for their Backwardness.	Centre for Research, Planning and Action (CERPA), New Delhi.
2.	Educational Status of Minorities and Causes for their Backwardness and Identification of Socio-Economic Indicators for Backwardness.	A Ray Of Hope (AROH) Foundation, New Delhi.
3.	Role of Madarasa Education in Mainstreaming Muslims into Educational System.	Department of Social Work, Jamia Millia Islamia, New Delhi.
4.	Rapid Assessment of the Role of Financial Institutions in the Upliftment of Minorities in the Country.	Agriculture Finance Corporation, New Delhi.
5.	Aspirations and Career Plans of Children of Religious Minority.	Centre for Research, Planning and Action (CERPA), New Delhi.
6.	Role of Religious Educational Institutions in the Socio-Economic Development of the Community.	Himalayan Region Study & Research Institute, Delhi.
7.	Selection of Criteria and Identification of Social and Economic Backwardness among Religious minorities.	Baba Sahib Ambedkar National Institute of Social Sciences, Mhow, M.P.
8.	Educational Status of Religious and Linguistic Minorities in India.	Tata Institute of Social Sciences, Mumbai.
9.	Religious Minorities in India: A Situational Analysis.	International Institute of Population Sciences, Mumbai.

Appendix: 4

NAMES OF THE STATES/UTS VISITED BY THE COMMISSION

S. No.	State/UT	Dates of Visit
1.	Andhra Pradesh	21st - 22nd October, 2005
2.	Bihar	13th - 14th February, 2006
3.	Chhattisgarh	18th - 19th February, 2006
4.	Goa	29th May, 2006
5.	Gujarat	24th - 25th May, 2006
6.	Haryana	24th - 25th February, 2006
7.	Himachal Pradesh	8th - 9th June, 2006
8.	Jammu & Kashmir	3rd - 11th September, 2005
9.	Jharkhand	14th - 16th February, 2006
10.	Karnataka	19th - 20th October, 2005
11.	Kerala	16th - 19th November, 2005
12.	Madhya Pradesh	3rd - 4th March, 2006
13.	Maharashtra	10th - 13th January, 2006
14.	Manipur	10th April, 2006
15.	Meghalaya	21st April, 2006
16.	Mizoram	22nd - 24th January, 2006
17.	Nagaland	29th -30th November, 2006
18.	Orissa	7th - 8th November, 2005
19.	Rajasthan	10th - 11th February, 2006
20.	Sikkim	29th April - 1st May, 2006
21.	Tamil Nadu	21st - 22nd November, 2005
22.	Tripura	24th - 25th January, 2006
23.	Uttar Pradesh	15th-16th June, 2006
24.	Uttarakhand	18th January, 2006
25.	West Bengal	9th - 11th November, 2005
26.	Andaman & Nicobar Islands	12th - 13th April, 2006
27.	Delhi	5th May, 2006
28.	Pondicherry	3rd - 4th February, 2006

CONTENTS OF VOLUME II

1. Questionnaires Sent	Annexure:1 (Annex. 1.1-1.5)
2. Proceedings of The Meeting of the Secretaries, Minorities Welfare/Minorities Development. Departments of the States/UTs held on 13th July 2005	Annexure: 2
3. List of Community Leaders/Religious Leaders with whom the Commission held Discussions	Annexure: 3
4. Findings & Recommendations of Studies Sponsored by the Commission	Annexure: 4 (Annex. 4.1-4.9)
5. Findings & Recommendations of Workshops Sponsored by the Commission	Annexure:5 (Annex. 5.1-5.9)
6. Communication to States/UTs Seeking their views on SC Converts to Christianity/Islam	Annexure: 6
7. Press Release Regarding SC Converts to Christianity/Islam	Annexure: 7
8. Summary of Reports on Commission's visit to States/UTs	Annexure: 8 (Annex. 8.1-8.28)

SEX RATIO OF POPULATION: 1991 AND 2001, AND 0-6 YEARS :2001

S. No.	States/UTs	All Religious Communities		Hindus		Muslims		Christians		Sikhs		Buddhists		Jains		Other		
		Overall Sex Ratio	0-6 yrs	Overall Sex Ratio	0-6 yrs	Overall Sex Ratio	0-6 yrs	Overall Sex Ratio	0-6 yrs	Overall Sex Ratio	0-6 yrs	Overall Sex Ratio	0-6 yrs	Overall Sex Ratio	0-6 yrs	Overall Sex Ratio	0-6 yrs	
	India (States)	927	933	927	942	931	925	931	925	1003	964	888	953	942	946	940	874	976
1.	Andhra Pradesh	972	978	961	972	979	961	958	1003	1037	977	813	960	956	883	936	912	932
2.	Aru. Pradesh	859	893	964	708	749	941	531	925	1003	960	491	952	970	524	662	545	997
3.	Assam	923	935	965	915	932	961	937	951	962	964	778	924	939	793	866	922	989
4.	Bihar	911	919	942	903	915	939	938	1005	974	918	834	879	919	912	904	853	984
5.	Chhattisgarh	NA	989	975	NA	990	975	NA	NA	1021	972	NA	899	845	NA	922	922	NA
6.	Goa	967	961	938	923	918	934	866	1091	1107	945	632	644	1021	714	818	950	868
7.	Gujarat	934	920	883	932	918	880	946	940	988	927	810	824	782	875	889	886	1010
8.	Haryana	865	861	819	863	858	816	872	870	895	921	896	893	742	739	783	833	923
9.	HP	975	968	896	979	973	895	840	806	938	947	822	898	880	898	827	969	942
10.	J&K	NA	892	941	NA	824	855	NA	927	980	NA	594	834	NA	809	773	NA	856
11.	Jharkhand	NA	941	965	NA	928	962	NA	939	971	NA	1018	975	NA	838	879	NA	885
12.	Karnataka	959	965	946	960	966	945	952	957	950	1004	1030	961	648	739	882	848	907
13.	Kerala	1036	1058	960	1040	1058	961	1040	1082	959	1012	1031	960	375	714	865	581	875
14.	MP	931	919	932	931	918	931	924	929	941	1003	996	976	852	882	849	965	949
15.	Maharashtra	963	922	913	935	933	907	903	889	940	964	993	958	814	829	849	961	961
16.	Manipur	958	978	957	961	974	951	958	973	972	953	977	959	426	515	932	856	879
17.	Meghalaya	955	972	973	759	827	960	869	891	978	998	1004	973	748	718	896	888	871
18.	Mizoram	921	935	964	373	341	872	100	271	990	980	986	969	115	299	2200	916	929
19.	Nagaland	886	900	964	552	582	909	605	614	948	941	941	968	408	488	1000	831	782
20.	Orissa	971	972	953	970	971	951	938	948	965	1019	1026	981	814	851	860	874	904
21.	Punjab	882	876	798	867	846	821	823	793	879	877	893	870	891	897	780	849	871
22.	Rajasthan	910	921	909	908	920	909	920	929	925	974	986	956	887	892	828	820	840
23.	Sikkim	878	875	963	874	852	961	407	439	906	936	960	929	856	108	1556	905	944
24.	Tamil Nadu	974	987	942	970	983	939	998	1020	957	1005	1031	968	719	731	854	743	868
25.	Tripura	944	948	966	944	949	965	949	945	964	920	941	975	163	101	710	959	956
26.	Uttarakhand	NA	962	908	NA	978	908	NA	875	915	NA	960	989	NA	898	844	NA	778
27.	UP	879	898	916	875	894	911	897	918	935	961	961	936	868	877	831	856	895
28.	West Bengal	917	934	960	914	932	956	923	933	968	983	1002	973	781	807	852	956	981

Union Territory	181	846	957	797	828	947	843	860	979	873	904	990	858	197	358	786	-	917	500	718	859	1250
A&N Island	790	777	845	769	756	847	670	650	947	967	932	939	781	649	858	746	904	940	940	600	890	1083
Chandigarh	952	812	979	957	814	982	832	692	920	871	902	1009	1500	818	638	932	981	895	831	-	875	500
D&N Havelli	969	710	926	963	698	925	1022	799	947	1019	944	918	712	550	370	700	843	1000	1071	864	807	1250
Daman & Diu	827	821	868	823	817	860	798	782	925	988	1076	965	921	829	890	829	890	927	935	849	727	871
Delhi	942	948	959	435	251	1000	988	1002	960	300	206	333	-	-	-	-	-	-	-	-	-	-
Lakshwdeep	979	1001	967	963	987	969	1092	1097	945	1089	1101	962	611	543	2000	560	780	1000	692	920	982	985
Pondicherry	917	934	960	914	932	956	923	933	968	983	1002	973	781	807	852	956	981	965	875	929	920	982

Source: Census of India 1991 and 2001

Schedule Indicating Socio-economic Scorable Parameters Prescribed for BPL Census 2002

S.No.	Characteristic	Scores				
		0	1	2	3	4
1.	Size group of operational holding of land	Nil	Less than 1 ha. of un-irrigated land (or less than 0.5 ha. of irrigated land)	1 ha. – 2 ha. of un-irrigated (or 0.5 – 1.0 ha. of irrigated land)	2. ha. – 5 ha. of un-irrigated land (or 1.0 – 2.5 ha. of irrigated land)	More than 5 ha. of un-irrigated land (or 2.5 – ha. of irrigated land)
2.	Type of house	Houseless	Kutchra	Semi-pucca	Pucca	Urban Type
3.	Average availability of normal wear clothing (per person in pieces)	Less than 2	2 or more, but less than 4	4 or more, but less than 6	6 or more, but less than 10	10 or more
4.	Food Security	Less than one square meal per day for major part of the year	Normally, one square meal per day, but less than one square meal occasionally	One square meal per day throughout the year	Two square meals per day, with occasionally shortage	Enough food throughout the year
5.	Sanitation	Open defecation	Group latrine with irregular water supply	Group latrine with regular water supply	Clean group latrine with regular water supply and regular sweeper	Private latrine
6.	Ownership of consumer durables Do you own (tick (✓) - TV - Electric Fan - Kitchen appliances like pressure cooker - Radio	Nil	Any one	Two items only	Any three or all items	All items and/or Ownership of any one of the following: - Computer - Telephone - Refrigerator - Colour TV - Electric Kitchen appliances - Expensive furniture - LMV / LCV - Tractor - Mechanized two wheeler/three wheeler - Power Tiller - Combined thresher / Harvester - 4 wheeled mechanized vehicle

S.No.	Characteristic	Scores					
		Illiterate	Upto primary (Class V)	Completed secondary (Passed Class X)	Graduate/ professional Diploma	Post Graduate/ Professional Graduate	
7.	Literacy status of the highest literate adult						
8.	Status of the Household Labour Force	Bonded labour	Female & child labour	Only adult females & no child labour	Adult males only	Others	
9.	Means of livelihood	Casual labour	Subsistence cultivation	Artisan	Salary	Others	
10.	Status of children (5 – 14 years) [any child]	Not going to school and working	Going to school and working	Not specified	Not specified	Going to school and NOT working	
11.	Type of indebtedness	For daily consumption on purposes from informal sources	For production purpose from informal sources	For other purpose from informal sources	Borrowing only from Institutional Agencies	No indebtedness and possess assets	
12.	Reason for migration from household	Casual work	Seasonal employment	Other forms of livelihood	Non- migrant	Other purposes	
13.	Preference of Assistance	Wage Employment TPDS (Targeted Public Distribution System)	Self Employment	Training and Skill upgradation	Housing	Loan/ Subsidy more than Rs. one lakh or No assistance needed	

Parameters used under Velugu Project in Andhra Pradesh

The indicators identified by the State Governments to categorize the households are given below:

Poorest of the Poor (POP)	Poor
- Can eat when they get work. Otherwise live without food.	- Not possessing land - Can live on daily wages
- No shelter	- School going children will also be sent for work
- No proper clothing	- Not able to repay debts
- Cannot send children to school	- No proper shelter
- Cannot get credit	- No respect in the society

Non Poor (Middle Class)	Non Poor (Rich Class)
- Having land, greater than one acre	- Having land > 5 acres
- Proper shelter	- Can hire laborers
- Children will be sent to Govt. Schools	- No problem for food, shelter, clothing
- Can have access to credit	- Can send children to Private schools
- Can access health facilities from Government or Private Hospitals	- Can go to private hospitals - Can lend money
- Have recognition in the society	- Have recognition in the society

Parameters used under Kudumbashree Mission in Kerala

The Risk indicators used in urban area has nine points:

- (1) No Land/Less than 5 cents of Land
- (2) No house/Dilapidated House
- (3) No Sanitary Latrine
- (4) No access to safe drinking water within 150 meters
- (5) Women headed household/Presence of a widow, divorce/abandoned lady/unwed mother
- (6) No regularly employed person in the family
- (7) Socially Disadvantaged Groups (SC/ST)
- (8) Presence of Mentally or physically challenged person/Chronically ill members in the family
- (9) Families without colour TV

If any four or more of the above risk factors are positive in a family, such a family is treated as a “risk” family.

