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UT of ANDAMAN &  
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No.6-12-2011-TW/438

ANDAMAN AND NICOBAR ADMINISTRATION  
DIRECTORATE OF TRIBAL WELFARE  
Secretariat Complex,  
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Port Blair dated 29th May 2011

To

The Chairperson,  
National Human Rights Commission,  
Faridkot House, Copernicus Marg,  
New Delhi - 110 001 (Fax No. 91-011-23382514)

Sub:- Protection and promotion of Scheduled Castes and  
Scheduled Tribes :- reg.

Sir,

I am directed to refer to your letter No.20/1/2004-PRP&P dated 4<sup>th</sup> May 2011 addressed to Hon'ble Lt Governor regarding the above mentioned subject.

In this regard, it is stated that in this Union Territory, no Scheduled Caste has been declared and the practice of untouchability is non-existent. None of the communities suffer any caste discrimination and the policy of A & N Administration is to maintain the existing social harmony and continuing a casteless society in these Islands. Since no scheduled caste has been declared in these islands, SC Reservation or Scheduled Caste Sub Plan is not followed.

Instances of atrocities against STs are practically non-existence in this UT. No Atrocity prone area has been identified in this UT. As per the Annual Report on the working of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the calendar year ended 31<sup>st</sup> December, 2010 only one case has been registered under SC/STs (POA) Act 1989. The Court of District and Session Judge, A&N Islands has been designated as Special Court to try the offences of the atrocities against STs. State Level Vigilance & Monitoring Committee and the District Level Vigilance & Monitoring Committees have already constituted and are functioning to review implementation of the Act.

A & N Administration is providing ST reservation of 12% for direct recruitment to the Group C & D posts, and 7.5% for promotion. In case of OBCs, 38% reservation is made for Group C & D posts under A & N Admn.

However, copy of recommendations has been forwarded to the concerned departments of this Administration for appropriate action.

Yours faithfully

  
Assistant Commissioner (TW)

Copy to the Director General of Police, Deputy Commissioner, South Andaman / Nicobars / North & Middle Andaman Districts, Director Social Welfare/Labour & Employment for information and necessary action.

Encl: A/A

Assistant Commissioner (TW)

PRP & P  
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4.	5	State level and district level vigilance and monitoring committees may meet regularly as per prescribed provisions. Human rights organizations and activists working for and with Scheduled Caste may be involved in their deliberations as members/invitees. Their proceedings may be adequately publicized and also placed on the website of the State Governments. National Human Rights Commission may suggest that State Home Minister and SC Welfare Minister may jointly hold an Annual meeting of heads of District Vigilance Committees. This would activate their functioning and provide them necessary guidance.	State Level Vigilance & Monitoring Committee and the District Level Vigilance & Monitoring Committees have already constituted and are functioning to review implementation of the Act.
5.	7	State Governments should expeditiously identify atrocities prone areas and untouchability prone areas as per provisions contained in the respective laws and thereafter prepare Plan of Action for eliminating untouchability practices and reducing incidence of violence against SCs through various regulatory and development measures. The norms for identification of such areas and framework of the Action Plan may be prescribed by the National Human Rights Commission in consultation with Human Rights organizations and NGOs/ activists working for the SCs. These norms may also be incorporated in the Manual.	In these islands, so far no scheduled caste has been declared and the practice of untouchability is non-existent. The Instances of atrocities against STs are practically non-existence in this UT. No Atrocity prone area has been identified in this UT.
6.	8	State Governments may institute an Annual Award for the police station which emerges as the most responsive to the complaints of Scheduled Castes and has achieved significant success in taking preventive measures timely, registering all cases of violence and expeditious follow-up action on them.	No scheduled caste has been declared in these islands
7.	10.3	States may be directed by National Human Rights Commission to make the District Magistrate solely responsible for ensuring that the compensation money given to the victims is effectively utilized to provide sustainable rehabilitation. The parameters of such rehabilitation may be laid down in the Manual. State and District level Monitoring and Vigilance Committees may monitor the status of rehabilitation.	We may forward copy of recommendations to the DGP and the District Administration for appropriate action.
8.	10.4	Appropriate instructions may be issued by National Human Rights Commission that value of property destroyed in the course of atrocities committed against Scheduled Castes is included in the compensation package provided to them.	No scheduled caste has been declared in these islands
9.	15	At least one women police functionary may be posted in each police station located in atrocities prone areas in the State. It should be endeavored that, as far as possible, investigation into serious complaints of violence against SC women be carried out by the woman police officer and where this is not feasible, a woman police or functionary may accompany male police officer / officers during investigation.	The Instances of atrocities against STs are practically non-existence in this UT. No Atrocity prone area has been identified in this UT.

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**RECOMMENDATIONS OF THE REPORT ON 'PREVENTION OF  
ATROCITIES AGAINST SCs' BY SHRI KB SAXENA**

**Jurisdiction of Action : State Governments**

S.No	R.No	Recommendations	Suggested views
1.	3	Training of Officials - A 3-tier training programme for police and civil functionaries engaged in the implementation of laws and regulatory measures, which have a bearing on atrocities committed on SCs, may be implemented. The first tier of training may be imparted by National Police Academy and Lal Bahadur Shastri National Academy of Administration to cover only trainers from each State. The second tier training may be organized by a State Training Institution identified for this purpose by each State Government to cover officers of level of DSPs, SDMs, ADMs, etc. The third tier of training would deal with other civil and police officers at the lower level. This training may be organized by the DMs and SPs of the concerned Districts. The design and syllabi of training for the three training courses may be approved by the National Human Rights Commission.	In this UT no scheduled caste has been declared and the practice of untouchability is non-existent. None of the communities suffers any caste discrimination and the policy of A & N Administration is to maintain the existing social harmony and continuing a casteless society in these Islands. However, copy of recommendations forwarded to the DGP and the District Administration for appropriate action.
2.	3.1	An Annual Workshop of DMs and SPs on implementation of these laws may be organized in the State's Administrative Training Institute where the State Home and Social Welfare Secretaries and DGPs may interact with participants on the whole range of issues concerning the subject and specifically to identify problems experienced by them in investigation and trial of cases of atrocities, those experienced by victims and impact of measures undertaken to prevent recurrence of such incidents. Presiding officers of courts dealing with atrocities cases may be invited to these workshops to lecture on the shortcomings in investigation leading to acquittal. Based on this feedback, State Governments may take necessary corrective steps expeditiously to improve the administration of these laws.	Copy of recommendations forwarded to the DGP and the District Administration for appropriate action.
3.	4	States need to constitute exclusive special courts for dealing with atrocity cases in districts where volume of such cases is large. 'Special public prosecutor'; for this work may be selected on the basis of their competence and commitment and their level of remuneration should be adequate to sustain their interest in work. National Human Rights Commission may lay down norms for such selection to improve the level of motivation and performance.	Instances of atrocities against STs are practically non-existence in this UT. As per the Annual Report on the working of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the calendar year ended 31 <sup>st</sup> December, 2010 only one case has been registered under SC/STs (POA) Act 1989. In A & N Islands, the Court of District and Session Judge, A&N Islands has been designated as Special Court to try the offences of the atrocities against STs.

10.	16	At the district level, women police station may be set up exclusively manned by women functionaries so that complaints of Scheduled Caste women, if not entertained elsewhere in the district, can be registered there. Where an exclusive police station for SCs has been forwarded set up at the District Headquarters, it could have a Women's Wing manned by women police functionaries to serve this purpose.	The Instances of atrocities against STs are practically non-existence in this UT. No scheduled caste has been declared in these islands.
11.	17	State Governments may notify a lady officer from among the staff posted in each block, such as the Social Welfare Officer or Women & Child Development Officer to entertain complaints regarding the ill-treatment of and violence committed against SC women not registered by the competent authority and officially pass it on to the concerned authority with a copy to the District Magistrate for taking up necessary investigation. This arrangement may be adequately publicized in SC habitations of the block.	No scheduled caste has been declared in these islands
12.	18	Self-help groups of SC women should be formed in each village with sizeable SC population, in atrocities prone areas to start with and to other areas subsequently. These groups, apart from being mobilized for activities relating to thrift, credit and development may also be given elementary legal training along with sessions on confidence building which equips them with knowledge and strength to take up cases of violence and discriminations against SC women with Police/Civil functionaries and provide emotional support to the victims in situations of crisis. At least one or two women in each group may be specifically trained to draft complaints on behalf of the victims and despatch them to competent authorities and Human Rights organizations/activists, if any. Ministry of Social Justice and Empowerment may include this measure as a part of activities for administration of SCs/STs (Prevention of Atrocities) Act, 1989.	No scheduled caste has been declared in these islands
13.	20	National Human Rights Commission with the help of State Governments and Human Rights organizations should identify at the level of each district, where atrocities against SC women occur, a women's organization or its branch, a lawyer/lawyers, human rights activist/activists or welfare agency/agencies, social worker, who can be contacted by victims or members of her family in cases of complaints regarding gender related violence where the competent authorities do not respond or have shown obvious bias in dealing with it. The identified agency may take up the matter with the competent authority if the complaint has not been registered or is not being investigated properly. It may also, where necessary, take up the matter with an appropriate State or a National Commission (Human Rights/SC&ST/Women).	No scheduled caste has been declared in these islands

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14.	23	National Human Rights Commission with the help of State Governments and human rights organizations may identify at the level of each district, a NGO, human rights activist or an organization with empathy for SCs which can be approached in case of custodial violence or any other atrocity by the victim's family or well wisher for help in taking up the matter with the competent authority and informing the National/State Human Rights Commission so that process of enquiry is initiated expeditiously.	No scheduled caste has been declared in these islands
15.	24	State Governments reporting a large number of cases of violence in judicial custody may constitute an ombudsman (Committee) headed by a retired judicial officer, with an eminent lawyer, NGO representative /social activist working for Dalits, public-spirited citizen and retired civil/police officer with high reputation which may be utilized by National Human Rights Commission to look into cases of custodial atrocities where prima facie State's version does not satisfy.	No such case reported so far.
16	24.1	The Visitors Committee constituted for each jail and Special Reapporteurs visiting jails for inspection may specifically make discreet enquiries into conditions of SC Under Trials in jail, untouchability related practices and treatment meted out to them.	No scheduled caste has been declared in these islands
17.	25	In respect of Districts which have sizeable SC population, District Magistrate shall create a Cell in his office headed by the District Social Welfare Officer looking after the interests of SCs. The information about SCs in police and judicial custody should be maintained there. On demand made by human rights organizations/ social activists/ SC organizations, information in respect of SCs in custody may be provided to enable them to take up the matter in appropriate for a for seeking relief admissible under the law.	No scheduled caste has been declared in these islands
18.	30	All relevant information on SCs relating to atrocities, reservation, development, including findings of Enquiry Reports., if any, should be placed on the website of the Ministry of Social Justice and Empowerment for greater transparency and wide accessibility. The material to be placed on the website of the State should include, in addition to the above, findings of inquiry ordered in respect of specific incidents, proceedings of State level Vigilance and Monitoring Committees, etc. A non-official group of persons interested in problems of SCs may be constituted at the State and Central level to regularly report on the material placed on the website. Its shortcomings, what additional material can be brought on it, etc. It would be desirable for National Human Rights Commission to institutionalize this arrangement for ensuring greater transparency of information relating to SCs.	No scheduled caste has been declared in these islands

19.	35	<p>It is extremely necessary to have a strong investigation and law wing in the National Commission for Scheduled Castes and Scheduled Tribes. Considering the level at which the Commission would be required to interact with the State Governmentsthe existing arrangement for investigation headed by a DIG rank officer needs to be upgraded and supporting staff and facilities should be provided. Also, a Law Officer with appropriate staff should be available to the Commission for advice on legal matters. Ministry of Social Justice and Empowerment should take expeditious action in the matter.</p>	<p>Matter pertains to the Ministry of Social Justice and Empowerment</p>
20.	57	<p>Until such time a Central Law is in position, National Human Rights Commission may direct that the concerned State Governments of Maharashtra, Andhra Pradesh and Karnataka may amend their existing law, remove loopholes, make it more stringent and activate the enforcement machinery to implement it effectively.</p>	<p>Matter pertain to State Governments of Maharashtra, Andhra Pradesh and Karnataka</p>
21.	58	<p>The concerned State Governments may, through the coordinated efforts of their Departments of Scheduled Castes Welfare, Woman &amp; Child Development, Rural Development, etc. launch a massive awareness programme, particularly directed at the vulnerable communities regarding the abolition of divine prostitution system and availability of programmes for rehabilitation of liberated Devdasis. The programme should provide information on whom the women affected by the system, potential victims and their guardians should approach for seeking intervention of the Government. The temple priests should be targeted in this campaign for conveying the message that they incur criminal liability in encouraging or conniving at this practice. NGOs and social activists should be actively involved in this campaigning.</p>	<p>Devdasi system not in practice in this UT.</p>
22.	59	<p>Intensive survey should be carried out by the concerned State Governments, in their respective areas to identify 'Devdasis' who have not yet been liberated from the practice as also those who have abandoned this practice but have not yet been brought within the ambit of rehabilitation. This task may be accomplished with the help of NGOs, Village Panchayats, women activists and social workers. The rehabilitation of such Devdasis may be taken up most expeditiously and complete within a specified time frame. The National Commission of Women may monitor this.</p>	<p>Devdasi system not in practice in this UT.</p>
23.	60	<p>The pattern and contents of the rehabilitation programme for Devdasis may be completely overhauled so as to incorporate the following. An integrated, package which includes inputs of poverty alleviation, housing, health, nutrition for children, drinking water, education, PDS, Social security, etc., through appropriate convergence of existing programmes. Confidence building measures Special efforts aimed at saving the girl child of Devdasis from falling into this practice 2nd removal of stigma from their children in schools. The liberated Devdasis should not be subjected to loan burden in the pattern of rehabilitation worked out for them. There should be a single window delivery of various admissible benefits to remove bureaucratic red tape and other hassles. The entire programme</p>	<p>Devdasi system not in practice in this UT.</p>

		implementation should be entrusted to a single organization with a full time functionary at the State level executing it.	
24.	61	The liberated Devdasis may be organized into a Society at the District level. The Society may be associated with the entire programme concerning Devdasis and some components of programmes may be entrusted to it for implementation as well. An apex level organization at the State level headed by Secretary, Woman and Child Development may coordinate the work of District level societies. This society should also liaise with Government agencies to sort out problems of their members and also ensure that ineligible persons do not corner benefits meant for genuine Devdasis.	Devdasi system not in practice in this UT.
25.	62	A Police Task Force should be set up in each concerned State Government to investigate complaints of trafficking in women and children. This Task Force should thoroughly investigate cases where Devdasis and/or their daughters have been pushed into brothels. It should build up information on agents, middlemen, religious priests and powerful local people who are still promoting this practice with a view to pursuing effective legal action against them. The inputs received from this investigation may be utilized for the Awareness Campaign suggested earlier. There should be regular consultation among the members of the Task Force in different States. Department of Women & Child Development should coordinate and monitor this work with the help of Ministry of Home Affairs, where necessary.	Copy of recommendations forwarded to the DGP, District Administration & Social Welfare Departments for appropriate action.
26.	63	Enforcement of various labour laws, such as those relating to bonded labour system, minimum wages, equal remuneration, child labour, inter-state migrant labour, which have a bearing on the violence committed against the Scheduled Castes needs to be assigned high priority. The performance should also be intensively monitored at the Central, State and District levels. Ministry of Social Justice and Empowerment should associate itself with such monitoring at the central level, if it is already being done by Ministry of Labour, particularly in respect of atrocities prone States. State Secretaries in charge of SC welfare should do likewise in respect of atrocities prone districts/areas in their States.	No scheduled caste has been declared in these islands. However, we may forward copy of recommendations to the Labour & Employment Department for appropriate action.
27.	65	The machinery for enforcement of above labour laws needs to be strengthened for intensive coverage and activated through training and appropriate capacity building, particularly in respect of atrocities prone districts. Trade Unions, NGOs, social activists should be involved for organizing labour and helping them avail of benefits of these laws. Legal aid should be mobilized in needy cases for this purpose. Ministry of Social Justice and Empowerment should take initiative to push up these measures with State Governments/ Ministry of Labour.	Copy of recommendations forwarded to the Labour & Employment Department for appropriate action.

28.	67	The occupations which employ large number of SC labour, but have not yet been brought within the ambit of Minimum Wages Act may be included in the Schedule to provide protection to them with regard to wages and working conditions. Ministry of Social Justice and Empowerment may pursue this matter with Ministry of Labour and State Governments. Necessary survey of such occupations may be carried out for this purpose if no information exists on the strength of such labour.	Copy of recommendations forwarded to the Labour & Employment Department for appropriate action
29.	77	National Human Rights Commission may direct Ministry of Labour to sponsor a comprehensive survey of child labour in the country. Meanwhile, Ministry of Social Justice and Empowerment may identify areas where SC child labour is employed in hazardous occupations and assist National Human Rights Commission in vigorous enforcement of the Act to get labour released and rehabilitation projects started by the concerned State Governments /Ministry of Labour in line with SC guidelines. It should also seek, if necessary, higher allocation under Special Component Plan of the Ministry of Labour for taking up sufficient number of such projects. It could also seek augmentation of its own resources to share the responsibility of Ministry of Labour.	Copy of recommendations forwarded to the Labour & Employment Department for appropriate action
30.	86	Ministry of Social Justice and Empowerment in cooperation with Ministry of Labour may identify occupations where SC migrant labourers are employed as bonded Labour or child labour and assist National Human Rights Commission in their intensive inspection for their identification, release and rehabilitation by the State Governments.	Copy of recommendations forwarded to the Labour & Employment Department for appropriate action
31.	88	A labour catchment area development programme may be initiated to target those areas which push a large number of labourers to other States in search of work. Appropriate package of development measures may be implemented to remove conditions which force labourers from these areas to migrate. Ministry of Social Justice and Empowerment with the help of Ministry of Labour may identify such areas from where SC labour migrates, get projects prepared and pro- actively work to get them included in the Special Component Plan of the concerned State Governments and sectoral programmes of concerned Ministries for implementation.	Copy of recommendations forwarded to the Labour & Employment Department for appropriate action
32.	96	Where SC beneficiaries have been distributed land under any programme but they have not been given formal possession of it, possession may be delivered to them in respect of such land and entry to this effect may be made in relevant revenue records. Contentious cases should be sorted out within a time frame and those which are pending in courts should be expeditiously fought out at the State's cost.	No scheduled caste has been declared in these islands
33.	97	Where SCs are cultivating land which belongs to the Government/Gram-Sabha/Panchayat, etc., for which they have not got ownership rights, such ownership may be conferred on them in accordance with the provisions of law, rules or the Government instructions pertaining to such lands in the concerned State.	No scheduled caste has been declared in these islands



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34.	98	Where SCs are working as insecure tenants or share croppers their status may be entered in the revenue records to facilitate security of tenure and protection against arbitrary eviction in accordance with provisions contained in the relevant Land Reform laws of the State.	No scheduled caste has been declared in these islands
35.	99	Government land, Bhoodan land and surplus ceiling land available for distribution but not yet allotted may be distributed to eligible SCs (also STs as per priorities laid down in respective States) so that they are helped to disengage themselves from their traditional degrading occupations.	No scheduled caste has been declared in these islands
36.	100	Top priority should be given to get expeditious court decisions on huge area of surplus ceiling land which is locked in litigation so that it is available for distribution to SCs and other poor.	No scheduled caste has been declared in these islands
37.	101	In cases where non-Scheduled Caste persons have encroached upon the land which are owned/cultivated by members of SCs, action may be taken to restore these lands to them. In case of litigation, either the State Government should fight out the case or provide legal aid to the affected SCs.	No scheduled caste has been declared in these islands
38.	102	States may also make provisions in their Land Reforms Laws which prohibits alienation of land owned by SCs to Non-SCs for this purpose	No scheduled caste has been declared in these islands
39.	103	States may take adequate steps to ensure that SCs are enabled to enjoy equal rights on community land and other common property resources and that their rights of grazing or rights of way, etc. are not restricted.	No scheduled caste has been declared in these islands
40.	104	Where SCs are residing in houses constructed on the land of other persons or on Government land in rural areas, they may be provided ownership rights in respect of those lands as per provisions existing for this purpose in the laws/instructions/ guide lines of concerned State.	No scheduled caste has been declared in these islands
41.	105	In case of SCs who have no land for residential houses in rural areas, if no vacant Government land in the area is available for allotment to them, land may be acquired for this purpose and minimum land for construction of a house may be allotted to them in order to provide security of a habitat to such persons. Benefit of House Construction Schemes may be made available to such allottees.	No scheduled caste has been declared in these islands
42.	107	District Magistrates may carry out investigation into complaints relating to v payment of bank loan to SCs under various Development/Poverty Alleviation programmes, such as under payment, nonpayment and fraudulent drawal of loan amount in their name by others, etc. While appropriate punitive action may be taken for proceeding against the guilty officials intermediaries and perpetrators of fraud, protection may be given to affected victims of these malpractices against harassment.	No scheduled caste has been declared in these islands
43.	111	Social Welfare Departments of State Governments may make institutional arrangements within their organisation to look after the needs and problems of DNTs, the way Government of Maharashtra has done. Ministry of Social Justice and Empowerment may pursue the matter with concerned State Governments. Ministry of Social Justice and Empowerment like-wise should create a cell to coordinate this work as a nodal agency at the central level.	Copy of recommendations forwarded to the Social Welfare Department for appropriate action

44.	112	At least one NGO in each major State may be funded by the Ministry of Social Justice & Empowerment [in case of DNTs notified as SCs/OBCs] / Ministry of Tribal Affairs [in case of DNTs notified as STs] for liaising with State agencies providing necessary support to members of DNTs and acting as an umbrella organization for social workers from villages of DNTs and mobilize necessary legal assistance for DNTs in distress. DNTs in the State may be encouraged to organize themselves as a society to take up their common problems with the various Government agencies.	In this UT no DNT Population notified as STs/SCs/OBCs.
45.	113	Local Panchayats, in whose jurisdiction DNTs reside, may be sensitized about the need for their development and rehabilitation needs and, in particular, about changing peoples' attitude towards them. Training programmes contemplated in National Human Rights Commission recommendations may cover this aspect also. Ministry of Social Justice and Empowerment may pursue the matter with the State Governments.	In this UT no DNT Population notified as STs/SCs/OBCs.
46.	114	Ministries of Social Justice and Empowerment / Tribal Affairs may sponsor research studies on various problems relating to DNTs (of specific tribes/communities, where necessary) to obtain valuable insights and necessary inputs concerning them for undertaking policy interventions on their upliftment, destigmatization and main streaming.	Matter pertains to the Ministry of Social Justice & Empowerment / Ministry of Tribal Affairs.
47.	121	Similar exercise should be carried out by the State Governments in respect of the reserved posts under them and their PSUs, etc. where reservation is applicable.	A & N Administration is providing ST reservation of 12% for direct recruitment to the Group C & D posts, and 7.5% for promotion. In case of OBCs, 38% reservation is made for Group C & D posts
48.	130	Under-utilization, diversion and misutilization of funds allocated for SC development under SCP and Sectoral Schemes in various states is emerging as a matter of serious concern. Planning Commission should collect details of these features state-wise and arrange discussion with defaulting States and work out strong measures to stop diversion and misutilization of funds and promote their full and proper utilization. It should devise effective mechanisms such as punitive financial consequences which create adequate pressure on State Governments against repetition of these practices. National Commission for SCs and STs may visit defaulting States for discussion to accelerate the pressure. Ministry of Social Justice and Empowerment may monitor the impact of these measures with the help of competent research organizations.	No scheduled caste has been declared in these islands. Hence Scheduled Caste Sub_Plan is not implemented.