

सत्यमेव जयते

REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

(Twenty Seventh Report) **PART I**

1979—81

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REPORT

OF

THE COMMISSIONER

FOR

SCHEDULED CASTES

AND

SCHEDULED TRIBES

1979-80 and 1980-81

(Twenty-Seventh Report)

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OFFICE OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

As required under Article 338 of the Constitution, I have the honour to submit my Report upon the working of the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution, for the years 1979-80 and 1980-81.

After the submission of the Twenty-Sixth Report (1978-79), the work of collecting and collating materials for the 1979-80 Report was taken in hand and a number of studies were also undertaken. However, during 1980, many new developments took place, including the launching of the Sixth Five Year Plan with significant bearing on the problems of the Scheduled Castes and Scheduled Tribes. It appeared necessary that the Report should also take into account these developments alongwith my assessment and evaluation of their impact on effective implementation of the Constitutional safeguards. I, therefore, felt that it would be more appropriate to update the Report to cover the entire period of 1980 and the first quarter of 1981 so that when it is presented to Parliament, the perspective behind the new strategies for development and protection of the weaker sections is also reflected. I am obliged to the President for having accorded his permission in this behalf.

This is my fourth Report since I took over as Commissioner for Scheduled Castes and Scheduled Tribes on 24th November, 1976. This Report and the earlier three Reports together cover a period of six years from 1975-76 to 1980-81 during my tenure of five years which I would be completing on 23rd November, 1981.

Shishir Kumar

SHISHIR KUMAR
Commissioner

New Delhi,
8th September, 1981

The President,

(through the Minister for Home Affairs).

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CONTENTS

Chapter	Subject	Page No.
1.	INTRODUCTORY AND GENERAL REVIEW	1—21
	The Poverty Line	1
	Special Component Plans for Scheduled Castes	4
	Integrated Rural Development Programme	5
	Alienation of Tribal Lands	6
	Forests	7
	Educational Development	7
	Commerce and Trade	8
	Untouchability	9
	Scavenging	10
	Atrocities	10
	Tribal Unrest	11
	Land Reforms	12
	Representation in Services	13
	Efficiency and Reservation	16
	Conversions	18
	Annexure I : Share in Total Consumer Expenditure of Docile Groups of Population	20
	Annexure II : Percentage of population below the poverty line by States separately for rural and urban areas in 1977-78	21
2.	CONSTITUTIONAL SAFEGUARDS PROVIDED FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES	22—51
	Abolition of Untouchability	22
	Salient features of the Protection of Civil Rights Act	22
	Annual Report to the Parliament on the Protection of Civil Rights Act	23
	Legal Aid	23
	Appointment of officers for supervision over prosecutions under P.C.R. Act	23
	Special courts	24
	Setting up of committees	24
	Periodic surveys	24
	Identification of untouchability prone areas	25
	Summary trial	25
	Collective fines	25
	Rule making power of Central Government	25
	Practice of Untouchability on historical, Philosophical and religious grounds	25
	Unlawful compulsory labour pertaining to scavenging etc.	25
	Dereliction on duty by public servants	25
	Punishment for offences	25
	Bonded Labour	26
	Identification of bonded labour	26
	Survey by Gandhi Peace Foundation	26
	Bonded labour from Bihar found in Tripura	27
	Rehabilitation of freed bonded labourers	27
	Centrally Sponsored Scheme for the rehabilitation of bonded labourers	28
	Findings of a Survey conducted by Indian Statistical Institute in Palamau District of Bihar	29
	Findings of study by Indian Institute of Public Administration on rehabilitation of bonded labourers in Jaunpur Block, Uttar Pradesh	30
	Survey in Medak District of Andhra Pradesh	33
	Survey of economic levels of Scheduled Castes/Tribes in Andhra Pradesh.	33
	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979	34
	Bonded Labour found in Punjab	34
	Scheduled Tribe Migrant Labourers in Jammu and Kashmir	34
	Scheduled Castes Stone Quarry Migrant Workers in New Delhi	34
	Appointment of Minister Incharge of Welfare of Scheduled Castes and Scheduled Tribes	36
	Representation of Scheduled Castes and Scheduled Tribes in Parliament and State Legislatures under Articles 330, 332 and 334	36

Chapter	Subject	Page No.
	Extension of period of reservation till 25th January, 1990	36
	Subsequent amendments/changes introduced	36
	Increase in the number of seats reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha	36
	Increase in the number of seats reserved for Scheduled Castes and Scheduled Tribes in Vidhan Sabhas	37
	Seats reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha during 1977 and 1980 Elections	37
	Representation of Scheduled Castes to Lok Sabha, from the general constituencies	37
	Rajya Sabha	38
	Representation of Scheduled Castes and Scheduled Tribes in Vidhan Sabhas and Vidhan Parishads	38
	Seats reserved for Scheduled Castes and Scheduled Tribes in the Vidhan Sabhas during 1977 and 1980 Elections	38
	Vidhan Parishads	38
	Introduction of rotational system in the delimitation of constituencies	38
	Representation of Scheduled Castes and Scheduled Tribes in the Gram Panchayat and other local bodies	39
	Lists of Scheduled Castes and Scheduled Tribes	39
	Reservation of seats for Scheduled Castes and Scheduled Tribes in educational and technical institutions	40
	Capitation fees	40
	Scheduled and Tribal Areas	41
	I. Scheduled Areas	41
	Governor's Report on the Administration of Scheduled Areas	41
	Tribes Advisory Councils	42
	II. Tribal Areas	43
	Constitution of Autonomous District Council in Tripura	43
	Grants for promoting the welfare of Scheduled Tribes and raising the level of administration	43
	Representation of Anglo-Indians in the Lok Sabha and Vidhan Sabhas	44
	Lok Sabha	44
	Vidhan Sabhas	44
	Other Backward Classes	44
	Reservation for Scheduled Castes and Scheduled Tribes in services and posts	46
	Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes	49
3.	REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES	52—95
	Introduction	52
	Important Issues	53
	(*i*) Reservation in Promotion	53
	(*a*) *Ad hoc* promotions	53
	(*b*) Promotions within Class I and safeguard against supersession of Scheduled Caste and Scheduled Tribe Officers	53
	(*c*) Select Lists for promotion	53
	(*d*) Supreme Court Rulings—Reservation in posts filled by promotion	55
	(*e*) Zone of consideration—Promotion by selection in Group A and B posts	55
	(*ii*) Constitutional Bodies	56
	(*iii*) Recognition of service Associations of Scheduled Castes and Scheduled Tribes	56
	(*iv*) Anti-reservation activities on the part of the non-Scheduled Caste/Scheduled Tribe employees in Central/ State Governments, Public Sector Undertakings, Public Sector Banks, etc.	57
	(*v*) Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services	58
	(*vi*) Caste/Tribe Certificates *vis-a-vis* Service Matters	58
	(*vii*) Disposal of references from the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes	59
	(*viii*) Relaxation in typing qualification/proficiency	60
	Dereservation	60
	Carry-forward of unfilled reservation and allocation of seniority strictly according to the points in the roster	61
	Appreciation Courses/Orientation Programmes	62
	Follow-up action on the recommendations of the Commissioner in regard to service matters	63
	Role of Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes	63
	State Legislative Committees	64
	Review of Representation of Scheduled Castes and Scheduled Tribes in services	64
	(*a*) Central Government	64
	(*i*) Central Government Services	64
	(*ii*) All India and other Central Services	65
	(*iii*) Railway Services	66
	(*iv*) Armed Forces	66

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Chapter	Subject	Page No.
	(b) Public Sector Undertakings	67
	(i) Representation as on 1-1-1979 and 1-1-1980	67
	(ii) Internal circulars	67
	(iii) Backlog	67
	(iv) Dereservation procedure in Public Sector Undertakings	68
	(v) Reservation in company built accommodation for staff	69
	(vi) Promotion Policy in Public Sector Enterprises	69
	(vii) Qualification for promotion	70
	(viii) Insistence on first/second class degree for direct recruitment posts	70
	(ix) Liaison Officers and Special Scheduled Caste/Scheduled Tribe Cells in Public Sector Enterprises	70
	(x) Transfer of bond executed by Scheduled Caste and Scheduled Tribe employees	70
	(c) Public Sector and Nationalised Banks	71
	(d) University Services	74
	(e) Services under the High Courts	75
	(f) Reservation for Scheduled Caste and Scheduled Tribe in Private Sector Enterprises	77
	EMPLOYMENT AND TRAINING	
	(a) Employment Exchanges	78
	(b) Pre-examination training centres	79
	(c) Pre-examination training in stenography	80
	(d) Coaching-*cum*-guidance centres	80
	(e) Apprenticeship training	81
	(f) Training/Scholarship schemes	82
	PUBLIC SERVICE COMMISSIONS	
	(a) Union Public Service Commission	82
	(b) Railway Service Commissions	83
	(c) State Service Commissions	83
	Representation of Scheduled Caste/Scheduled Tribe in Services under the States/Union Territories	83
	State Level Committees	84
	Special Studies	84
	Complaints relating to denial of Justice to Scheduled Caste and Scheduled Tribe employees in service matters	87
4.	ECONOMIC DEVELOPMENT	96—138
	Expenditure on development plans for backward classes	96
	Centrally Sponsored Schemes	96
	Post-matric scholarships for Scheduled Castes and Scheduled Tribes	97
	Pre-matric scholarships to children of those engaged in unclean occupations	97
	Book banks for Scheduled Castes and Scheduled Tribes	97
	Girls Hostels	97
	Coaching and allied schemes	97
	Machinery for the implementation of the Protection of Civil Rights Act	97
	Central assistance for Scheduled Castes Development Corporation	98
	Aid to voluntary organisations	98
	State Sector Schemes	98
	Expenditure incurred on the welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes	98
	Special Component Plans for Scheduled Castes	98
	Developmental strategy for Scheduled Castes in retrospect	98
	Special Component Plans and the non-divisible sectors	99
	Meeting held by the Planning Commission to discuss the strategy for Special Component Plans	100
	Revised Special Component Plans for Scheduled Castes	102
	Progress of implementation of Special Component Plans	103
	Identification of target groups	104
	Traditional artisans	104
	(a) Leather workers	104
	(b) Weavers	104
	(c) Other artisans	104
	Fishermen	104
	Civic sanitation workers	104
	Traditional 'Dais'	104
	Special Central Assistance for Scheduled Castes	105
	State-wise amounts of Special Central Assistance released by the Central Government in 1980-81	106
	Special Component Plans in Central Sector	106

Chapter	Subject	Page No.
	Institutional credit	106
	Implementation in the field	107
	Separate budget minor heads/sub-heads for the Special Component Plans for Scheduled Castes	107
	Personal policy	107
	Integrated Rural Development Programme	107
	Implementation of the Programme	108
	Benefits to the Scheduled Castes/Tribes	108
	Relaxation of norms in favour of the Scheduled Castes	109
	Observations in the field	109
	Scheduled Castes Development Corporations	110
	Special Central Assistance for Scheduled Castes Development Corporations	110
	Functions of the Scheduled Castes Development Corporations	111
	The Andhra Pradesh Scheduled Castes Financial Corporation	112
	Assam State Development Corporation for Scheduled Castes Ltd., Gauhati	112
	Bihar State Scheduled Castes Cooperative Development Corporation	112
	The Gujarat Scheduled Castes Economic Development Corporation	112
	The Haryana Harijan Kalyan Nigam, Chandigarh	113
	Himachal Pradesh Scheduled Castes Development Corporation, Simla	113
	Karnataka Scheduled Castes and Scheduled Tribes Development Corporation Ltd., Bangalore	113
	Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes, Trichur	114
	Orissa Scheduled Castes Finance Cooperative Corporation Ltd., Bhubaneswar	114
	The Punjab Scheduled Castes Land Development and Finance Corporation, Chandigarh	115
	Rajasthan State Scheduled Castes Development Corporation Ltd., Jaipur	115
	Uttar Pradesh Scheduled Castes Finance and Development Corporation, Lucknow	115
	West Bengal Scheduled Castes Development and Finance Corporation, Calcutta	116
	Steps to mobilise finance	116
	Contribution of matching grants by State Governments against Central assistance	117
	Delegation of powers	118
	Financial assistance from N.C.D.C. for Cooperatives of Scheduled Castes	118
	Poor Socio-economic conditions of persons connected with unclean occupations	120
	Steps taken by State Governments/Union Territory Administrations to improve the working and living conditions of sweepers and scavengers	121
	UNDP Global Project on low cost sanitation	123
	Assistance provided to Scheduled Castes and Scheduled Tribes by Nationalised Banks	124
	Targets for banks	124
	Housing loans by banks to Scheduled Castes/Scheduled Tribes etc.	125
	Vijaya Bank	125
	Indian Overseas Bank	125
	Central Bank of India	125
	Allahabad Bank	125
	Punjab and Sind Bank	126
	Union Bank of India	126
	Regional Rural Banks	126
	Assistance for setting up small scale Industries etc.	127
	National Scheme for Training of Rural Youth for self-employment (TRYSEM)	128
	Allotment of distributive agencies to Scheduled Castes and Scheduled Tribes	128
	Indian Oil Corporation	130
	Fertiliser Corporation of India	130
	Ministry of Railways	131
	Legal Aid	131
	State-wise position of legal aid schemes	131
	Employment Guarantee Scheme	135
	(*i*) Maharashtra	135
	(*ii*) Karnataka	136
	(*iii*) Tamil Nadu	136
	(*iv*) Madhya Pradesh	136
	Minimum Needs Programme	137

Chapter	Subject	Page No.
5.	LAND, AGRICULTURE AND HOUSING PROGRAMMES	139—161
	Allotment of surplus land to the Scheduled Castes/Tribes	139
	Financial assistance to assignees of surplus lands on imposition of ceiling on agricultural holdings	139
	Land records	140
	Andhra Pradesh	140
	Bihar	140
	Gujarat	140
	Kerala	140
	Madhya Pradesh	141
	Orissa	141
	Goa, Daman and Diu	141
	West Bengal	141
	Progress of 'operation barga' in Cooch Behar District (West Bengal)	142
	Alienation of tribal lands	143
	Magnitude of the problem	143
	Legislative measures to check alienation of tribal land	144
	Review of the legislative measures to control land alienation	144
	West Bengal	145
	Gujarat	145
	Kerala	145
	Karnataka	145
	Rajasthan	145
	Tamil Nadu	146
	Madhya Pradesh	146
	Other steps to stop land alienation	147
	Payment of Minimum Wages to agricultural labourers	147
	Enforcement of minimum wages	147
	Atrocities on Scheduled Castes/Tribes on account of agrarian tension	147
	Bihar	148
	Andhra Pradesh	150
	Haryana	151
	Himachal Pradesh	151
	Gujarat	151
	Jammu & Kashmir	151
	Madhya Pradesh	152
	Orissa	152
	Rajasthan	152
	Tamil Nadu	152
	Uttar Pradesh	152
	Delhi	155
	West Bengal	155
	Incidents of police firing on Scheduled Castes/Tribes at Tufanganj (West Bengal) on 11-4-80	155
	Findings of the Study Team	155
	Small Farmer Development agency Programme	157
	Allotment of House-sites to the landless workers	158
	Special Housing Programme for Scheduled Castes and Scheduled Tribes	158
	Andhra Pradesh Scheduled Castes and Scheduled Tribes Co-operative Housing Scoieties Federation	158
	Gujarat	159
	Haryana	159
	Himachal Pradesh	159
	Karnataka	159
	Kerala	160
	Madhya Pradesh	160
	Maharashtra	160
	Rajasthan	160
	Tamil Nadu	160
	Uttar Pradesh	160
	Goa, Daman & Diu	161
	Avoidance of segregation of Scheduled Caste families in separate localities	161
	Reservation in allotment of government accommodation	161

Chapter	Subject	Page No.
6.	EDUCATIONAL DEVELOPMENT	162
	Expenditure under the backward classes sector	162
	Enrolment of Scheduled Castes/Scheduled Tribes in Educational Institutions	162
	Elementary stage	162
	All India enrolment	162
	State-wise enrolment	163
	Enrolment of Scheduled Castes in Classes I to V	163
	Enrolment of Scheduled Castes in Classes VI to VIII	163
	Enrolment of Scheduled Tribes in Classes I to V	163
	Enrolment of Scheduled Tribes in Classes VI to VIII	163
	Educational facilities in rural habitations predominantly populated by the Scheduled Castes and Scheduled Tribes	163
	All India position	164
	Facilities of primary schools	164
	Facilities of middle schools	164
	Statewise position	164
	Facilities of primary schools in habitations with population of 300 or more	164
	Scheduled Castes	164
	Scheduled Tribes	164
	Facilities of middle schools/sections in habitations with population of 500 or more	165
	Scheduled Castes	165
	Scheduled Tribes	165
	Wastage of education	165
	Wastage among Scheduled Castes	166
	Wastage among Scheduled Tribes	166
	National Adult Education Programme	166
	Progress of the programme	166
	Non-formal education	167
	Enrolment at High/Higher Secondary stage	168
	All India position	168
	Statewise position	168
	Scheduled Castes	168
	Scheduled Tribes	168
	Kendriya Vidyalayas	168
	Reservation of seats for Scheduled Caste and Scheduled Tribe students	169
	Relaxation of minimum standards for admission of Scheduled Castes/Scheduled Tribes to Kendriya Vidyalayas	169
	Facilities provided to Scheduled Caste and Scheduled Tribe students in public Schools	169
	Industrial Training Institutes	170
	Concessions allowed to Scheduled Castes and Scheduled Tribes in the matter of admission to various educational and technical institutions	171
	Enrolment at college stage	171
	Reservation of seats for Scheduled Castes/Scheduled Tribes in proportion of their population	172
	SCT Cell set up by University Grants Commission	172
	Actual admissions of Scheduled Castes/Scheduled Tribes to under-graduate and post-graduate courses	172
	Scheduled Castes	172
	Scheduled Tribes	173
	Statewise reservation of seats in under-graduate courses	173
	District-wise enrolment	173
	Enrolment in medical colleges	174
	Under-graduate courses	174
	Reservation of seats in medical colleges under control of or aided by Central Government	175
	Relaxation in minimum standards allowed to Scheduled Caste/Scheduled Tribe students for admission to medical colleges	175
	Madhya Pradesh	175
	Admission of Scheduled Caste/Scheduled Tribe students to medical colleges in states other than once where they are domiciled/other than ones from where they pass the qualifying examinations	176
	Performance of Scheduled Caste and Scheduled Tribe students in medical colleges	177
	Madhya Pradesh	177
	Gujarat	177
	Actual enrolment of Scheduled Caste and Scheduled Tribe students in under-graduate medical courses	177
	Scheduled Castes	178
	Scheduled Tribes	178

Chapter	Subject	Page No.
	College-wise enrolment of Scheduled Caste and Scheduled Tribe students in under-graduate medical courses in 1979-80	178
	Inter-changeability of seats reserved for Scheduled Caste and Scheduled Tribe candidates	179
	Post-graduate courses	180
	Commissioner's visit to Bihar	180
	Relaxation allowed in the minimum standards for admission of Scheduled Castes and Scheduled Tribes to post-graduate courses	181
	Enrolment of Scheduled Caste and Scheduled Tribe students in post-graduate medical courses during the year 1977-78	182
	Scheduled Castes	182
	Scheduled Tribes	182
	College-wise enrolment of Scheduled Caste/Scheduled Tribe students in post-graduate medical courses during the year 1979-80	182
	Situation in Gujarat	183
	Reservation of seats for Scheduled Castes and Scheduled Tribes in post-graduate medical courses	183
	Anti-reservation stir	184
	Indian system of medicine—Ayurvedic colleges	185
	Under-graduate courses	185
	Actual enrolment of Scheduled Caste/Scheduled Tribe students in Ayurvedic colleges in 1979-80	185
	Relaxation of minimum standards for admission to under-graduate Ayurvedic courses	187
	Post-graduate courses	187
	Relaxation of minimum standards for admission to post-graduate Ayurvedic courses	188
	Technical Education	188
	Under-graduate courses	188
	Reservation of seats for Scheduled Caste/Scheduled Tribe candidates	188
	Enrolment of Scheduled Caste/Scheduled Tribe students in Engineering colleges in 1977-78	189
	Under-graduate courses	189
	Scheduled Castes	189
	Scheduled Tribes	189
	Post-graduate courses	189
	Scheduled Castes	190
	Scheduled Tribes	190
	Indian Institutes of Technology	190
	Reservation of seats for Scheduled Caste/Scheduled Tribe candidates in under-graduate courses	190
	Performance of Scheduled Caste/Scheduled Tribe students in Indian Institutes of Technology	190
	Death of an ex-student belonging to a Scheduled Caste in I.I.T., Kanpur	191
	Expulsion of Scheduled Caste/Scheduled Tribe students in Indian Institutes of Technology	192
	Post-graduate courses	192
	Enrolment to courses in agriculture	193
	Under-graduate courses	193
	Scheduled Castes	193
	Scheduled Tribes	193
	Post-graduate courses	193
	Scheduled Castes	194
	Scheduled Tribes	194
	Enrolment of Scheduled Castes/Scheduled Tribes in Agricultural Research Institutes	194
	I.C.A.R. junior and senior fellowship	195
	Krishi Vigyan Kendras	195
	Backward Classes Hostels	195
	State-wise number of backward classes hostels	196
	Construction of hostel buildings for Scheduled Caste/Scheduled Tribe students by Scheduled Caste/Scheduled Tribe Finance and Development Corporations	197
	Rates of stipends in backward classes hostels	197
	Girls' hostel	197
	State-wise number of girls' hostels for Scheduled Caste/Scheduled Tribe	197
	Scheduled Castes	198
	Scheduled Tribes	198
	Reservation of seats for Scheduled Caste and Scheduled Tribe students in general hostels	198
	State-wise position	199
	Ashram schools	200
	Craft-based education in Ashram schools	201
	Pre-matric stipends to Scheduled Caste and Scheduled Tribe students	201
	Opportunity cost	201
	Scholarships to Scheduled Caste and Scheduled Tribe children studying in States other than their home States	202

Chapter	Subject	Page No.
	Pre-Matric scholarships to children of those engaged in unclean occupations, *i.e.* scavenging of dry latrines, tanning and flaying	202
	National Talent Search Scholarships	203
	Post-Matric scholarships to SC ST students	203
	Number of scholarships & expenditure	203
	Quantum and rates of scholarships	203
	Revised Regulations	203
	Need for enhancement of rates of scholarships	204
	Scholarships to students in full-time employment	204
	Removal of restriction of two children of the same parents for the grant of scholarships	205
	Scholarships for pursuing studies in the second professional line	205
	Delay in the payment of scholarships	205
	Benefits of the Post-Matric scholarship scheme to the backward Sch. Caste and Sch. Tribe communities	206
	Post-Matric scholarships to children of non-Sch. Castes and Sch. Tribes engaged in scavenging of dry latrines, tanning and flaying	206
	Book Banks for Sch. Caste and Sch. Tribe students in engineering and medical colleges	207
	National overseas scholarships to SC/ST denatified, nomodic and seminomadic tribes	207
	Rates of scholarships	207
	Number of scholarships	207
7.	UNTOUCHABILITY	208
	Findings of a survey undertaken in the 3 districts of Tamil Nadu regarding the practice of untouchability	209
	Findings of Harijan Sevak Sangh regarding removal of Untouchability in some of the States	210
	Protection of Civil Rights Act, 1955	211
	Number of cases registered under P.C.R. Act, 1955	211
	Disposal of cases under Protection of Civil Rights Act	211
	State-wise comparative analysis of the fresh cases registered during 1978-79	212
	State-wise analysis of the P.C.R. cases at different stages during 1979	212
	State-wise position of the cases dealt with by the Police	213
	State-wise position of cases disposed of by the courts	213
	District-wise analysis of cases registered during 1979 under the P.C.R. Act, 1955	213
	Cases registered under P.C.R. Act, during 1980	213
	Access to drinking water sources	214
	Access to tea-stalls/restaurants and shops	215
	Access to places of worship	216
	Other kinds of untouchability	217
	Judgements delivered under P.C.R. Act, 1955	219
	Andhra Pradesh	220
	Bihar	223
	Karnataka	224
	Tamil Nadu	225
	Pondicherry	227
	Study conducted by the Gujarat Police Research Centre in respect of Judgements ending in acquittal under the P.C.R. Act, 1955	227
	Inter-caste marriages	228
	Andhra Pradesh	229
	Bihar	229
	Gujarat	229
	Karnataka	229
	Kerala	229
	Madhya Pradesh	229
	Maharashtra	229
	Orissa	229
	Tamil Nadu	229
	Tripura	230
	Uttar Pradesh	230
	Goa, Daman & Diu	230
	Pondicherry	230

Chapter	Subject	Page No.
	Non-official Agencies	230
	Work done by the various media of the Government of India for the removal of untouchability	233
	State-wise information about the steps taken to remove the evil of untouchability	234
	Andhra Pradesh	234
	Assam	234
	Bihar	235
	Gujarat	235
	Himachal Pradesh	235
	Karnataka	235
	Kerala	236
	Madhya Pradesh	236
	Maharashtra	236
	Punjab	236
	Rajasthan	236
	Tamil Nadu	237
	Uttar Pradesh	237
	Goa, Daman & Diu	237
	Pondicherry	237
8.	TRIBAL DEVELOPMENT	238
	Strategy for Tribal Development	238
	Financial investment in tribal sub-Plan area	239
	Financial & Physical achievements during 1974—79 in tribal sub-Plan areas	239
	Emphasis by the Prime Minister on the development of Scheduled Tribes	240
	Measures suggested by the Home Minister for tribal development	240
	Working of tribal sub-Plans and I.T.D.Ps.	242
	Andhra Pradesh	242
	Bihar	243
	Gujarat	243
	Karnataka	243
	Kerala	243
	Madhya Pradesh	243
	Maharashtra	244
	Manipur	244
	Orissa	244
	Rajasthan	244
	Tamil Nadu	244
	Tripura	245
	Uttar Pradesh	245
	Survey undertaken by a Research Team of the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes about the working of I.T.D.P., Darjeeling in West Bengal	245
	Role of Central Ministries in Tribal Development	246
	Ministry of Works & Housing	247
	Ministry of Communications	247
	Ministry of Health & Family Welfare	247
	Ministry of Social Welfare	248
	Ministry of Rural Reconstruction	249
	Ministry of Education and Culture	250
	Apprenticeship Training	250
	Universalisation of elementary education	250
	University Grants Commission	251
	Indian Council of Agricultural Research	251
	Pockets of Tribal concentration and dispersed tribes	252
	Primitive tribes and their problems	253
	Andhra Pradesh	255
	Gujarat	255
	Madhya Pradesh	256
	Maharashtra	256

Chapter	Subject	Page No.
	Orissa	256
	Karnataka	257
	Andaman & Nicobar Islands	257
	Excise Policy for Tribal Areas	257
	Assam	257
	Andhra Pradesh	258
	Bihar	258
	Himachal Pradesh	258
	Madhya Pradesh	258
	Maharashtra	258
	Meghalaya	259
	Orissa	259
	Rajasthan	259
	Tripura	259
	Forests	260
	Minor Forest Produce	260
	Social Forestry	261
	Forest Villages	262
	Human Resource Development	262
	Constitution of a Committee to suggest guidelines to re-orient forest policy to serve the tribal economy	263
	Shifting cultivation	263
	Work done by the Indian Council of Agricultural Research	264
	Studies undertaken by the Agro-economic Research Centre for North-East India, Jorhat	265
	Irrigation in Tribal Areas	265
	Displacement due to construction of major irrigation projects	267
	Health Services	268
	Leprosy control	268
	Provision of medical facilities in tribal areas	269
	Indian System of Medicine	269
	Community Health Worker	270
	Nutrition	270
	Applied Nutrition Programme	270
	Special Nutrition Programme	270
	Balwadi Nutrition Programme	271
	Integrated Child Development Service	271
	Studies on Health Problems of Scheduled Tribes	272
	Drinking water	273
	An evaluation study of Drinking Water Supply Programme	275
	Development of Tribal languages/Dialects	275
	Provisions of Constitutional safeguards for Linguistic Minorities	275
	Use of tribal languages as Media of Instruction at Primary stage	276
	Work done by the Central Institute of Indian Languages, Mysore	276
	Central Assistance to Voluntary Organisations engaged in the development of tribal dialects, languages	277
	Problem of availability of text-books and teachers for teaching tribal languages	277
	Infrastructural Development	278
	Road development in tribal areas	278
	Telecommunications	279
	Postal services.	279
	Rural Electrification	279
	Railways	280
	Research into the problems of Scheduled Castes and Scheduled Tribes	280
	Important studies undertaken by different Institutes	281
	Kadana Resettlement—A study of Tribal Displacement	281
	Strengthening of Institutes	282
	Training	283
	Tribal Research and Training Institute, Gujarat Vidyapith, Ahmedabad	283
	Tribal Research and Training Institute, Pune	283
	Bihar Tribal Welfare Research Institute, Ranchi	283
	Cultural Research Institute, Calcutta	284

Chapter	Subject	Page No.
	Directorates/Bureaux of Economics and Statistics	284
	National Level Research Organisations	285
	Research Fellowship Awards	285
	Tribal Bench Mark Survey	285
	Andhra Pradesh	285
	Karnataka	285
	Madhya Pradesh	285
	Tamil Nadu	285
	Rajasthan	286
	Maharashtra	286
	Kerala	286
	Assam	286
	Himachal Pradesh	286
	Orissa	286
	Goa, Daman & Diu	286
	Monitoring & Evaluation	287
9.	DISCONTENTMENT IN TRIBAL AREAS	288
	Impact of British Administration in tribal areas	288
	Revolts in tribal areas during British Rule	289
	North-East region	290
	Poor representation in the Legislatures and local bodies	291
	Tripura	291
	Basic data	291
	Pressure on land	292
	Land alienation	292
	The Tripura Tribal Areas Autonomous District Councils Act, 1979	293
	Economic disparity	293
	Exploitation by traditional money-lenders	294
	Political tension	294
	Violent incidents	294
	Manipur	294
	Basic data	294
	Economic backwardness of the Scheduled Tribes	295
	Land alienation	295
	Drinking water	295
	Educated unemployment	295
	Communications	295
	Autonomous district councils	295
	Regional imbalances.	295
	Mizoram	296
	Basic data	296
	Primitive agriculture	296
	Industries.	296
	Communications	297
	Rural electrification	297
	Drinking water	297
	Nagaland	297
	Basic data	297
	Minor irrigation.	298
	Communications	298
	Industries	298
	Power	298
	Drinking Water Supply	298
	Educated unemployment	298
	Assam	299
	Basic data	299
	Economic backwardness	299
	Indebtedness.	299
	Land alienation	299
	Unemployment	300

Chapter	Subject	Page No.
	Rural electrification	300
	Development programmes	300
	Agitation for the deportation of foreign nationals	300
	Meghalaya	301
	Basic data	301
	Agriculture	301
	Transport	302
	Educated unemployment	302
	Agitation on issue of foreigners	302
	Arunachal Pradesh	302
	Basic data	302
	Power generation	303
	Water Supply	303
	Employment and manpower	303
	Madhya Pradesh	303
	Basic data	303
	Shifting cultivation	304
	Education	304
	Exploitation by non-tribals	304
	Bihar	305
	Basic data	305
	Causes of unrest in Santhal Parganas	306
	Causes of unrest in Singhbhum District	306
	Lacunae noticed in Santhal Parganas Tenancy Act, 1949	307
	Lacunae noticed in Chhotanagpur Tenancy Act, 1908	307
	Enquiry conducted by Commissioner for Scheduled Castes and Scheduled Tribes into the incident of Police firing on Scheduled Tribes at Gua, Singhbhum District, Bihar on 8th September, 1980.	308
	Version of the State Government	309
	Meetings at Gua and visit to forest villages	309
	Tribal agitation and forests	310
	Tribal agitation and industrial enterprises	312
	Exploitation of tribal workers in the mines of Kolhan area	313
	Tribal agitation and agricultural development	313
	Immediate causes of Gua incident	314
	Police version	315
	Visit to IISCO Hospital, Gua	316
	Discussion with the Civil Surgeon, Chaibassa	316
	Non-official version	316
	Observations/Recommendations	317
	Political	318
	Personnel	318
	Forests	318
	Forest villages.	319
	Employment	319
	Payment of compensation	319
	Role of Development Dept.	319
	West Bengal	321
	Basic data	321
	Agriculture	322
	Indebtedness	322
	Land alienation	322
	West Bengal Tribal Development Cooperative Corporation, Calcutta	322
	Education	322
	Educated unemployment	322
	Hill Areas	323
	Demand for the creation of Jharkhand	323
	Andhra Pradesh	323
	Basic data	323
	Agriculture	324
	Land alienation	324
	Adilabad incident	324

Chapter	Subject	Page No.
	Indebtedness	325
	Minor forest products	325
	Rural Water Supply	325
	Rural electrification	325
	Education	325
	Orissa	326
	Basic Data	326
	Agriculture	326
	Horticulture	326
	Land records and land alienation	326
	Industries	327
	Communications	327
	Drinking water supply	327
	Minor forest produce	327
	Education	327
	Educated unemployment	327
	Gujarat	328
	Basic Data	328
	Land alienation	328
	Unemployment	329
	Police link with flesh trade	329
	Education	329
	Bonded Labour	329
	Role of Voluntary Organisations	330
	Maharashtra	330
	Basic Data	330
	Agriculture	331
	Alienation of tribal land	331
	Indebtedness	331
	Saldar system	332
	Low level of Education	332
	Problems of tribals in forest Areas	332
	Industries	332
	Electrification in Tribal Areas	332
	Medical & Public Health	332
	Communications	333
	Maharashtra State Tribal Cooperative Development Corporation	333
	Rajasthan	333
	Basic Data	333
	Background	334
	Agriculture	334
	Land alienation	334
	Animal husbandry	334
	Forests	334
	Indebtedness	335
	Exploitation by Jewellers etc.	335
	Electrification of Tribal areas	335
	Communications	335
	Educational Development	335
	Medical and Public Health	335
	Development of Minerals and Industries	335
	Uttar Pradesh	336
	Basic data	336
	Socio-economic problems of Tribal communities	336
	Land alienation	337
	Koltas of Jaunsar Bawar Area	337
	Tribal Development Corporations	337

Chapter	Subject	Page No.
	Himachal Pradesh	338
	Basic Data	438
	Agriculture	338
	Animal Husbandry	338
	Indebtedness	338
	Forests	338
	Industry & Minerals	339
	Education	339
	Health	339
10.	ATROCITIES AND HARASSMENT	340
	Number of cases of atrocities on Scheduled Castes and Scheduled Tribes	340
	Number of Crimes in 1980	341
	Crime-wise break-up of incidents of atrocities during 1979	343
	Disposal of registered cases of atrocities on Scheduled Castes and Scheduled Tribes during the year 1979	344
	Special arrangements made at the Centre and in the States to deal with the cases of atrocities on Scheduled Castes and Scheduled Tribes	346
	Powers of the Union to deal effectively with the matter of atrocities on Scheduled Castes and Scheduled Tribes	346
	Special arrangements at the Centre.	346
	Re-constitution of National Integration Council	347
	Special arrangements made by the State Governments	348
	Strength of Harijan Cells in various States	349
	Bihar	349
	Gujarat	350
	Himachal Pradesh	350
	Karnataka	350
	Madhya Pradesh	351
	Maharashtra	351
	Orissa	351
	Punjab	351
	Delhi	351
	Monetary Relief to Scheduled Caste and Scheduled Tribe victims of atrocities	351
	Atrocities on women	353
	An Analysis of cases of atrocities on Scheduled Castes and Scheduled Tribes from 1967 to 1979	353
	Cases of atrocities on Scheduled Castes	354
	Cases of atrocities on Scheduled Tribes	355
	Relatively serious atrocity incidents given in the earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes	356
	Andhra Pradesh	356
	Bihar	356
	Gujarat	357
	Haryana	357
	Kerala	358
	Madhya Pradesh	358
	Maharashtra	358
	Orissa	359
	Punjab	359
	Rajasthan	359
	Tamil Nadu	359
	Uttar Pradesh	359
	Delhi	360
	Studies conducted by the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes	361
	Report of the Study Team regarding the killings of Scheduled Caste persons in Kafalta village, Almora District, Uttar Pradesh	361
	Untouchability, arson and loot at Hathras, District Aligarh, Uttar Pradesh	364
	Atrocities committed by a dacoit gang on the Scheduled Caste persons of village Kunwarpura, P.S. Jethra, Etah District, Uttar Pradesh	367
	Cases received in the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes	368
	Typical cases of atrocities and harassment	368
	Murder	368
	Rape	371
	Arson	374
	Violence	375
	RECOMMENDATIONS	379—432

CHAPTER I

INTRODUCTORY AND GENERAL REVIEW

The profile of the Eighties promises to be laden with enormous anxieties and concern for the weaker sections, anxieties how to inject enough strength in them to stand up, to resist and to brace up to not so friendly an environ, so as to make up three decades of safeguards for their assured entry to the mainstream. Safeguards of the past could provide a rear guard action propelling conscious and concerted assertion of a vanguard asking for a legitimate share according to size and time and not benevolents' dole given in compassion and unilaterally determined compensation. As consciousness rises with the awakening of the age, the gap between expectation and fulfilment becomes more yawning than before and more gruelling than generally realised. This dichotomy often causes aberrations of one kind or the other and reactions ranging from psychological indignation to extremist expressions. It is true that the past three decades of independence were by no means wasted years in terms of development and laudable social legislations of which the country can boast of many significant achievements. And yet the pace could not keep up with the march of time.

1.2 The problem of poverty eradication has been the object of experimentation, each such exercise unable to penetrate beyond the outer fringes of the problem. The elusive poverty line continued to be elusive during successive plan periods despite efforts to grasp it and to dust it off, in short to grapple with it. The declaration of the Government of India from no less a person than the Prime Minister to reduce the poverty line by half within the current plan period is perhaps the first serious commitment and positive action plan to attack poverty. But where and how do we draw the poverty line so as to be easily discernible and identifiable. The two-decade old criterion of calories intake with variations from region to region and from cereals to cereals may not be adequate. The line of poverty to be more meaningful and graspable will have to be drawn up in the fields and in occupations and vocations. It is more necessary to do so today when every organised group seeks to raise its income level by by-passing the poor.

The Poverty Line

1.3 It is perhaps beyond the scope of our analysis at the moment to assess the various methods of ordering poverty attempted by a number of experts in the field in our country as well as abroad or to get involved in the controversy among some experts in India about the desirability or otherwise of the energy based measurement. Unlike the studies in inequality of income, not many studies could be attempted on measuring poverty and those attempted are not able to encompass all the aspects needed to identify an unambiguously visible poverty line. Then there is the problem of measuring relative poverty and absolute poverty. It may be comparatively easier to attempt the former. But we in our country are concerned with absolute poverty, the measurement of which poses more difficulties, for, not one single criterion will be able to determine with a degree of satisfaction the extent of our poverty. A country whose sizeable number of the poor, could by any standard, be located at the destitution level, can illafford to draw its poverty line on the basis of convenient guesses. It has to be done with a greater degree of objectivity and precision. The phenomenon of poverty in India may not be fully comprehended by relying only on any economic indicator, for its breeders lie deep also in our very social structure. The endemic caste factor, continuing to cripple the mobility of a large number of Scheduled Castes and other socially and educationally backward classes of more or less comparable socio-economic status as also the isolation of the Scheduled Tribes, are factors to reckon with while computing poverty in this country.

1.4 The concept of poverty followed by the Government so far for measuring people below the poverty line has been in terms of percentage of households with calorie intake below certain prescribed minimum level. The poverty line, as defined by the Planning Commission's "Task Force on Projections of Minimum Needs and Effective Consumption Demands" in 1977, is "the mid-point of the monthly per capita expenditure class having a daily calorie intake of 2,400, per person in rural areas and 2,100 in urban areas". Accordingly the mid-point in 1979-80 prices is put at Rs. 76 for rural areas and Rs. 88 for urban.

1.5 It was the Seventeenth round of the National Sample Survey (1961-62) which contained substantial information about most of the items of food consumed in the country and on that basis an estimate was sought to be made of the calorie intake by people residing in different parts of the country. The exercise was followed up in subsequent years. Based on the results of the 26th and 27th rounds of the National Sample Survey, estimates of calorie intake in 1971-72 and in 1973-74 are available which show that during the former, the intake was much lower than that in 1961-62 and even during the latter although showing visible increase, it continued to be substantially lower than 1961-62. In Andhra Pradesh, however, the intake in 1973-74 was higher than in 1961-62. Among the rural population, the calorie intake per day per person in 1971-72 was 2168, about 14% lower than that in 1961-62. This decline apart, the inter-state and inter-regional variations in calorie intake showed wide gaps. Various reasons have been attributed for

such a situation, such as per capita output of cereals in a particular State/region, the varying values of the cereal basket in relation to the prices and quantity, rate of unemployment, disparity in land distribution, the level of purchasing power, widening regional variations in prices of cereals etc. etc.

1.6 The States are grouped on the basis of calorie consumption. The higher the per capita production of cereals in particular States, high is the intake of calories such as in Rajasthan, Punjab, Haryana and Madhya Pradesh. On the other hand, Maharashtra, West Bengal and Kerala account for lower intake of calories corresponding to their lower per capita output of cereals. But why in Orissa and Andhra Pradesh with their per capita output of cereals higher than the national average, have the intake of calories lower than the national average ? Again why reverse is the case in Uttar Pradesh and Karnataka with the average low production of cereals and comparatively higher intake of calories. A comparison among the States of the same group may also present varying pictures of calorie intake. For instance, Maharashtra, in the low calorie intake and low per capita production group has higher calorie intake compared to Assam and West Bengal with comparatively higher output of cereals than Maharashtra. Further the coarse cereals with lower price index have a significant role to play in the increased calorie intake in certain States. In Karnataka, Gujarat and Maharashtra 2/3 of the rural consumption accounted for coarse cereals and in the early sixties their average calorie intake of 2514 compared much more favourably with the minimum requirement. It came down in subsequent years with rise in the price of coarse cereals.

1.7 States like Bihar, Orissa, Assam, Andhra Pradesh, West Bengal, Tamil Nadu and Kerala present a picture where rice remains the dominant component of the cereal basket and the calories intake was much below the required level. The period between 1961-62 to 1971-72 witnessed a significant fall in the calorie intake among the rural population, but also a rise among those living in the urban areas. Incidentally, such urban areas formed part of the States where the rural intake had shown a decline.

1.8 Another variable influencing the calorie intake is the rate of employment in a given area at a given time. The lower the rate of unemployment, the higher is the consumer expenditure and calorie intake and where the rate of unemployment is high it contributes in restricting the consumer expenditure and the calorie intake. Yet another important factor determining the variations in calories happens to be high fluctuations in prices of cereals since 1960-61, the co-efficient of the variations in the average price rising to 28.58% in 1973-74 from 15.7% in 1961-62 and 17.78% in 1971-72. It is obvious that the States reporting low intake of calories are also the States where the price of cereals is higher consequently requiring higher rate of consumer expenditure to get access to the calorie.

1.9 It is possible to make a broad division among States on the basis of calorie intake. The 10 States showing low intake in the rural areas have 63% of the total rural population of the country according to 1971 Census. Seven other States although showing decline in calorie intake since 1961-62 could still maintain a level above the required minimum.

1.10 In the last analysis, it is the purchasing power of the individual consumer that will determine the intake of calories. It will be interesting to know how the poverty line drawn up on the basis of per capita calorie consumption runs through the various regions in the country and conforms to the numerous variations at all the points in its continuum. The line has obviously to pass through many curves. Doubts have been cast on the efficacy of a line so determined. Afterall, it is not a health clinic's certificate of fitness, but the financial viability that will decide the status of a person above a limit of poverty.

1.11 Even the assumption of requiring 2400 calories per person per day in the rural areas and 2100 calories in the urban areas has been questioned. These according to some are believed to be on a high side if the actual variations of regions, age, sex and occupations are taken into consideration. It has been claimed on the basis of such variations that given 1/4 cut in the present estimated requirement of calories, the poverty line may be reduced to 27.5 at the 1977-78 prices as against the present estimate of 48.7. While such a drastic cut in the poverty line may look arbitrary in the context of the prevailing poverty in almost all the parts of the country any over indulgence in calorie factor may be equally as unrealistic. Not surprisingly therefore, the Central Organisation of Statistics in a paper had to admit in one of its studies that the present method of measuring the poverty in the country although simple, direct and objective in so far as it seeks to measure the overall extent of absolute poverty "in terms of minimum requirement of calories", it is not adequate as it has not taken into account other essential factors. The study rightly points out that "an aggregate perspective of nutritional status is of limited use to planning for basic needs satisfaction. The indicator should have distributional dimension. The aggregate daily calories of households should be disaggregated to the extent possible according to clearly defined socio-economic and occupational groups and georgraphical areas".

1.12 Since in the last analysis it is the comparative consumer expenditure of different sections of the people that would determine one's capacity to consume the required calorie, it will be interesting to know the variation in consumer expenditure. That becomes also relevant in determining the place one occupies at the different points in the poverty line. The Sixth Plan document indicates that the lowest 30% people's share in consumer expenditure was 13.1 and 15 per cent in rural areas in 1958-59 and 1977-78 respectively and 13.2 and 13.6 per cent for the urban areas. Thus, the consumer expenditure, as shown, does not indicate any worthwhile reduction in the percentage of persons below the poverty line during the two decades. According to the Plan document, the line in 1971-72 was 54% in rural areas and 41% in the urban areas. During the three decades between 1950-51 to 1978-79

although the quality of life has improved, inasmuch as that the average per capita income has gone up by 56% from Rs. 466 in 1950-51 to Rs. 730 in 1978-79 at 1971 prices and that the percentage of private consumption has gone up by 46%, it has not shown any significant variation in the case of the poorest sections. It has also been shown that in 1971-72 with the intake of 2300 calories and 57 grams of protein per person, the percentage of people suffering either from calorie and/or protein deficiency was 28.8% in rural areas and 36.2% in the urban areas. The poverty line, however, was significantly higher.

1.13 Based on the different rounds of the National Sample Surveys since 1960-61, a CSO study points out that the consumer expenditure in both rural and urban areas has not registered any significant improvement. The ratio of range to mean was 3.54% for the rural areas in 1960-61 and 5.17% in 1973-74 and 2.66 for the urban areas in 1960-61 and 3.95 in 1973-74. The ratio was wider with 7.87 and 4.74 for rural and urban areas respectively in 1972-73. The co-efficient of variation was 0.6495 for rural and 0.7043 for the urban in 1960-61, the corresponding figures in 1973-74 being 0.6033 and 0.6604 in 1973-74. The Gini Co-Efficient was 0.32 (rural) and 0.34 (urban) in 1960-61 respectively and 0.27 and 0.30 respectively in 1973-74. The break-up of the consumer expenditure of different deciles of the population makes an interesting study. It was 3.5 for the first lowest decile in the rural areas and 3.2 in the urban areas in 1960-61 and 3.9 and 3.8 for the year 1973-74. For the second lowest decile, it was 4.7 rural and 4.4 urban in 1960-61 and 5.4 rural and 5.2 urban in 1973-74; and for the third decile of the lower range, the consumer expenditure in the rural areas was 5.8 and for the urban 5.4 in 1960-61 and 6.9 and 5.8 respectively in 1973-74. Thus, while the poorest 30 per cent's share in consumer expenditure worked out at 14% for the rural and 13% for the urban in 1960-61 and 16.2 and 14.8 respectively in 1973-74, the top most 10% accounted for 26% and 28% in 1960-61 and 23.3% and 25.5% in 1973-74. The table at Annexure I will show that the variation has been either almost constant or very marginal throughout the thirteen years from 1960-61 to 1973-74. If we take into account the share of the top 30% of the population in consumer expenditure, it comes to 52.7% for the rural and 55.4% for the urban in 1960-61 and 49.5% and 52.6% respectively in 1973-74. The middle 40% of the population shared nearly 33.3 in the rural and 31.6 urban in 1960-61 and 34.3 and 32.6 respectively in 1973-74. Spliting the deciles in two equal parts, the share between the lower half and the upper half comes to 28.5 rural and 26.5 urban in 1960-61 and 31.5 and 29.2 urban in 1973-74 in the case of the lower 50% of the people and 71.5 rural and 73.5 urban in 1960-61 and 68.5 and 70.8 respectively in 1973-74. It is no wonder, therefore, that the poverty line continued to hover around 50% of the population during these years and subsequent years. It is also evident that the poverty is more acute at the lower ranges covering 30% of the population. The distribution of assets in the rural areas also indicate the same level. The lowest 10% had an asset at 0.1% in 1961 with absolutely no change in 1971. The assets of lower 30% were at 2.5% in 1961 and 2% in 1971. While the top 10% had 51.4% of the assets in 1961 and 51% in 1971, the top 30% held 79% and 81.9% of the assets in 1961 and 1971 respectively. As the Plan document mentions the number of the poor "householders" defined as such increased from 30% in 1961 to 35% in 1971.

1.14 After re-examination of the poverty level, the Planning Commission redefined the poverty line based on per person requirement of calories and on the consumer expenditure worked out by the 32nd Round of the National Sample Survey according to which the poverty line at the 1977-78 prices is 50.82% in the rural areas and 38.19% in the urban areas. The combined average has been put at 48.13%. The State-wise break-up which is given in the Annexure II shows variations from 15.13% in Punjab to 66.40% in Orissa. In 8 States the combined poverty line is above 50% such as Orissa 66.40%, Tripura 59.73%, Madhya Pradesh 57.73%, Bihar 57.49%, West Bengal 52.54%, Tamil Nadu 52.12%, Assam 51.10% and Uttar Pradesh 50.09%. Variations in the rural areas of different States show that 9 of the States have more than 50% poverty line in rural areas such as Orissa 68.97%, Tripura 64.28%, Madhya Pradesh 59.82%, West Bengal 58.94%, Bihar 58.91%, Maharashtra 55.85%, Tamil Nadu 55.68%, Meghalaya 53.87%, Assam 52.65% and Uttar Pradesh 50.23%. In relation to poverty in the urban areas only one State that is Kerala accounts for a poverty line of 51.44%. Although there is no separate percentage of Scheduled Castes and Scheduled Tribes below the poverty line available it will be safe to presume that the bulk of these communities are located among the poorest 30% of the population. For instance, as given out by a Member of Parliament from Orissa more than 88% of the Scheduled Tribes of that State are, on the authority of the State Government, below the poverty line.

1.15 The 1984-85 projection with the consumption situation remaining at the 1979-80 prices indicates poverty line at 38.93% but with redistribution, the same year's projection is put at 30.0%. Thus the projected reduction in poverty on unchanged distribution is estimated to the extent of nearly 11% which with redistribution it is of the order of a little over 18% consequent upon the implementation of IRD and NREP and other measures. This reduction, although not adequate considering the magnitude of the problem, is of course much greater than that achieved during 1972-73 and 1977-78 which was to the extent of only 3.6%. It is still away from the declared goal of 50% reduction during the current plan.

1.16 As a measure of inequality and also contributing to scale up the poverty line, the latest survey

in operational holdings as a part of the 26th Round of the NSS covering 35,947 rural households in as many as 4,547 villages and 19,820 in 4,592 urban blocks in the country comprising 14 size classes of holdings brings out that one tenth of the 78 million rural households are landless and of the land owners three fourth of them account for only one fourth of the total area operated while only 2.3 containing the big land areas hold one fourth of the area. A few attempts apart, no reliable data is available so far of income distribution. The data collected in National Sample Surveys from 19th to 25th Rounds did not provide "any meaningful results", when examined by the Central Statistical Organisation.

1.17 While it is true that in the circumstances, there is no readily available alternative to the calorie based line of poverty, the attack on it would require concentration of efforts at such points of the continuum of the poverty line where it has the largest concentration and more easily identifiable groups needing immediate care. That is to say, that it is hard core of poverty that has to be attacked in a more concentrated and systematic manner. It is in recognition of this fact that the frame-work of the Sixth Plan has admitted that "Past experience has shown that by lumping the very poor along with the relatively better off sections of the community in development projects, the percolation of benefits to the most deprived sections of the community is hampered". The Sixth Plan has, therefore, rightly adopted the strategy of household approach for improving the quality of life among the poor. The frame-work also emphasises that "the poorest sections belong to the families of landless labour, small and marginal farmers, rural artisans, Scheduled Castes, Scheduled Tribes and socially and economically backward classes". There can be no dispute with the identification of the very poor made therein. In our last Report for the year 1978-79, it was emphasised that "the priority of development may have to be drawn up in ascending order putting emphasis on the Scheduled Castes and the Scheduled Tribes and the backward classes of comparatively lower order.....".

1.18 Stressing the strategy of removal of poverty the Plan frame lays down that "the household will remain the basic unit of poverty eradication in target group oriented programmes. Families differ in such vital respects as dependency ratios, asset holding, skills and even the ability to perform manual labour on public works. Hence each household below the poverty line will have to be assisted through an appropriate package of technologies, services and asset transfer programme". It is to be seen how far the allocations made in the Plan are commensurate with the objective and the strategy laid down. It is also important that the allocations made are not thinly spread out capable to provide benefits only in tickles and that the strategy does not degenerate once again into a generalised approach towards the eradication of poverty.

SPECIAL COMPONENT PLANS FOR SCHEDULED CASTES

1.19 Unlike the Scheduled Tribes, the Scheduled Castes live along with the rest of the population. The area development approach is not, therefore, relevant in their case. Till the end of the Fourth Plan, funds for the implementation of the various programmes for the Scheduled Castes were allocated mainly in the Backward Classes Sector in spite of the fact that all Five Year Plans emphasised that the Scheduled Castes must get their due share from the general sectors of development. These allocations under Backward Classes Sector were quite inadequate as compared to the population of the Scheduled Castes. A new strategy of 'quantification' of funds for the development of the Scheduled Castes from the Fifth Plan onwards was therefore evolved in order to provide the major thrust to development through schemes under the general sector, which was to be supplemented by programmes under the Backward Classes Sector. It was, however, noticed later that funds were not being allocated from the general sector for the betterment of Scheduled Castes to the desired extent. Considering the need for special development planning for these communities, the Government of India asked the State Governments concerned to prepare Special Component Plans for them, for the first time during the year 1979-80. For these plans, the existing schemes in each sector of development which could directly benefit the Scheduled Caste families were to be identified, earmarking provisions from the sectoral plans in proportion to the Scheduled Caste population in the target groups. The Prime Minister wrote to the Chief Ministers of the States concerned in March, 1980 that the objective of the various development programmes in the Special Component Plans should be to enable Scheduled Caste families in the States to cross the poverty line within a short and specified period and if possible at least half of them in the Sixth Plan itself. The proportion of Scheduled Castes in the poverty population of India was much larger than their proportion of 15% in the total population. They were characterised by below the poverty line economic status, poor asset ownership, generally depending on agricultural labour, subsistence farming, share cropping, leather work and other types of low income occupations. For that purpose, it was particularly important to take note of the developmental needs of the Scheduled Castes in each occupational category, identify the available opportunities suitable for them, formulate appropriate developmental programmes and build these programmes and the corresponding outlays into the Special Component Plans.

1.20 Special Component Plans for 1979-80, were submitted by 18 State Governments/Union Territory Administrations viz., Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh, West Bengal and Pondicherry. All these State Governments as well as the Government of Tamil Nadu also submitted their Special Component Plans for 1980-81.

According to available information, out of the total State Plan outlays of Rs. 5,859 crores, an amount of Rs. 240.54 crores was provided for the Special Component Plans for Scheduled Castes by the above mentioned States/UTs during the year 1979-80, constituting 4.1% of the total plan outlays. During the year 1980-81, out of the total plan outlays of Rs. 6,913 crores, an amount of Rs. 661.2 crores was provided for the Special Component Plans by these State Governments, constituting 9.5% of the total plan outlays. In addition, Special Central Assistance of Rs. 5 crores and Rs. 100 crores was provided to these States during the years 1978—80 and 1980-81, respectively. State-wise distribution of these amounts have been given in Chapter IV of this Report. Out of the Special Central assistance of Rs. 100 crores released during 1980-81, Rs. 50 crores were allocated among the States concerned on the basis of population and backwardness criteria. The remaining amount of Rs. 50 crores was allocated on 'effort-based' criteria.

1.21 Information regarding the exact amount spent by various State Governments, out of the amounts provided under the Special Component Plans as well as Special Central assistance, has not been furnished by any State Government, in the absence of which it is not possible to assess the progress of expenditure made by them in this regard. It is, therefore, yet to be seen whether the benefits of the various schemes being implemented by the State Governments have actually accrued to the Scheduled Caste beneficiaries, for whom these schemes were meant, to the desired extent. It was also observed that a number of States could not earmark outlays from the general sectors in proportion to the Scheduled Castes population in those States, on the plea that the bulk of their plan allocations were under non-divisible sectors, viz., power, communications, irrigation etc., not leaving much in the divisible sectors for allocation to the Special Component Plans, with the result that their Special Component Plans were not 'optimal' and they could not therefore claim the required amount of Special Central assistance on 'effort-based' criteria. A way out would be to identify schemes suitable for the development of Scheduled Castes, from the so-called non-divisible sectors and earmark outlays therefrom in the Special Component Plans, so that the State Governments concerned can get a fair share in the allocation of special central assistance on 'effort-based' criteria.

1.22 It may be pointed out that simply earmarking outlays from general sectors to the Special Component Plans and helping Scheduled Castes to get small amounts of loans under various schemes may not be enough to achieve the goal of making 50% Scheduled Caste families to cross the poverty line during the Sixth Plan period. For that purpose, it is necessary that substantial amounts should flow to them for implementation of viable schemes for which credit should also be provided to them. It should also be ensured that the benefits of various schemes implemented by State Governments concerned for the Special Component Plans, actually accrue to the Scheduled Caste beneficiaries. Some State Governments have opened separate budget heads for the Special Component Plans in order to ensure that funds earmarked for the Special Component Plans are not diverted, as well as to enable effective monitoring of expenditure. The State Governments concerned which have not yet taken this step should do so early.

Integrated Rural Development Programme

1.23 Another step taken by Government for the removal of poverty was that, from the 2nd October, 1980, the Integrated Rural Development Programme which was started in 1978-79 in 2,000 block, was extended to cover all the 5,004 blocks in the country. According to the programme, on an average 600 families were to be assisted every year and at least 3,000 families were to be covered in each block during the Sixth Plan period. The aim was to identify the poorest among the poor in the rural areas namely, landless labourers, small and marginal farmers, rural artisans and craftsmen, Scheduled Castes and Scheduled Tribes and provide assistance to them for viable schemes, to enable them to increase their incomes. This was to be done by investment in agriculture and ancillary occupations, cottage and small industries and in any other viable economic activity suitable to the beneficiary families. Initially, it was provided that blocks having more than 20% Scheduled Caste population should be accorded priority for inclusion in the programme. It was also laid down that at least 20% of the families selected for providing assistance under the Programme in each block should be from the Scheduled Castes and Scheduled Tribes. The target of beneficiaries belonging to Scheduled Castes and Scheduled Tribes has been recently raised from 20% to 30% of the total number of beneficiaries. The percentage of credit and subsidies expected to flow to Scheduled Caste/Scheduled Tribe beneficiaries was also raised to at least 30%.

1.24 The investment by the beneficiaries under the Programme was to be financed by subsidies provided by the State Governments and through loans to be given by cooperative societies and commercial banking institutions. The rates of subsidy for small and marginal farmers were 25% and 33⅓% of the cost of schemes, respectively. Agricultural labourers were also entitled to a subsidy of 33⅓%. Tribal beneficiaries were entitled to a subsidy of 50%. The ceiling of subsidy for a Scheduled Caste family was Rs. 3,000 while for a Scheduled Tribe family, it was Rs. 5,000. It was estimated that about 15 million families would be raised above the poverty line during the Sixth Plan period.

1.25 It was estimated that about Rs. 7,000 to Rs. 8,000 per family would have to be invested to implement a viable scheme to enable it to rise above the poverty line. At this rate a total amount of at least Rs. 13,500 crores would be required to raise 15 million families above the poverty line, out of which, an amount of Rs. 4,000 crores would be in the form of subsidy while an amount of Rs. 9,500 crores

would be in the form of institutional credit. If this amount can be provided, about 25% of the 12,000 families in a block on an average below the poverty line, can be raised above the line. However, a provision of only Rs. 1,500 crores has been made in the Sixth Plan for this purpose, which may not be sufficient to achieve even 50% of the target set for the plan period (only about 56 lakh families out of 1.5 crore families will be covered). If the beneficiary families are to be really helped to rise above the poverty line, a substantial amount of investment has to be made for the projects started for them, to generate lasting income-generating assets, to help them to rise above the poverty line. It is not, therefore, known how it is envisaged by the Government to achieve the set goal of raising 15 million families above the poverty line with the above mentioned budget provision in the Sixth Plan.

1.26 As already mentioned elsewhere in this Chapter, it is envisaged that 50% of the Scheduled Caste families are to be helped to cross the poverty line as a result of the various programmes included in the Special Component Plans for Scheduled Castes, one of which is the Integrated Rural Development Programme. According to past (1978-79) experience, the percentage of Scheduled Caste beneficiaries was about 15. With the issue of revised instructions by the Department of Rural Reconstruction it may be presumed that 20% of the beneficiaries under IRD Programme will belong to the Scheduled Castes. Thus out of 56 lakh families that will be covered under IRD Programme about 11.20 lakh Scheduled Caste families will be able to cross the poverty line during the Sixth Plan period. The population of Scheduled Castes was about 8 crores in 1971. If an average family is taken to consist of 5 members, there are about 1.6 crore Scheduled Caste families in the country and 80 lakh of them have to be brought above the poverty line by the end of the Sixth Plan. Since, as mentioned above, only 11.20 lakh Scheduled Caste families will be covered by I.R.D.P., about 68.80 lakh Scheduled Caste families will still be left to be helped to cross the poverty line. If these families are also to be covered to achieve the target set for the Special Component Plans, the efforts to be made through various economic development schemes included therein, will have to be intensified by allocating a higher percentage of outlays from the State Plans to the Special Component Plans of various States.

Alienation of Tribal Lands

1.27 The problem of alienation of tribal lands to non-tribals has been observed in varying degrees in the tribal areas of States like Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura, Uttar Pradesh and West Bengal. The Governments of most of these States had taken legislative measures to check alienation of land and to restore the alienated land to tribals. The details of these measures have been discused in Chapter 5 of this Report. It was, however, distressing that in spite of these measures, the practice continued to a great extent. This was managed by unscrupulous persons who found loopholes in the relevant legislations. More positive and radical provisions were therefore included in some of the legislations enacted later in the seventies to include inter alia, punishment for the use of fraudulent methods, suo moto restoration of land to the tribals, review of exchange of land leased out to S.T. tenants and relaxation of Indian Limitation Act in dealing with cases of land alienation. Such legislations included the Bihar Scheduled Areas Regulation, 1969, Kerala S.T. (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975, Maharashtra Restoration of Land to the S.T. Act, 1975, etc. It has, however, been observed that the practice of alienation of tribal lands still continues to remain quite acute. It is therefore desirable that the State Governments concerned should make surveys in the tribal areas to assess the exact magnitude of the problem and keep on reviewing the legislative and executive measures to check alienation of tribal lands in order to find out loopholes therein and take necessary action to plug the same and to restore the alienated land to tribals.

1.28 In this connection, the views expressed by the Government of Kerala that restoration of tribal lands alienated by small and middle peasantry, back to tribals will render these small middle peasants landless and economically weaker, are rather disquieting. The Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienated Lands) Act, 1975, had not so far been enforced, since necessary rules thereunder had not so far been framed, perhaps because of the above mentioned fear of the State Government. This has led in the meantime to the non-tribals distributing the alienated lands in the names of their relatives and friends by making use of the loopholes in the legislation. It is therefore necessary that the Government of Kerala and other State Governments concerned should look at the problem of alienation of tribal lands with more seriousness and with a sense of urgency and take early action to do the needful in this regard, so that unscrupulous people may not continue to exploit the situation to their benefit.

1.29 Legislative measures alone may not be sufficient to put a stop to this practice unless these are supplemented by economic measures to wean away the simple and honest tribal from the clutches of the money-lender who projects himself as a ready solution to all his credit needs. LAMPS can play a very useful role in this regard by meeting all his long and short-term credit needs as well as solving his problems relating to sale and purchase of minor forest produce. It has, however, been observed that the LAMPS already established in tribal areas in many States are not playing the required role. The working of these societies therefore requires a review at a higher level, to find out the bottlenecks in their efficient working and necessary corrective measures to streamline their working to make them really useful to meet all the needs of the tribals, so that the latter are not exploited by the money-lenders and contractors by providing

easy credit with a view to ultimately forcing the tribals to alienate their lands.

Forests

1.30 In the chapter on 'Tribal Development' many aspects of forests development relating to the urgent requirements of employment and economic development of Scheduled Tribes living in and around the forests have been discussed. The forests occupy a central position in the tribal economy. The Central and State Governments are fully conscious that forest policy should provide for protective measures and serve as an instrument of meeting the developmental needs of the Scheduled Tribes. If one looks back, one finds that at many forums the State Governments accepted the suggestion of the Central Government to eliminate contractors in forestry operations. However, apart from Gujarat and Maharashtra much headway has not been made in this regard. Is it the hold of the vested interests that stops the hands of the State Governments in eliminating the forest contractors ?

1.31 Minor forest produce is another item which accounts for 10 to 50% of the income of a tribal family in the States of Andhra Pradesh, Bihar, Madhya Pradesh and Orissa and yet the tribals have not been given full rights of collection of MFP by all the States. There is no doubt that some progress has been achieved in a few States in giving better remunerative prices for the MFP collected by the tribals, but the tendency of the States to consider MFP as revenue collecting assets has harmed the interests of the Scheduled Tribes. The LAMPS at many places are not in a position to buy all the MFP brought for sale by the tribals and thus it is no wonder that in spite of nationalisation of selected MFP in various States, private traders continue to flourish.

1.32 Another aspect of forests which deserves attention is the concept of community (social) forestry. The terms 'community forestry' and 'social forestry' are inter-changeable. Social forestry can play a very important role in the economic development of Scheduled Castes and Scheduled Tribes, meeting the requirements of grass, fuel and fodder of the local communities and protecting the illicit cutting of trees. The Sixth Plan has rightly recognised the need for accelerating community forestry. In some States like Gujarat, Bihar and Uttar Pradesh imaginative social forestry programmes with the involvement of local people have been launched. Villages in Gujarat have considerable grazing land which is usually devoid of vegetation. The State Forest Department has succeeded in convincing the Panchayat of the benefits of village forests and between 1974 and 1979 village forests were raised in 2,000 villages over about 18,000 hectares. The net profit realised from the sale of trees when fully matured will be shared on 50 : 50 basis by the Government and the Panchayat. The Government of Gujarat introduced in 1978, a programme known as Social Security through Plantations designed specially for the tribal areas under which the tribals are permanently engaged for raising plantations over 2.5 hectares and get a fixed monthly income of Rs. 250. They are permitted to collect grass and minor forest produce and are also provided material for construction of houses and drinking water facilities. These persons will also receive 20% of the net profit on the sale of the trees. This scheme is catching up in the tribal areas of the States and can be usefully started by other States as well.

1.33 There are large areas of Government land lying waste and degraded land owned by Panchayats and villagers including Scheduled Castes and Scheduled Tribes. If a scheme like the one started by the Government of Gujarat is formulated, it will provide remunerative employment to the landless agricultural labourers and easy supply of fuel, small timber, fodder, etc. etc. to the villagers. The proposal that 10% of the allocation under the NREP should be specifically earmarked for utilisation on programmes of social forestry and fuel plantation is a welcome one, but ultimately the success of the programme will depend on the involvement of the people and local voluntary bodies.

Educational Development

1.34 Though, since independence, considerable progress has been made in the educational development of the Scheduled Castes and the Scheduled Tribes through a number of schemes like prematric and postmatric scholarships, B. C. Hostels, Ashram Schools, Book Banks, supply of uniforms, stationery, mid-day meals, etc., yet there is still a wide educational gap between these communities and the rest of the population. The rate of wastage and stagnation among them is much higher as compared to that among the latter. The problem is specially more acute among a sizeable population of these communities living below the poverty line, and engaged mostly as agricultural labourers, collectors of minor forest produce, subsistence farmers and artisans. The higher rate of wastage and stagnation among the SC/ST may be seen from the table given below showing the *co-efficients of equality of Scheduled Castes/Scheduled Tribes for enrolment at

$$\text{*Co-eff. of Equality} = \frac{\dfrac{\text{Enrolment of SC/ST}}{\text{Total Enrolment}}}{\dfrac{\text{Population of SC/ST}}{\text{Total Population}}} \times 100$$

If the co-efficient of equality is 100 the enrolment of SC/ST is in proportion to their population. If it is less than 100 it indicates that their enrolment is less than proportionate to their population.

primary, middle, high/higher secondary, university levels of education, during 1965-66 and 1976-77 :—

Stage of education	Co-efficient of equality for			
	S.Cs.		S.Ts.	
	1965-66	1976-77	1965-66	1976-77
Primary/Junior Basic Schools	84.5	91 0	77 0	86.8
Middle/Senior Basic Schools	57.8	72.4	42.5	56.1
High/Higher Secondary Schools	45.5	61.8	19.5	29.4
Universities and Colleges for general education	26 2	51.2	12 6	26.7

1.35 It would be seen from the above table that co-efficient of equality for Scheduled Castes as well as Scheduled Tribes has moved up at all the above mentioned stages of education in 1976-77 as compared to that in 1965-66, indicating that the enrolment of these communities has increased at all these stages of education. For example, among Scheduled Castes the C.E. moved up from 84.5 in 1965-66 to 91.0 in 1976-77. The corresponding increase for these communities at middle stages was from 57.8 to 72.4, at high/higher secondary stage from 45.5 to 61.8 and at the stage of universities/colleges for general education from 26.2 to 51.2. Among Scheduled Tribes, the corresponding increase at the above mentioned four stages of education was from 77.0 to 86.8 at primary/junior basic stage, from 42.5 to 56.1 in middle/senior basic stage, from 19.5 to 29.4 in high/higher secondary stage and f om 12.6 to 26.7 in universities and colleges for general education. The maximum increase was at the university stage, both in the case of Scheduled Castes and Scheduled Tribes. It would also be seen that though a lot of educational development has taken place among these communities, yet they have still a fairly long way to go to even up with the educational development of the general population. Another point which strikes from the above table is that the C.E. for S.Ts. is lower for all stages of education, as compared to the S.Cs., indica ing that they are educationally more backward as compared even to the Scheduled Castes.

1.36 One more point which emerges from the above table is that there is a sharp reduction in the C.E., as one moves up the educational ladder. For instance, in the case of S.Cs., while the C.E. at primary stage was 91.0 in 1976-77, it came down to 51.2 at the university/college stage. Among the Scheduled Tribes there was a still steeper fall of C.E. from 86.8 at primary stage to 26.7 at university/college stage. If the rates of wastage and stagnation among the S.Cs./STs. were to be the same as those among the general population, the C.E. at the middle, high and university stages should also have been the same as that at the primary stage. This implies that the rates of wastage and stagnation among the S.Cs./S.Ts. are considerably higher than those among the other communities. It is thus evident that, in spite of the incentives/facilities like post-matric scholarships being made available to these communities, the spread of higher education among them was still only about half of that among the general population in the case of S.Cs., in 1976-77 and only about one-fourth of that among the general population, in the case of S.Ts.

1.37 In order to ensure that more SC/ST students reach the college/university level of education, it is desirable that the huge wastage and stagnation among the students belonging to these communities is checked. For that purpose, a number of incentives are already being given to these students at pre-matric stage to ensure that more and more of them are able to reach the university stage and the same have been discussed in Chapter 6 of this Report. It has, however, been observed that leaving aside few States like Madhya Pradesh, Punjab, Rajasthan, etc., which claim to have made universal coverage in the matter of these incentives, a large number of States/UTs. have not yet been able to make a universal coverage in this matter, due to paucity of funds. These States concerned should therefore make serious efforts to make a universal coverage of incentives in this regard.

1.38 Another bottleneck noticed in educational development of S.Cs./S.Ts. is the disinclination of SC/ST parents to send their children to school because of the fact that their children start contributing to the family income by their work at an early age.

1.39 Unless some way is found to persuade such parents to send their children to school, the rate of wastage and stagnation among such children is bound to be high and the enrolment at the university stage is bound to fall steeply. It is desirable that for that purpose, SC/ST parents should be paid cash compensation in the form of opportunity cost, at the rate of at least Rs. 20 per month per child sent to school, subject to a suitable means test, to ensure that only the really deserving parents take benefit of the scheme. Some State Governments like Bihar have initiated such a scheme to ensure that more SC/ST students are enrolled.

Commerce and Trade

1.40 It has been repeatedly stressed in our previous Reports that concerted efforts are required to involve Scheduled Caste and Scheduled Tribe entrepreneurs to take to commerce and trade. At the suggestion of this Organisation, many Central Ministries and State Governments have issued instructions for reservation of dealerships of commodities controlled by the Government, licences/permits to the persons belonging to these communities. With the establishment of Scheduled Castes/Scheduled Tribes Development Finance Corporations in various States and the willingness of the financing institutions to advance loans at

easy rates of interest to Scheduled Caste and Scheduled Tribe persons who wish to enter into business, it is felt that the situation will considerably improve. There are, however, many areas where State help can make sizeable dent in increasing the participation of these communities in new economic opportunities that are opening up in the rural and urban areas. For example, 2.92 lakhs fair price shops have been opened in urban as well as rural areas for supply of essential commodities to consumers which will be beneficial to the weaker sections of the society. The number of these fair price shops is expected to go upto 3.50 lakhs. The State Governments should not only reserve the allotment of fair price shops for the Scheduled Caste and Scheduled Tribe persons but also bring about coordination between the development corporations and the financing institutions for giving loans to the selected persons for establishment of such shops.

Untouchability

1.41 Persons belonging to Scheduled Castes continue to be subjected to the practice of untouchability in the various parts of the country. Efforts made by social reformers, religious leaders and others to eradicate this evil have not yielded the desired results. Many short-comings were noticed in the provisions of Untouchability Offences Act, 1955 and in order to overcome these the Protection of Civil Rights Act was enforced in November, 1976. Offences under the PCR Act are cognizable as well as non-compoundable. It is significant to observe that subsequent to enforcement of PCR Act the number of cases registered under it have started showing increasing trend.

1.42 According to available information, 4,401 cases were registered under the PCR Act during 1979 as compared to 4,256 such cases registered during 1978 in various States/Union Territories. There was a marginal increase of 3.41% over the reported cases in 1978. Incomplete information for 1980 indicates that 873 cases were registered : in Andhra Pradesh (73), Gujarat (317), Haryana (1), Karnataka (233), Rajasthan (124), Uttar Pradesh (99), Chandigarh (1), Delhi (4) and Pondicherry (21).

1.43 Under the provisions of the PCR Act, the Central Government is required to lay every year before each House of Parliament an Annual Report on the working of Section 15-A of the Act. A Protection of Civil Rights Cell has been created in the M.H.A. and this Cell is required to put into harmony the steps taken by the State Governments for the abolition of untouchability and prepare an Annual Report. So far the M.H.A. have laid on the table of the Lok Sabha and Rajya Sabha only one report relating to the years 1977 and 1978. The Reports pertaining to 1979 and 1980 have not yet been placed in the Lok Sabha or Rajya Sabha. The reasons for not placing the reports in Parliament are not known and to that extent it deprives the Members of Parliament to know the actual implementation of this Central Act. In Chapters 2 and 7 of this Report working of the PCR Act has been discussed at length.

1.44 Various other measures like grant of legal aid to the victims of untouchability, setting up of special courts for the trial of offences, identification of disability prone areas, imposition of collective fines e- are also amongst some of the salient features of the PCR Act. It is, however, felt that pace of progress in implementation on these measures is somewhat slow. For instance, only the State Governments of Andhra Pradesh and Rajasthan have taken steps to set up special courts. Andhra Pradesh was the first State to set up in October, 1979, 5 mobile courts in the districts of East Godavari, West Godavari, Mahboobnagar, Cuddapah and Chittoor and in Rajasthan, 3 special courts in November, 1980 in the districts of Kota, Nagaur and Alwar. However, information regarding the actual work done by the special courts in these two States is not available. Similarly, only a few State Governments like those of Gujarat, Karnataka, Kerala, Madhya Pradesh and Maharashtra have taken some steps to identify disability prone areas. According to available information no State Government imposed collective fines during the period under report on the inhabitants of the areas who were concerned in or abetting the commission of untouchability offences.

1.45 A study of 281 judgements of the cases ending in acquittals of the accused persons under the PCR Act conducted by the Gujarat Police Research Centre revealed that the large scale acquittals took place because the courts considered reasons like, complainants turned hostile, witnesses turned hostile, contradictions in evidence, exaggeration of complaints, use of word 'Dheda' as no offence, enmity and instigation, interested witnesses, delay in lodging complaints, want of independent evidence/sufficient evidence etc., responsible for acquittal of accused persons. Detailed description regarding the study undertaken by Gujarat Police Research Centre has been given in Chapter 7 of the Report. In many cases the courts held that the mere use of word 'Dheda' did not constitute an offence and relied on the Gujarat High Court ruling wherein it was observed that when a person who is 'Dheda' by caste is called 'Dheda', it is not an offence under the Untouchability Offences Act. It has also been observed that cases under Section 7 of the PCR were ineffective and difficult to prove on the basis of evidence produced by the investigating authorities. Keeping in view the above fact, it is felt that Section 7 of the PCR Act may be referred to the Law Commission for suggesting appropriate amendments so as to bring the offenders within the purview of the Act.

1.46 In the earlier Reports, detailed description has been given about the prevalence of untouchability in the various parts of the country on the basis of surveys conducted by this Organisation, Harijan Sevak Sangh and others. Unfortunately, they did not attract sufficient attention of either the Central or the State Governments concerned. Such surveys should not be allowed to remain on the shelf. Sustained efforts must be made by the State Governments to ensure that the evil of untouchability is eliminated from the places indicated in the various survey reports.

1.47 Good deal of progress can be achieved in breaking caste barriers by encouraging inter-caste marriages. Some positive steps in this direction have been taken by the State Governments of Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu, Tripura, Uttar Pradesh and Pondicherry. It is felt essential that the State Governments/UT Administrations which have not so far introduced the scheme to encourage inter-caste marriages, should also do so and the State Governments/UT Administrations which have already introduced such schemes should consider the desirability of liberalising the incentives to which inter-caste married couples and their progeny are entitled. Inter-caste married couples should also be sheltered against any sort of harassment.

Scavenging

1.48 The need to abolish the inhuman practice of handling night-soil by scavengers has been receiving attention of the Central and State Governments since the beginning of the Second Five Year Plan. The Ministry of Home Affairs has started a Centrally Sponsored Programme for the supply of wheel barrows for removal of night-soil and giving other equipments like buckets, hand gloves, etc., to the sweepers and scavengers. This scheme gave an impetus to the local bodies for improving the working conditions of the scavengers. However, in the beginning of the Fifth Five Year Plan, the States were advised to chalk out such programmes and finance them. The Ministry of Works and Housing also operated a Central Sector Scheme for the conversion of dry latrines into sanitary latrines during the Fifth Five Year Plan period. This Scheme was also transferred to the State Sector with effect from 1-4-1979 in accordance with the decision of the National Development Council.

1.49 The 1961 Census had revealed that out of 10 lakh persons engaged in unclean occupations like scavenging, tanning and flaying, about 8 lakhs were working as scavengers and sweepers. The scavengers can be freed from the degrading practice of carrying night-soil as headloads, if every family is provided with a latrine, preferably water-flush one. According to an estimate of UNDP, if 2,968 towns other than 151 Class I cities are to be covered by such a programme by 1985, it would cost about Rs. 1,000 crores, of which Rs. 650 crores would be in the form of grants and Rs. 350 crores as loans. Besides, an amount of Rs. 100 crores would also be needed for the rehabilitation of 3.3 lakh scavengers working in these towns. In case of 151 Class I towns, an additional provision of Rs. 900 crores would be needed which would include Rs. 100 crores for the rehabilitation of 3.2 lakh scavengers working in these cities.

1.50 The Ministry of Works and Housing has already sponsored a project under the U.N.D.P. for the preparation of feasibility reports for low cost sanitary latrines in 110 towns in 7 States and it is hoped that with the assistance of the World Bank the low cost sanitation programme in 15 towns of Gujarat may be taken up. The continuation of the system of carrying night-soil as headloads and dry latrines is something which is directly related to the practice of untouchability against scavengers who are at the lowest rung of the caste hierarchy. Looking at the problem from this point of view, it is high time that a programme to abolish the inhuman practice of handling night-soil from all nooks and corners of this country is undertaken in a phased manner so that this evil is abolished within the current Sixth Five Year Plan period itself.

Atrocities

1.51 The atrocities on members of Scheduled Castes and Scheduled Tribes reported from various parts of the country despite some serious efforts to keep them in check continue to cause concern. (Details discussed in Chapter—10)

1.52 Some in-depth studies conducted by the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes into some of the serious crimes committed on Scheduled Castes and Scheduled Tribes have revealed that various socio-economic maladies have been causing distress among Scheduled Castes and Scheduled Tribes. Foremost amongst these happen to be denial of equal treatment, their normal rights and privileges, lack of adequate protection for their lands and other possessions and exploitative practices by vested interests in the matter of wages, rural indebtedness and also the practice of bonded labour. At times, mere expression of their determination to resist an anticipated injustice invites unprovoked heavy-handed treatment resulting in atrocities of varying magnitudes, with law and order machinery pitifully lacking in effectiveness. Inadequate legal protection therefore only helps to aggravate these problems. It is really unfortunate that the affluent sections committing atrocities are helped in their nefarious activities by lower level revenue and police officials and even by politicians.

1.53 Our studies have also revealed that during the recent years many of the atrocities on the Scheduled Castes whether in the North or in the South were committed by some of the affluent sections of the so-called backward classes of middle caste peasantry themselves, for the most part victims of a kind of social discrimination at the hands of the forward classes of the so-called upper castes. A possible explanation of their aggressiveness vis-a-vis the weaker sections is that since the advent of independence the rural scene has undergone some qualitative transformation in terms of property relations and consequent economic and political power in the villages. It is the middle caste peasantry that became the immediate beneficiaries of agrarian reforms along with the upper caste peasant proprietors. Many of the farmers sub-tenants acquired the status of tenants with consequent elevation of their socio-economic status. In the villages the traditional leadership in the hands of the so-called upper castes has been naturally steadily yielding to the middle caste peasantry. This process of enlarging rural elite from among those placed a

degree lower in the social hierarchy was by itself a healthy development, inasmuch as, it exhibited the potentialities of breaking at least some of the traditional social values bedevilling the agrarian scene. The new elite was capable of guiding production operations with more direct and active physical participation than their forward caste counter-parts for many of whom manual labour in the production operations continue to be social taboo. But the contrast ends here.

1.54 A process that could help to further release the social forces is now meeting with resistance also at the hands of the emerging affluent middle class among the backward classes. They appear to be equally sensitive to any change in the semi-feudal relations in the agrarian sector, they being, along with some forward class peasantry, the gainers of added surplus accruing to their land yields. This is true for both North and South. A study of Tamil Nadu suggests that over the years a new dynamism has been imparted to the rural sector generating growth and affluence for a section of the people and also add in poverty and insecurity for many. This has been a "growth without major structural changes." After the progressive elimination of a particular higher caste monopoly in rural property relations, it is safe to infer that most of the beneficiaries of these changes have been the affluent sections of the backward classes in the South. These emerging affluent classes now come in more direct contact with the rural poor as competing and invariably opposing economic interests groups, consequently leading to confrontation on issues like minimum wages, share in produce as share croppers, distribution of surplus lands and recording rights in land.

1.55 Since an element of kinship is inherent in the caste system, even a section of the rural poor belonging to some backward castes, although almost similarly placed in economic status as Scheduled Castes and Scheduled Tribes, are often used in perpetrating crime against the Scheduled Castes. It is invariably from the relatively poorer sections of their kins men that the landlord recruits his goons and muscle men to terrorise and oppress the members of the weaker sections unlike the earlier days when zamindars belonging to the so-called upper castes, or advanced backward castes, or even Muslims would recruit their retainers and muscle men from almost all castes for the purposes of subduing their tenants and sub-tenants. And this increasing reliance on muscle men of one's own kinship group appears to be one of the reasons why such cases of atrocities easily tend to acquire the proportion of caste conflicts.

1.56 Unfortunately, the natural solidarity and alliance between the Scheduled Castes and Tribes and the village poor similarly placed in social and educational matrix has not been allowed to develop, thanks to the tendency in the States to rely on political expediencies rather than on constitutional imperatives. The injunction of our basic law about socially and educationally backward classes as interpreted by judicial pronouncements has nowhere been strictly adhered to. According to the Supreme Court ruling on Article 15(4), "The backwardness under Article 15(4) must be social and educational. It is not either social or educational." This also perhaps may have been the rationale behind the Central Government cautioning the State Governments "not to go by caste" alone while chosing their criteria for defining backwardness.

1.57 Failure to uniformally apply the combined criteria of social and educational backwardness and also to recognise that both these criteria viewed in combination instead of in isolation are the "inevitable corollaries of the extremes of poverty", has resulted in denying the opportunities of forging natural solidarity among the rural poor to avail in an organised manner the fruits of three decades of development. The possibility of such a thing happening would have acted as a bulwark against the onslaught of the rural rich whether of the forward or backward denomination. Nothing could perhaps be a more potent conflict-resolution instrument in our villages aptly described by Prof. Gunnar Myrdal as "a complex molecule among whose parts extreme tensions have been built up."

1.58 The latest case of kinship mobilisation leading to the massacre of 14 members of the Scheduled Castes in Pipra village in Bihar last year was decided recently in which, according to the judgement of a sessions court, as many as 50 persons have been sentenced to transportation for life. This is perhaps the first case of atrocities against the Scheduled Castes which has been decided by a court of law in a comparatively lesser time.

Tribal Unrest

1.59 Unrest in the tribal areas has been a continuing feature much before the independence of the country; and on occasions this has led to some revolt among the tribal people—memorable among them being, Tamar rebellions repeated seven times between 1789 and 1832 which were primarily due to the illegal deprivation of rights in land of Hos, Mundas and Uraons; the Rampa rebellion in East Godavari, Santhal rebellion of 1855, Kol insurrection of 1883, Bastar rising of 1911, the civil disobedience of Khond, Meliahs of Orissa and the glorious fight of Tana Bhagat of Bihar. In the tribal areas there has been at many places at different points of time reformists movements which took into account their exploitation. Even in those days some attempts were made to reconcile the aspirations of the tribals which led to many legislations and regulations.

1.60 After freedom and the advent of developmental processes, the discontent is perceptible. The reasons for unrest among the tribal people are, non-fulfilment of their aspirations that have grown faster than the pace of economic development, growing unemployment among the educated youth, continuance of their social

and economic exploitation and fear of being overwhelmed by outsiders. In Chapter 9 of this Report, for the first time, an attempt is made to indicate in some States the primary causes of unrest in the tribal areas. It is hoped that this would generate discussion and remedies found to correct the continuing economic exploitation in these areas which, if not tackled on the right lines, may unfold serious consequences.

Land Reforms

1.61 Effective implementation of land reform measures is one of the crucial tests of the will of the State Governments to improve the conditions of weaker sections of the society engaged in agriculture. Out of 39.23 lakh acres of land declared surplus, 25.90 lakh acres has been taken possession of and 18 lakh acres distributed. Less than 50% of the area declared surplus has been taken possession of in Andhra Pradesh (41%), Gujarat (24%), Manipur (4%), Punjab (29%) and Pondicherry (38%). In Karnataka it is 52%, Delhi 53%, Madhya Pradesh 54%, Bihar 55%, Haryana 64%, West Bengal 66%, Dadra and Nagar Haveli 67%, Maharashtra 76%, Tripura 77%, Orissa 87%, Rajasthan 89%, Uttar Pradesh 92%, Tamil Nadu 96% and Himachal Pradesh 98%. It is surprising to note that while percentage of area taken possession of in Himachal Pradesh is the highest namely 98%, percentage of area distributed is only 2.6. In Gujarat percentage of area distributed is only 15%, Maharashtra and Bihar are the only States where the distribution of area taken possession is 100% while Manipur and Delhi are at the other extreme where no land has been distributed. The distribution of land in the remaining States and Union Territory of Dadra & Nagar Haveli is 53%, Rajasthan 55%, West Bengal 55%, Madhya Pradesh 56%, Assam 62%, Tripura 63%, Kerala 66%, Andhra Pradesh 70%, Punjab 74%, Tamil Nadu 75%, Orissa 83%, Pondicherry 86%, Uttar Pradesh 89% and Haryana 99%. According to available information, less than 50% of beneficiaries of the land distributed belong to Scheduled Castes and Scheduled Tribes in the States of Assam (15.2%), Tripura (39.7%), Tamil Nadu (43.2%), Kerala (45.8%), Punjab (47%) and Haryana (48%). In the other States and Union Territories, it is Haryana 48%, Maharashtra 52%, West Bengal 59%, Karnataka 61%, Andhra Pradesh 65%, Bihar 65%, Madhya Pradesh 71%, Orissa 73%, Uttar Pradesh 74%, Pondicherry 75%, Himachal Pradesh 76%, Gujarat 86%, and Dadra & Nagar Haveli 100%. Of the total ceiling land distributed in the country 53.6% was given to Scheduled Castes and Scheduled Tribes. A large proportion of Scheduled Caste workers (51%) engaged in agriculture are agricultural workers. Among the Scheduled Tribes the percentage of agricultural workers is 33 and most of them have been reduced to this status by losing control over their land due to alienation/acquisition. The percentage of cultivators among Scheduled Tribes is 57.5 who in spite of various laws and regulations become victims of land-grabbers and money-lenders. The problem of land alienation and money-lending are inter-linked as the latter is invariably employed by all alienators as the instrumentability of alienation of tribal land. The implementation of the laws for restoration of alienated lands to the tribals is lost due to civil litigation by non-tribals moving the High Courts to prevent the restoration of alienated lands to them. This is a vital question which needs the urgent attention of law makers.

1.62 The tardy implementation of land reforms highlights the consideration whether not a policy review was needed to put more life and vigour to the land reforms so as to make them more meaningful and worthy of imparting dynamism capable of transforming rural society with aplombs of social justice and also production sans concentration ? It is to be considered as to why having attained some achievement in the first flash with the abolition of landlordism soon after independence, the land reforms have been dragging their feet ? Is merely lack of will manifested at the bureaucratic and political level enough explanation for it ? Why even such States as claiming more progressive pursuit of their commitment have not registered a desired success ? The answer to all these can probably be found in a meaningful reappraisal of the strategies followed so far and the tools employed to bring about the desired transformation.

1.63 Perhaps the abolition of landlordism became easier to succeed because the zamindars lacked power of resistance in the face of years of powerful peasant movements in many parts of the country meaningfully aligned with the national liberation movement. In contrast, subsequent reforms found the affluent peasantry with new acquisition of strength social, economic and political too stubborn and manipulating to accept the prescriptions of legislations. Development processes in the following decades, with advanced technology and increased credit facilities, only helped further to crystallise the entrenched status of this class of peasantry. Agriculture progressed but distributive justice suffered. It is not the individual efforts of the farmers that alone contributed to this growth. In the entire scheme of our agriculture today the role of State support and initiative in terms of providing improved technology, assured irrigation, inputs and credit facilities is vital. The claims of the small farmers, the marginal farmers and the landless beneficiaries of surplus lands on this role of the State could be as valid, if not more, as of the big farmers. The theory that it is the entrepreneurship of the big farmers that can promote a sustained agricultural growth has no validity in view of this fact. Small farmers with technology suited to them and the flow of credit facilities and inputs could alone provide larger growth with assured social justice. Land reforms accompanied with conscious efforts at structural changes are thus to be viewed in the perspective of eradicating poverty and disparity in the rural areas. There may, therefore, be the case of further reducing land ceiling as small farms adequately aided by new technology and inputs could be viable units of agriculture and the declared surplus made available for distribution among the landless.

Representation in Services

1.64 Directly emanating from Article 16(4) and Article 335 of the Constitution, safeguards in matters of services under the State are among the important safeguards guaranteed for the Scheduled Castes and the Scheduled Tribes in our Constitution. Investigation into the working of these safeguards, therefore, happens to be one of the most essential constitutional obligations of the Commissioner for Scheduled Castes and Scheduled Tribes. In pursuance thereof the studies conducted at his instance by the expert teams of his Organisation have their importance in bringing to sharp focus the various problems and anomalies connected with the implementation of the reservation policy and orders as also in having an impact on the increased intake of the Scheduled Caste and Scheduled Tribe candidates. It must, however, be confessed that a chronically under-staffed organisation like the Commissioner's office could hardly do as much in this respect as the Commissioner would have liked to. As the Report of 1977-78 had pointed out, there were over 6,000 establishments which come under the purview of the reservation orders and therefore needed to be studied. It was pointed out how only insignificant fraction of that number of the establishments could be touched in the absence of any full-fledged and adequate number of inspection teams available to the Commissioner. On an analysis of the earlier findings of the study teams as also the nature of the representations received, the Commissioner felt that for a more positive impact on the implementation of the reservation orders, the emphasis must be on more and more collective studies so that the problems of bulk of the employees in a particular organisation could receive immediate attention and solution. And, therefore, equipping the Commissioner's organisation with adequate number of study teams as recommended earlier deserves immediate attention.

1.65 During the period under review 44 studies in 33 organisations and their units employing several lakhs of employees were undertaken. In many organisation studies by these teams from the organisation of the Commissioner, there were noticed quite a lot of short-comings and misgivings in the matter of implementation of reservation orders regarding promotions, carry forward, dereservation, training facilities for Scheduled Castes/Scheduled Tribe personnel and many more such like matters. The studies did provide opportunities for the management of these organisations to clear some of their doubts pertaining to various instructions regarding reservation, thus ensuring more meaningful implementation of these instructions.

1.66 In some of these organisations, the studies have revealed certain policy matters coming in the way of adequate implementation of reservation orders. For instance, in public sector enterprises like Bharat Heavy Electricals Ltd., Instrumentation Limited, Heavy Engineering Corporation and some others, reservation in posts filled by promotion was not being applied on the plea that upgradation of their employees was not vacancy oriented. A time bound system on the basis of completion of certain prescribed period of service in the lower grade was in vogue in those organisations and the upgradation was made independent of the availability of vacancies. It was claimed by them that all those who become eligible were promoted but on closer scrutiny, it was revealed during the studies that these promotions were made on performance appraisal system, the standard of which was kept quite high and this could result in delaying by a year or two the upgradation of SC/ST employees. There is yet another system of merit oriented promotion or flier system of promotion where employees having best record of service are given accelerated promotions with one year reduced length of service in the lower grade. The intention in such cases, as claimed, is to reward the employees having an outstanding performance. Some similar system of over-riding consideration of promotion is also in vogue in Central Government services where placement of employees in the panel is determined strictly according to their inter se merit position assigned to them by the Departmental Promotion Committee that is, 'outstanding', 'very good' and 'good'. In all such promotions, the element of reservation has been found to be working satisfactorily. It is difficult, therefore, to understand why the policy of promotions in the public sector establishments mentioned above has been kept out of purview of reservation orders. In effect, these policies being followed by Bharat Heavy Electricals Limited and some others appear to be a denial of reservation share to the Scheduled Caste and the Scheduled Tribe employees. The flier system may as well degenerate into nepotism to reward less deserving favourites. It, therefore, seems necessary to review the system of upgradation and promotion in such organisations so as to ensure that they are not left free to adopt schemes or policy in this regard that could deprive the Scheduled Caste and Scheduled Tribe employees of their due claims.

1.67 Similarly, some of the organisations while making recruitment against the posts which normally attract candidates from the open market, circulate these vacancies to the internal candidates, already working in the organisation. The idea behind this appears to be to give first preference to the internal candidates. But in doing so, they do not apply the scheme of reservation to such posts which are filled internally. Recourse to such a method for excluding these posts from the purview of reservation has no rationale behind it. Recruitment whether internally or externally, is after all recruitment and cannot be kept outside the purview of reservation orders. However, in some organisations, though reservation is allowed in such a recruitment, enough candidates belonging to SC/ST are not available internally to avail the quota reserved for them. It is thus seen that the policy of a number of public sector units is heavily leaned in favour of employees already in their service both in the matter of direct recruitment and promotions. As the representation of SC & ST among the existing employees is not adequate to take the reserved quota of recruitment/promotions made in the above manner, the unfilled reserved quota remains unutilised even though adequately qualified candidates may be available in the open market. In such cases, it is necessary that instead of filling the posts from general category

candidates, the remaining vacancies reserved for SC/ST should be filled from the open market. There is another relevant point relating to this issue. Since the posts are not filled on promotion, there should be an advertisement attracting candidates from the open market and those of the employees who are in service and eligible to apply can also do so. Such a procedure may avoid delay in filling the posts as well as provide an opportunity to available internal candidates while, at the same time, would also keep the reservation in view.

1.68 Procedure regarding dereservation of reserved vacancies is not followed in some of the offices under one or the other pretext. Instances detected by the study teams have been brought to the notice of the Government from time to time and the latest instructions issued by the Department of Personnel and Administrative Reforms on 6-1-1981 have removed the doubts, if any, in respect of dereservation of reserved vacancies.

1.69 Some of the common deficiencies in the implementation of reservation policy as detected by the study teams are as under :—

(1) Rosters are not maintained on the proper form and at times wrong model rosters are followed resulting in maladjustment of vacancies reserved for Scheduled Castes and Scheduled Tribes.

(2) An abstract showing the number of reserved vacancies carried forward to subsequent years is not given in the roster after the last entry made during a recruitment year.

(3) Year-wise break-up of the carried forward vacancies is not indicated.

(4) According to instructions issued by the Government, no gap is to be left in completing the rosters. In some offices, if the Scheduled Caste/Scheduled Tribe candidates do not become available in a particular year, the relevant points in the rosters are left blank and filled only when the reserved category candidates become available. Sometimes the gaps are also left due to unusual delay made in recruitment to a post, for various administrative but avoidable reasons.

(5) When particulars of the person appointed to a post are noted in a roster, the entry is required to be signed by the appointing authority or any other officer authorised to do so. This is not being done in a large number of offices studied.

(6) Isolated posts and small cadres to which appointments are made by direct recruitment only, are to be grouped for the purpose of reservation orders. It is, however, noticed that in some offices posts filled both by direct recruitment and promotion are grouped or various posts filled by promotion from the feeder cadres in different disciplines and different seniority lists, are grouped together. According to Government instructions, the scheme of grouping is not to be applied to the posts filled by promotion and that the reservation orders, wherever applicable, should be applied separately to each grade or post filled by promotion.

(7) In many public sector units, all posts in each group viz., Group A, B, C and D are clubbed together for the purpose of maintenance of rosters as a result of which the SC/ST candidates are generally recruited against the lowest rung of posts in each group and this accounts for the low representation of Scheduled Castes and Scheduled Tribes in higher posts, particularly in Group A and B.

(8) In many cases separate rosters are maintained even for isolated posts and small cadres where the vacancies occur infrequently and often singly. Earlier a single vacancy in a year had to be treated as unreserved and therefore quite often the benefit of reservation could not be given to SC and ST candidates for a number of years.

(9) In the event of non-availability of Scheduled Caste/Tribe candidates even in the third year of carry forward of reservations, vacancies reserved for Scheduled Tribes can be exchanged with Scheduled Castes and vice versa. This procedure is to be applied in posts filled by direct recruitment as well as in posts filled by promotion where the principle of reservation is applicable, except in the case of posts filled by promotion by method of selection from Class III to Class II, within Class II and from Class II to the lowest rung of Class I where the reserved vacancies can be exchanged in the same year unless there is a single vacancy which has to be treated as unreserved. There is no provision of carry forward in this category of posts filled by promotion. This procedure is not even known to many authorities responsible for giving effect to reservation orders, much less applied in actual practice.

(10) In some of the offices old rosters were still being followed instead of revised rosters applicable from 25-3-1970.

(11) In many offices, rosters in respect of posts filled by promotion have not yet been started. Such rosters are required to be started with retrospective effect from the dates the reservation orders became applicable to any grade or posts filled by promotion and the number of vacancies reserved for Scheduled Castes

and Scheduled Tribes should be calculated and carried forward for adjustment in the subsequent three years.

(12) The orders regarding carry-forward of reserved vacancies apply to the short-fall in filling the quota reserved for Scheduled Castes and Scheduled Tribes and not to the excess number of Scheduled Caste and Scheduled Tribe candidates that may be appointed in a year on their own merit or who may be promoted by virtue of their own seniority. Scheduled Caste/Scheduled Tribe candidates appointed in excess of the quota reserved for them or appointed on their merit when no vacancy was reserved for them had been shown as carried forward in a number of organisations as excess points and adjusted against reserved vacancies in the subsequent years of recruitment. This procedure was against the Government instructions and has to be discontinued.

(13) Some of the Government offices, institutions, public sector enterprises had not started giving effect to the orders regarding reservations for Scheduled Castes and Scheduled Tribes even though these were set up years ago. The Government should ensure by making suitable provisions in the Statutes/ Acts setting up new organisations, or in the Articles of Association, that the reservation orders are applied immediately to the recruitment that takes place immediately after coming into being of such an organisation.

(14) The requisitions to employment exchanges and advertisements calling for applications do not normally indicate the exact number of vacancies reserved for Scheduled Castes and Scheduled Tribes separately. Where advertisement is the primary source of recruitment to certain posts, the reserved vacancies are to be advertised twice and general candidates considered only when Scheduled Caste/Scheduled Tribe candidates are not available on the second occasion also. The advertisements should indicate this provision clearly and also the provision for exchange of such of the reserved vacancies which are in the third year of their carry-forward. This procedure is not followed in many offices.

(15) In a number of offices studied instead of indicating the exact relaxation of the upper age limit, it is merely mentioned in the employment notices, that age will be relaxable for Scheduled Castes/Scheduled Tribes as per rules.

(16) Mention of admissibility of T.A. to Scheduled Caste/Scheduled Tribe candidates called for interview/test from out-stations is not made in the advertisements.

(17) Experience where prescribed as an essential qualification, is relaxable in favour of Scheduled Caste/Scheduled Tribe candidates but this fact is not indicated in the advertisements in the majority of the offices studied.

(18) Fee for examinations/entry into services, where prescribed, is relaxable to one-fourth for Scheduled Caste/Scheduled Tribe candidates. In some cases this was also not mentioned.

(19) Liaison officers nominated for work relating to the representation of Scheduled Castes and Scheduled Tribes are required to submit annual inspecting reports on the maintenance of rosters etc. in their offices but it is noticed that this requirement is not fulfilled by many a Liaison Officer. In certain cases it was noticed that the Liaison Officer was not at all aware of his duties. Where the Liaison Officers had actually submitted the report, these reports did not highlight the discrepancies pointed out by the study teams subsequently.

(20) According to Government instructions, there has to be a special Scheduled Caste/Scheduled Tribe Cell in each Ministry/Department and each unit of the public sector with suitable staff to assist the Liaison Officer. Such a Cell does not exist in many organisations and there is no staff exclusively for this work with the result, the work relating to the representation of Scheduled Caste/Scheduled Tribes is looked after by the officers in addition to their other work and therefore very often the duties of the Liaison Officer get ignored and the statistics relating to representation of Scheduled Castes/ Scheduled Tribes are not readily made available.

(21) There are Government orders for imparting institutional training to Class I officers or for sending them to attend seminars, symposia, conferences, etc. in order to broaden their outlook and brighten their prospects for promotion to senior posts filled by promotion to which reservation orders do not apply. These orders were being ignored in many offices, Ministries and Departments covered by the study teams of Commissioner for Scheduled Castes and Scheduled Tribes.

(22) The Government orders require that the Ministries/Departments/Offices, should as far as possible, nominate a Scheduled Caste or a Scheduled Tribe officer while constituting Departmental Promotion Committees, Selection Boards, etc. for recruitment/promotion to posts/services under them. Implementation of these orders was conspicuous by its absence in many offices.

(23) Procedure regarding dereservation of reserved vacancies is not followed before filling the reserved vacancies by general candidates in the event of non-availability of SC/ST candidates particularly in the public sector undertakings where it is confused with lapsing of vacancies. In some of the public sector units, the Ministries concerned have issued orders that no reserved post be dereserved. While the emphasis is on taking all the steps prescribed for recruitment of SC/ST candidates, the procedure of dereservation has to be followed in each year for the reserved vacancies including the backlog before actually appointing any general candidate against such a vacancy.

(24) The Caste/Tribe certificates on records of various organisations are often not on the prescribed proforma or these have not been issued by the authorities competent to issue these certificates. In many cases the name of the Caste/Tribe is not mentioned in the certificate. In other cases it was noticed that the place of ordinary residence of the applicant which has to be indicated in the prescribed form of certificates, is not indicated. In some cases, certificates are issued to wrong persons involving disciplinary action including removal from service.

(25) From 16-1-1976, 25 per cent of the vacancies in the cadre of peon etc. are to be reserved for appointment on transfer from among the sweepers/chowkidars/farashes in order to wean these persons, who mostly belong to Scheduled Castes, away from the unclean jobs mostly associated with the stigma of untouchability. These orders are not even known to many organisations covered by the study teams.

(26) In Government offices where confirmation depends upon the availability of the vacancies, reservation orders are applicable at the time of confirmation. These orders are not followed in many Government offices on one or the other plea. A common plea is that the procedure for giving effect to reservation at the time of confirmation is rather complicated. The procedure is usually explained to various authorities though the best way to implement the reservation orders at the time of confirmation is to maintain separate rosters for the purpose of confirmation.

(27) A saving clause is required to be inserted in the recruitment rules for all the posts in regard to the implementation of reservation orders and grant of other concessions/relaxations to SC & ST candidates. In many organisations this saving clause has not been incorporated in the recruitment rules so far.

(28) In many public sector undertakings it was noticed that the unions opposed the introduction of reservation in posts filled by promotion on the plea that there was no such provision in the terms of settlement arrived at between the workers' union and the management. In order to avoid this, the study teams have been suggesting to the authorities that a saving clause regarding the implementation of reservation orders should also be inserted in all the settlements arrived at between the unions and the management to avoid such a situation.

(29) The new provision for indicating whether the attitude of the reporting officer towards the SC/ST employees has been fair and just has not been incorporated in the C.R. forms of many organisations.

(30) There is reservation to the extent of 10 per cent in types I and II of Government quarters and to the extent of 5 per cent in type III and type IV in favour of Scheduled Castes and Scheduled Tribes. In the case of residential accommodation constructed by various public sector companies, these orders are often not followed.

(31) The public sector undertakings are required to engage apprentices under the Apprenticeship Act and due reservation is provided for Scheduled Castes and Scheduled Tribes. In many cases the quota of the seats to be reserved for Scheduled Castes and Scheduled Tribes is not fully utilised. Now there are instructions for reserving a certain quota of vacancies being filled from among the apprentices trained by the organisation concerned. Very few apprentices belonging to Scheduled Castes and Scheduled Tribes are eventually absorbed by the undertakings where they are trained. In a number of public sector bodies it has been noticed that all the recruitment at the induction level is made from the apprentices trained in that organisation. Even if such bodies allow full quota of reservation at the required level, such organisations could not clear the backlog of reservations from earlier recruitment years. It was accordingly suggested that in the trades where there is heavy backlog of reservations special batch exclusively from SC/ST candidates may be engaged or open recruitment resorted to.

Efficiency and Reservation

1.70 The key slogan raised from anti-reservation platform suggests that it is the reservation in services that is responsible for the progressive deterioration in the standards of merit and efficiency in the administration. And among the protagonists of this view are included even those who while talking most of merit

and efficiency may have been themselves the beneficiaries of the most unmerited processes of examination and appointment. Scheduled Castes and Scheduled Tribes are content with their minimum percentage of relaxations in admissions or in some cases even in examinations. But has care been taken to ascertain as to how many among those coming out of universities, particularly from some northern States, might have gained their eligibility as a result of a larger degree of 'relaxations' by virtue of their muscles and capacity to gang up for terrorising the examiners and perhaps also in no lesser degree by the advantages accruing from a kind of commensalism ? The poor students of weaker sections do not have such capacities and resources. They are content with their legitimate concessions and continue to compete with those possessed of 'illegitimate' concessions. And when some of these beneficiaries of 'illegitimate' concessions gain upper hand in decision making channels of the administration and when, thus, its quality is affected, Scheduled Castes and Scheduled Tribes are made the scapegoats as the breeders of inefficiency being the inheriters of centuries of sloth and slough of social life. Nobody pauses to ponder as to how those occupying a very negligible percentage in the decision making as well as in the decision pushing apparatus of the administration, could pollute the quality of the vast percentage of the so-called efficients. The quality of administration is verily linked up with the quality of recruitment which is, in turn, linked up with the quality of the products at the universities, which factor is again linked up with the quality of the manner of examination conducted.

1.71 The most pertinent point we are faced with today is how to narrow, if not to bridge, the hiatus between the running of the administration and those for whom the administration is run. This becomes more relevant if we take into account the fact that by its very nature the State as a vehicle of advancement and development is increasingly growing collectivist. Never the management of the economy was as direct a concern of the State as it is today. There is no looking back. The process will continue to grow. Such a concept of the State at the present stage of our development dismisses the concept of an administration monopolised by so-called 'aristocracy of letters'. We are pledged to a change if this nation has to successfully ferry-through the cesspool of stagnation. And, therefore, merit and efficiency will have to be used more meaningfully with proper linkages with grass-roots, and with a social outlook that promotes change. Bereft of such linkages and outlook howsoever meritorious and efficient an administrator, he may lack an assurance and assertion of change. The hiatus will continue to grow and the change difficult to perceive. When loopholes were left in land legislation by a set of bureaucracy to make land reforms an insurmountable entity, these were done with all the merit and efficiency at their command. The increasing intake of people coming from unsophisticated groups and crude environment would certainly improve the quality of administration attuned to change, even if not able to display the embroidered appearance of the administration. The poor have a stake in change and also the instrument devised to execute and oversee that change. The elitist conception of administration has, therefore, no place in such a scheme of things.

1.72 As if conscious of the possibilities of the goal remaining just a pious wish, the founding fathers of our Constitution had striven to strike a balance between efficiency and distributive justice to make the administration more earthy. While they did not ignore the requirements of efficiency, they made it imperative to consider the claims of the Scheduled Castes and the Scheduled Tribes in the services of the State. Theirs was not a case of protecting efficiency in the conventional sense or for merely efficiency sake, but an efficiency, which should be consistent with the ethos of change. An efficiency understood in a mechanical sense would hardly fit in the scheme of things envisaged in the Constitution. That efficiency in administration and for that matter in every walk of life is deteriorating and has become the usual refrain. People tend to discuss, in terms of efficiency, the present with the immediate past and again even that past with an earlier period. This is so because efficiency as such has never been a defined entity. It could not be. It is a relative term and no absolute meaning can be attached to it. It is subjective as well as situational and therefore its assessment can be objective as well as attitudinal. Efficiency, therefore, has to be understood in relation to the basic objective of providing distributive justice, one of the components of which is to give weightage to the Scheduled Castes and the Scheduled Tribes in employment and in educational institutions. That appears to be the crux of the policy towards reservation.

1.73 We are aware of the intensity of resentment over reservation. More of it, we have discussed in the relevant Chapters on Service Safeguards and Education. It seems that the villain of the peace according to the agitators, appears to be the reservation in promotion. But how many of those lending their ears to the propaganda of anti-reservation lobby are aware that actual reservation in promotion is not effective beyond the lowest rung of Class I service ? In promotion to higher categories of posts such as of Deputy Secretaries, Directors and Joint Secretaries and such like equivalent posts in public sector undertakings and banking establishments where some decision making is involved, the element of reservation has still not been introduced in spite of the recommendations of the Commissioner for Scheduled Castes & Scheduled Tribes to that effect reiterated in the previous Reports. Of course, there is a protection in Class I posts carrying a salary of Rs. 2250 p.m. or less where Scheduled Caste/Scheduled Tribe officers senior enough in the zone of consideration so as to be within the number of vacancies available are also to be included in the Select List. But protection is not the same thing as reservation. Reservation in promotion has stood all the judicial scrutinies when the issue was referred, for in it, is involved the value of the service and the legitimate share in that for the

Scheduled Castes and the Scheduled Tribes. And as held by the Supreme Court, "the expression 'adequately represented' imports consideration of 'size' as well as 'values', numbers as well as the nature of appointments held and so it involves not merely the numerical test but also the qualitative one. It is thus by the co-operation of the numerical and the qualitative test that the adequacy or otherwise of the representation of backward classes in any service has to be judged. . . ." It should, therefore, be obvious that asking for scrapping reservation in promotion is, in fact, denying the very basis of reservation.

Conversion

1.74 Reports of conversion to Islam of about 143 families of Scheduled Castes at Meenakshipuram in the Tenkasi Taluk of the Tirunelveli district in Tamil Nadu in February 1981 have attracted considerable attention in the country. Subsequently, there have been more reports in Tamil Nadu about conversion of members of Scheduled Castes to Islam in some other districts and by now over 2,000 persons have been converted.

1.75 Article 25(1) of the Constitution occurring in Part III of the Constitution on Fundamental Rights provides that "Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion". This is the very essence of the secular orientation of a State. However, if pressure, inducement and allurement of any kind are brought into play to tempt conversion to another faith with consequent anticipated political fall out, it might expose the exercise to suspicion about the uninhibited pursuit of the right to choose one's religious pursuation. And it is precisely on this score that many eye-brows have been raised on this normally an innocent exercise of a right guaranteed under the Constitution. This has, however, been stoutly denied by the converts who on the other hand, allege that the conversion is, in fact a flight from discrimination and social tyranny, they have been subjected to under the Hindu-fold. What is relevant to our discussion at the moment is not the inducement or the anticipated political fall out, which requires a deeper probe to substantiate the allegations and apprehensions, but the aspect of social discrimination that has brought a section of our people to the point of abandoning their ancestral faith.

1.76 It is true that since the dawn of independence, this nation has committed itself to the policy of providing protective discrimination in favour of the Scheduled Castes and the Scheduled Tribes in order to undo the centuries of discrimination practised against them. This policy was in pursuance of an unwritten commitment given to the weaker sections during the course of enlarging our base of national liberation struggle. The freedom won was the result of massive efforts on the part of our people including those of the weaker sections who, unmindful of their tyranny and bondage of their own society, put their heart and soul in the freedom movement. They had a positive stake in the freedom of the country as a necessary means for their own emancipation from social and economic bondage.

1.77 The Constituent Assembly, therefore, decided to provide basic safeguards in the Constitution itself for the advancement of these sections and to free them from all sorts of exploitation. Quite a number of articles of the Constitution bear testimony to these sincere efforts. Article 46 of the Directive Principles of the Constitution guaranteeing protection "from social injustice and all forms of exploitation" portrays the soul of these safeguards. Besides political reservation in Parliament and in the State Legislature and reservation in services and educational institutions, the policy of protective discrimination also focuses specific preference in the matter of economic development, trade and commerce. The multi-dimensional strategy thus adopted to lift-up the backward classes aimed at their all-round development—social, economic and cultural. During more than three decades of independence, many have been the beneficiaries of this policy. Scheduled Castes of Meenakshipuram are reportedly more well off than many other members of the Scheduled Castes elsewhere and even than those of non-Scheduled Caste people of Meenakshipuram itself. And yet, the fact that they were impelled to forego all the benefits accruing to them as members of the Scheduled Castes is indicative of their impatience in seeking a more honourable quality of social life than they as members of Scheduled Castes among Hindus were enjoying. It is this lesson of Meenakshipuram which should not be lost sight of in the great hub bub and bustle of protest and counter-protest in the wake of conversion. It is not the destitutes who are involved in the present spate of conversions but those more awakened to their rights, which fact may cast doubts on any credible reliance on the money theory.

1.78 The problems of social integration may pose greater difficulties than even the problems of national integration. The test for national integration does not come always. But whenever it came as during the Chinese aggression and the two Wars with Pakistan, the nation managed to present a remarkably integrated appearance. But the test of social integration is faced everyday. And it is the accentuation of this social disintegration that sometimes raises apprehensions about the integration of the nation itself. And it is precisely this apprehension that in many minds the present mass conversions are being equated as affecting national integrity, particularly in view of the reported confabulations at the Hyderabad meet of the Jamate-Islami Hind attended by delegates from some other Muslim countries where a plan to raise the Muslim population from 80 to 200 millions in the next decade was alleged to have been discussed. The allegations have, no doubt, given a political dimension to the conversions and the reactions to the allegations have only helped to further politicise the issue. Any over-doing by either side on the issue, may create complications for the problems of national integration. It is the continuing social disintegration that is at the bottom that has to be knocked out with all out efforts.

1.79 Not by bread alone can the distance to social equality be covered for, a psyche to change, needs a jolt, which it is hoped the recent conversions have provided in no small measure. The pace of economic development, therefore, may have its own contribution and a significant one in levelling up a socio-economic fabric and yet this alone may not be capable enough to bridge the gulf between social ostracism and social equality. Nor modernisation alone can achieve the target of social integration without constant conscious efforts at social development. It may be pertinent to cite an instance from Japan, a country far ahead on the road to economic prosperity where modernisation started over a century ago. And yet with all its development and modernisation, Japan has not been able to wholly undo the social discrimination practised against its largest minority, the Burakumin people. As an index of the dichotomy between economic development and social development, it may be worthwhile to mention that in terms of per capita expenditure on the development of the Burakumin people, Japan reportedly spends one billion dollars on an officially accepted population of one million Burakumin. (Unofficially, however, put at three million by the Buraku leaders) that is 1,000 dollars per capita per annum. But in terms of social equality the Buraku people continue to be discriminated even to this day in matters of employment and social affairs like marriages, higher education, etc. This was revealed to the Commissioner for Scheduled Castes & Scheduled Tribes during the discussion of a delegation of Buraku Liberation League led by Mr. Takumi Ueda, a Member of Japanese Parliament and an acknowledged Socialist Leader of his country dedicated to the cause of the emancipation of the Buraku people. The Buraku treatment has shown that mere emphasis on economic development and modernisation is not enough to change the social values of a society unless the programme of economic development is adequately coupled with conscious policy of social transformation. Here are a people who do not suffer from racial discrimination being of the same race, nor from the religious discrimination they being of the same religion and yet they have been suffering from social discrimination for the sin of having been following occupations which were considered lowly in the days of feudalism and continue to be so even after the Meiji era ushered in modernisation and some positive steps against discrimination. The delegation had met the Commissioner recently to study the various strategies adopted and policies and programmes undertaken in this country for the socio-economic development of the Scheduled Castes and the Scheduled Tribes.

1.80 In the peculiar setting of India, no religion can perhaps claim to be wholly free from the practices of social discrimination. While inegalitarianism is at the core of Hinduism as reflected in its institutionalised caste system, Islamic society in practice is also not crowned with any glory on the score of egalitarianism. As observed by Max Weber in his book "The Religion of India", "Islam, too, succumbed in India to the engulfing tendency towards caste formation. In this case, caste formation could be linked up to the typical status stratification of classical Islam". It is so even in Pakistan as noticed by an unbiased Gunnar Myrdal, who notes in his Asian Drama that "The moral precepts in Koran have not prevented the formation of a very inegalitarian social and economic structure in Pakistan". Hindu society is, no doubt, bedevilled with caste system and its social ramifications. But why a non-caste religion like Sikhism has its own Scheduled Castes ? Again why have the Christian converts from Scheduled Castes been complaining against discrimination and clamouring for the same safeguards as being given to the Scheduled Castes ? And why, as reported in the press, some time back some Scheduled Caste converts to Islam in a particular area were denied common burial grounds with the other Muslims ? Perhaps nowhere the myth of an egalitarian religion is more exposed than in this country. If socio-economic standards are applied, quite a sizeable section of people of these religious societies may have to be scheduled in the similar manner as in the Hindu and Sikh societies.

1.81 Not a medieval anchor but a modern social escalator will enable them to scale the ladder of socio-economic equality. Wearing of a turban and kirpan does not make one an equal Sikh as a social entity, nor does frequenting mosques make one an equal Muslim. Sunday prayers in a church do not bestow a status of equality on all Christians as free temple entry would not make any one an equal Hindu. To make them so requires something beyond religion. The battle against social discrimination has to be joined on secular lines rather than on religious or communal fronts, for, discrimination in the last analysis, is a secular manifestation of a diseased social order which in appearance is contrived to look as religious or communal aberration. In all religions followed in this country, there remains a wide gap between precept and practice. It may therefore be futile to seek social integration through the medium of religion. Whatever the claims of theologians, it is secularisation along with which developed the concept of equality in any concrete shape, and its fulfilment can be sought only in more secularisation.

Annexure 1

Percentage share in total Consumer Expenditure of decile groups of population

Decile groups	1960-61	1961-62	1963-64	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70	1970-71	1972-73	1973-74
1	2	3	4	5	6	7	8	9	10	11	12	13
RURAL												
0–10	3.5	3.8	3.6	3.5	3.7	3.6	3.7	3.6	3.7	3.9	3.8	3.9
10–20	4.7	4.9	5.1	5.0	5.3	5.2	5.3	5.1	5.2	5.3	5.3	5.4
20–30	5.8	5.9	6.1	6.1	6.1	6.1	6.2	6.0	6.3	6.2	6 3	6.9
30–40	6.8	6.9	7.2	7.0	6.9	7.1	7.1	7.0	7.1	7.2	7.0	7.3
40–50	7.7	7.5	8.2	8.1	7.9	8.1	8.1	7.8	7.9	8.3	8.0	8 0
50–60	8.8	8.9	9.3	9.3	9.1	9.2	9.2	9.1	8.9	8.8	8.5	8.9
60–70	10.0	9.9	10.7	10.7	10.4	10.1	10.6	10.2	10.1	10.7	9.6	10.1
70–80	11.6	11.6	12.4	12.4	11.8	12.3	11.7	11.4	11.4	11.8	11.8	11.5
80–90	15.1	14.7	15.1	15.2	14.2	14.7	14.6	14.3	14.9	14.5	14.3	14.7
90–100	26.0	25.9	22.3	22.7	24.6	23.6	23.5	25.5	24.5	23.3	23.4	23.3
URBAN												
0–10	3.2	3.0	3.3	3.4	3.5	3.4	3.4	3.4	3.3	3.4	3.5	3.8
10–20	4.4	4.4	4.5	4.5	4.7	4.6	4.7	4.6	4.6	4.7	4.7	5.2
20–30	5.4	5.3	5.2	5.4	5.5	5.4	5.6	5.6	5.4	5.6	5.7	5.8
30–40	6.3	6.3	6.1	6.2	6.4	6.5	6.5	6.5	6.2	6.4	6.0	6.8
40–50	7.2	7.2	7.0	7.2	7.2	7.5	7.2	7.5	7.5	7.3	7.7	7.6
50–60	8.4	8.2	8.1	8.4	8.4	8.5	8.4	8.3	8.0	8.6	8.1	8.4
60–70	9.7	9.8	9.4	9.6	9.9	9.4	9.9	10.0	9.7	9.5	10.1	9.8
70–80	12.0	11.7	11.4	11.6	11.6	11.6	11.7	12.1	11.9	12.0	11.4	12.0
80–90	15.3	15.1	15.9	15.3	15.4	15.1	15.5	15.7	16.4	17.2	15.2	15.1
90–100	28.1	29.0	29.1	28.4	27.4	28.0	27.1	26.3	27.0	25.3	27.6	25.5

Annexure 2

Percentage of population below the poverty line by States separately for rural and urban areas, in 1977-78

S. No.	State/U.T.	Rural	Urban	Combined
1	2	3	4	5
1	Andhra Pradesh	43.89	35.68	42.18
2.	Assam	52.65	37.37	51.10
3.	Bihar	58.91	46.07	57.49
4.	Gujarat	43.20	29.02	39.04
5.	Haryana	23.25	31.74	24.84
6.	Himachal Pradesh	28.12	16.56	27.23
7.	Jammu & Kashmir	32.75	39.33	34.06
8.	Karnataka	49.88	43.97	48.34
9.	Kerala	46.00	51.44	46.95
10.	Madhya Pradesh	59.82	48.09	57.73
11.	Maharashtra	55.85	31.62	47.71
12.	Manipur	30.54	25.48	29.71
13.	Meghalaya	53.87	18.16	48.03
14.	Nagaland	N.A.	4.11	4.11
15.	Orissa	68.97	42.19	66.40
16.	Punjab	11.87	24.66	15.13
17.	Rajasthan	33.75	33.80	33.76
18.	Tamil Nadu	55.68	44.79	52.12
19.	Tripura	64.28	26.34	59.73
20.	Uttar Pradesh	50.23	49.24	50.09
21.	West Bengal	58.94	34.71	52.54
22.	All Union Territories	34.32	17.96	21.69
	ALL INDIA (WEIGHTED)	50.82	38.19	48.13

CHAPTER 2

CONSTITUTIONAL SAFEGUARDS PROVIDED FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES

The Constitution was adopted by the Constituent Assembly on 26th November, 1949 and came into force on 26th January, 1950. The Constitution prescribed certain protective measures and safeguards for the Scheduled Castes and Scheduled Tribes and the successive Five Year Plans provided funds for their development. The safeguards included reservations for them in services [Articles 16(4), 320(4) and 335], reservations in election to the Lok Sabha and Vidhan Sabha (Articles 330, 332 and 334); removal of social disabilities and prohibition of exploitation (Articles 17, 23, 25 and 46). Certain administrative arrangements, administration and control of Scheduled Areas and Tribal Areas (Article 244 and Fifth and Sixth Schedules); control of the union over the administration of Scheduled Areas and the Welfare of Scheduled Tribes [Article 339(2)] were also provided for ensuring that protective safeguards as well as developmental safeguards (Articles 46 and 275) for these sections could be run smoothly and in accordance with the Constitutional provisions. Apart from the Commissions to be constituted under Article 339 (Appointment of a Commission to report on the administraion of the Scheduled Areas and the welfare of the Scheduled Tribes in the States) and Article 340 (appointment of a Commission to investigate the conditions of backward classes) of the Constitution, a prominent mechanism was provided under Article 338 relating to the appointment of a Special Officer. The Special Officer designated as Commissioner for Scheduled Castes and Scheduled Tribes has "to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament." Beginning with the first Report relating to the year 1951, so far 26 Reports have been submitted containing deailed description in respect of the improvement of the conditions of Scheduled Castes and Scheduled Tribes as well as about the adequacy or otherwise of the measures undertaken for implementing the protective safeguards provided under the Constitution.

Abolition of Untouchability

2.2 Under Article 17 of the Constitution the practice of Untouchability is forbidden in any form. Article 25(2)(b) is also relevant in enabling all classes and sections of Hindus to have access to religious institutions of a public character. In accordance with Article 35(a)(ii), the Untouchability (Offences) Act, 1955 was enacted. Since this Act was found wanting in many respects it was replaced by an amended Act subsequently known as the Protection of Civil Rights Act, 1955. This Act came into being with effect from 19th November, 1976.

Salient features of the Protection of Civil Rights Act

2.3 Some of the important features of the Act are given below :—

(i) The Central Government shall take such steps as may be necessary to coordinate the measures taken by the State Governments and to place a report on the Table of each House of Parliament every year on the measures taken by itself and by the State Governments to ensure that the rights accruing from the abolition of untouchability may be availed of by the concerned persons.

(ii) Grant of adequate facilities including legal aid to the persons subjected to any disability arising out of untouchability.

(iii) Appointment of officers for initiating or exercising supervision of prosecutions for the contravention of the provisions of the Act.

(iv) Setting up of special courts for the trial of offences under the Act.

(v) Setting up of committees at appropriate levels to assist the State Government in formulating or implementing measures to ensure that the rights arising out of the abolition of untouchability are made available to them.

(vi) Periodic survey of the working of provisions of the Act with a view to suggesting measures for its better implementaion.

(vii) Identification of the areas where persons are under any disability arising out of untouchability.

(viii) All untouchability offences where the punishment does not exceed 3 months can be tried summarily.

(ix) State Governments have been empowered to impose collective fines on the inhabitants of any area who are concerned in or abetting the commission of untouchability offences.

(x) The Central Government has been given the power to make rules to carry out the provisions of the Act.

(xi) The direct or indirect preaching of untouchability or its justification on historical, philosophical or religious grounds has been made an offence.

(xii) Compelling any person to do scavenging or sweeping, removal of carcasses; flaying of animals or removing the umbilical cord has also been made punishable.

(xiii) Public servants who wilfully show negligence in the investigation of any offence punishable under the Act shall be deemed to have abetted an offence punishable under the Act.

(xiv) The punishment for untouchability offences has been enhanced and both fine and imprisonment will be awarded for such offences.

The above mentioned points are discussed in the subsequent paragraphs.

Annual Report to the Parliament on the P.C.R. Act

2.4 The Protection of Civil Rights Act, 1955 is administered by the State Governments. Under a provision in the Act, the Central Government also lays every year, before each House of Parliament an Annual Report on the working of Section 15-A of the Act. A Protection of Civil Rights Cell has been created in the Ministry of Home Affairs under an officer of the rank of D.I.G. of Police. This cell is required to put into harmony the steps taken by the State Governments for the abolition of untouchability and prepare an Annual Report. So far the Union Ministry of Home Affairs have laid on the table of Lok Sabha and Rajya Sabha, the Reports of the Government of India in this regard for the years 1977 and 1978. The Report pertaining to the years 1979, 1980 have not yet been placed in the Lok Sabha or the Rajya Sabha. *It was, mentioned in the previous Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year* 1978-79 *that though the Act does not provide for a discussion in Parliament on the Report laid by the Central Government a discussion on the Report would bring out in sharper focus the prevalence of untouchability and the steps that are still required to be taken for its abolition. The same suggestion is reiterated. It is felt that necessary provision should be made in the Protection of Civil Rights Act requiring the State Governments also to place an Annual Report on the working of the P.C.R. Act on the table of the State Assembly and hold a discussion on it.*

2.5 In pursuance of the provisions made under Section 15-A of the Protection of Civil Rights Act, Central assistance is given to the State Governments and Union Territory Administrations for (a) legal aid to the persons subjected to any disability arising out of the 'untouchability' to enable them to avail themselves of such rights; (b) appointment of officers for initiating or exercising supervision over the prosecutions for the contravention of the provisions of the Act; (c) setting up of special courts for the trial of offences under the Act; (d) setting of Committees at such appropriate levels as the State Governments may think fit to assist the Central Government in formulating or implementing various measures; (e) periodic surveys of the working of the provisions of the Act with a view to suggesting measures for better implementation; and (f) identification of areas where persons are under disability arising out of 'untouchability' and adoption of such measures as would ensure the removal of this disability from such areas. It is understood that during 1979-80, the Ministry of Home Affairs allocated an amount of Rs. 35.58 lakhs for strengthening the machinery for the enforcement of the P.C.R. Act to the State Governments of *Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Uttar Pradesh, Rajasthan* and *West Bengal.* During 1980-81 a provision of Rs. 104.92 lakhs had been made for this purpose.

Legal Aid

2.6 It is understood that the schemes of legal aid for the poor including the Scheduled Caste and Scheduled Tribe persons for various purposes have been introduced by the respective State Governments of *Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Tripura* and *Pondicherry.* To look into protection of civil rights cases, special cells are reported to have been created by some of the States and Special Officers have been appointed by some of the States, for initiating and exercising supervision over prosecution for the contravention of the provisions of Protection of Civil Rights Act.

Appointment of Officers for supervision over prosecutions under P.C.R. Act

2.7 In *Andhra Pradesh,* the Chief Secretary has been made responsible for the implementation of this Act. The Collector performs this function at the district level. Special cells at the State and district levels are also reported to have been constituted. A special cell in Crime Branch (C.I.D.) has been established to probe into cases relating to atrocities and untouchability. In *Bihar,* Harijan Cells have been created at State, District and Block levels. A special police station is functioning at the State Secretariat. All cases under the P.C.R. Act are being treated as Special Report Cases. In *Gujarat,* officers at the State, District and Taluka levels are reported to have been appointed for supervision of the implementation of cases arising out of P.C.R. Act. At the State level, the Director of Social Welfare, at District level the Collectors and District Magistrates and at Taluka level the Mamlatdars and Taluka Magistrates have been assigned these duties. Three harijan cells are functioning under the Supervision of Special I.G. of Police in 3 police ranges of Rajkot, Gandhinagar and Vadodra. Special Revenue-*cum*-Police Harijan Cells are also functioning in the districts of Ahmedabad (Rural), Surendranagar, Mehsana, Surat, Kheda and Sabarkantha. In *Himachal Pradesh,* special cell has been created in the Secretariat at the State Level and

in police headquarters at district level. The Governor has appoined District Magistrates or officers authorised by them as supervisory officers for P.C.R. Act. In *Karnataka,* a special cell known as Civil Rights Enforcement Cell headed by the Superintendent of Police has been set up. In *Kerala,* a special mobile squad under the Crime Branch (CID) has been created. In *Madhya Pradesh,* a special cell headed by DIG Police, Harijan Kalyan has been established Special Police Stations have also been set up to investigate complaints under P.C.R. Act. In *Maharashtra* State, a special cell has been constituted under the DIG Police, Bombay, Special Task Force was also set up at 6 police range headquarters to deal with P.C.R. Act and atrocity cases. In *Orissa,* the collectors and the Superintendents of Police were made fully responsible for effective implementation of the Act, and all P.C.R. Act cases were to be made special report cases. In *Rajasthan,* a Special cell had been created in the Home Department. A cell had also been established at the State Police level. In *Tamil Nadu.* a special cell headed by the Additional Inspector General of Police was reported to be functioning in the State. 6 mobile squads were functioning in the respective districts of South Arcot, Thanjavur, Tiruchirapalli, Coimbatore and Madurai. 7 more such cells were proposed to be set up under the Centrally Sponsored Scheme for effective implementation of the P.C.R. Act. The Government of Tripura were reported to have appointed officers at sub-divisional level for initiating and exercising supervision over prosecutions of cases under P.C.R. Act. A special Enquiry Cell was reported to have been formed in *Uttar Pradesh* under the supervision of D.I.G. Police. The Superintendent of Police (CID) has been made responsible in *Pondicherry* for the implementation of the provisions of P.C.R. Act. A special cell is also reported to have been established headed by Collector-*cum*-Secretary to review these cases. The State Governments of *Andhra Pradesh, Bihar, Karnataka, Kerala* and *Punjab* have not appointed any special officers.

Special Courts

2.8 As regards setting up of special courts for trial of offences under the Act, the Government of *Andhra Pradesh* set up five mobile courts in the districts of East Godavari, West Godavari, Mahaboobnagar, Cuddapah and Chittoor. The Government of *Rajasthan* set up three special courts in the districts of Kota, Nagaur and Alwar with the concurrence of the State High Court. The State Governments of *Bihar, Karnataka, Gujarat, Maharashtra* and *Tamil Nadu* were considering the matter. The Government of *Bihar* proposed to set up five special courts to try cases of atrocities on Scheduled Castes and other weaker sections. In *Karnataka* steps had been initiated for setting up of four itinerant special courts at Bangalore, Mysore, Belgaum and Gulbarga. The Government of *Maharashtra* had requested the Bombay High Court to establish Special Courts. It was proposed to have special courts in each of 25 districts in the State and five in Greater Bombay to try cases relating to crimes against Scheduled Castes and economic offenders. So far as the State of *Tamil Nadu* is concerned, the matter is still pending with the State High Court. *It is felt that the work of setting up of Special Courts for trial of offences under the P.C.R. Act is being done at a slow pace. The remaining State Governments should also establish such courts expeditiously for quick disposal of atrocity cases and offences under the Protection of Civil Rights Act and Criminal Procedure Code.*

Setting up of Committees

2.9 Regarding the setting up of committees* at various levels by the State Governments for the proper implementation of the P.C.R. Act, the States of *Gujarat* and *Himachal Pradesh* were reported to have constituted State level committee under the Chairmanship of the Chief Minister. In other States like *Karnataka, Madhya Pradesh, Maharashtra, Uttar Pradesh, West Bengal* and *Pondicherry,* the Chairmanship of the state level committee vested with the Minister-in-charge of Scheduled Castes welfare. However, in *Andhra Pradesh, Orissa* and *Tamil Nadu,* the above mentioned committees were functioning under the Chairmanship of non-officials/officials with non-officials/officials as members. In the States of *Gujarat, Karnataka, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa, Rajasthan* and *Uttar Pradesh,* district level committees were also functioning. *Gujarat, Karnataka, Kerala, Orissa* and *Uttar Pradesh* had also formed committees at Taluk/Tehsil levels. Only the State of *Karnataka* and *Orissa* had committees at sub-divisional level. The State level committee in *Andhra Pradesh* held three meetings during 1979-80. The Committee in *Bihar* did not conduct any meeting in 1979. However, the Committee in *West Bengal* held its first meeting in January, 1979. *It has been observed that in some of the States, the Committees are almost dormant and seldom meet. The concerned State Governments should ensure that these committees are really vigilant and effective in doing their task. The remaining State Governments should also set up committees at various levels at an early date.*

Periodic Surveys

2.10 The P.C.R. Act specifies that the State Governments should undertake periodic surveys in order to suggest better implementation of the P.C.R. Act. According to available information, no such surveys were conducted in the States of *Andhra Pradesh, Bihar, Karnataka, West Bengal, Pondicherry, Punjab, Rajasthan* and *Tamil Nadu,* during the years under Report. The Government of *West Bengal* informed that a full fledged machinery was proposed to be set up for the implementation of the provisions of the P.C.R. Act, in which periodic surveys would also be taken into consideration. The State of *Bihar* under the centrally Sponsored Scheme was provided with a sum of Rs. 0.30 lakh during 1979-80 for survey on untouchability prone areas. So far, no information has been received regarding the details of the survey undertaken. In *Gujarat* the State Government as well as voluntary organisations undertake this task. The Harijan Sevak Sangh during the *padyatras* undertake such surveys. The Revenue *cum*-Police Cells established in six districts carry out

*For state-wice details Appendix I may be seen

surveys with regard to land, Harijan 'Khetedars' & their disputes as well as observance of untouchability. A special cell at the Directorate of Social Welfare had already undertaken a survey of 126 villages in Surendranagar district and 97 villages in Ahmedabad districts of the State. The Harijan Cell/Special Cell which has been set up in the various States are also required to look into this work and suggest measures for the effective enforcement of the provisions of the P.C.R. Act.

Identification of Untouchability Prone Areas

2.11 The identification of the areas by the State Governments where the practice of untouchability is more prevalent is one of the important clauses of Section 15A of the P.C.R. Act. The States of *Gujarat, Karnataka, Kerala, Madhya Pradesh* and *Maharashtra* had undertaken this task. The Government of *Karnataka* on the basis of cases registered under the P.C.R. Act as well as cases of atrocities against Scheduled Castes had identified 5 districts of Bangalore, Bijapur, Kolar, Mysore, Tumkur & Gulbarga susceptible to untouchability. The officers of these districts had been assigned the duty of visiting the harijan colonies regularly and for taking prompt action on the complaints of Scheduled Castes. In addition to this officers of the C.R.E. Cell would visit the villages in these districts, to see that cases under P.C.R. Act are promptly registered and investigated. In the State of *Gujarat,* the police department has prepared a list of affected villages and harijan cell officers visit there regularly. A special cell in the Directorate of Social Welfare has undertaken a work of identification of such areas. In *Maharashtra,* the P.C.R. cell had identified a list of 537 villages on the basis of past several incidents & history. In *Madhya Pradesh,* the districts of Morena, Ratlam, Ujjain, Sagar, Jabalpur, Bilaspur and Raipur were reported to have been identified as sensitive areas. Untouchability was reported to be prevalent in Kasargode and Hosdurg Taluks in Cannanore District and Chittoor and Palghat Taluks of Palghat District in *Kerala* State. *Quite a good deal of information is available through the studies conducted by official and non-official organisations about the areas where untouchability against Scheduled Caste persons is practised in various forms. The State Governments should ensure that the findings of such studies are also taken in due consideration for combating this evil.*

Summary Trial

2.12 In Section 15(1) of the Act, all untouchability offences where the punishment does not exceed for a minimum term of three months can be tried summarily by a Judicial Magistrate of the first class or in a Metropolitian areas by a Metropolitan Magistrate in accordance with the procedure laid down in the code of Criminal Procedure Code, 1973. According to available information, only the State of *Karnataka* proposed to implement this provision of the Act. The Director of Prosecutions was reported to have been asked to issue suitable instructions to the concerned Assistant Public Prosecutors in the State for bringing it to the notice of the concerned Magistrates regarding the provision of this Section of the Act.

Collective fines

2.13 The State Governments have been empowered under Section 10(A)(i) of the Act to impose collective fines on the inhabitants of the areas who are concerned in or abetting the commission of untouchability offences. The Ministry of Home Affairs had also in September, 1977 prescribed the mannner of inquiry to be conducted by the State Governments before imposing collective fines. According to available information no State had imposed collective fines during 1979-80. The Government of *Tamil Nadu* was not in favour of giving wide publicity to this measure since it felt that if punitive fines on Caste Hindus are imposed, a feeling of hatred would persist between Caste Hindus and Scheduled Castes.

Rule making power of Central Government

2.14 Section 16(B)(1) empowered the Central Government to make rules to carry out the provisions of the Protection of Civil Rights Act. As mentioned earlier, except the Rules that have been notified by the Central Government under Section 10(A)(1) of the Act about the manner in which enquiry should be conducted before imposing collective fines on the inhabitants of an area who are concerned in or abetting the untouchability offences and the State Governments to submit an annual report on the working of he P.C.R. Act, no other rules for implementation of the various provisions of the Act have been notified.

Practice of Untouchability on Historical, Philosophical or Relegions grounds

2.15 As regards point No. XI, in Gujarat 3 such cases were registered. In Sabarkantha district, a case was registered in which the accused while giving lecture in a public place had insulted the harijan community and in another incident a Scheduled Caste person was insulted in the meeting by a caste Hindu in Ahmedabad. Similarly, in Rajkot district a caste Hindu accused, had insulted a Scheduled Caste person in the course of a religious ceremony.

Unlawful compulsory labours pertaining to Scavenging etc.

2.16 No information has been received about cases where any person was compelled to do scavenging, sweeping, removal of carcasses, flaying of animals or removing of umbilical cord.

Dereliction of duty by public servants

2.17 According to available information with regard to point number (xiii). in the Union Territory of *Delhi* two cases were registered against the Central Government employees during 1978-79. One case was also registered against a State Government employee during the same period.

Punishment for offences

2.18 So far point No. XIV is concerned it is observed from the information received from the

respective Governments of *Andhra Pradesh, Bihar, Karnataka, Kerala, Gujarat, Madhya Pradesh, Uttar Pradesh* and *Pondicherry* that out of a total number of 1872 fresh cases registered during 1979, 1008 cases had been challaned. Only 43 cases were reported to have been decided out of which accused in 23 cases were acquitted. 3 cases were compromised* in *Andhra Pradesh* out of the total number of 14 cases decided, accused in 13 cases had been acquitted and only one was convicted. In *Karnataka,* in one case, simple imprisonment for one year was awarded along with a fine of Rs. 20. In majority of the cases fines ranging from Rs. 10 to Rs. 30 were imposed alongwith simple imprisonment ranging from 1 to a maximum of 15 days. In *Madhya Pradesh* in two decided cases a fine of Rs. 100 and Rs. 50 was imposed respectively. In *Pondicherry,* out of the two cases convicted, the accused was sentenced to undergo simple imprisonment for one month in one case while in another case a fine of Rs. 100 was imposed alongwith one month simple imprisonment. In *Karnataka,* less time was taken in the disposal of cases. In six cases the judgements were given on the same day on which these cases were challaned. In other cases also the time gap between challaning of cases by police and disposal of cases by Courts was less which is commendable. The Protection of Civil Rights Act prescribes minimum imprisonment of one month and also a fine not less than Rs. 100. In *Karnataka,* out of the total cases decided, in 11 cases a fine of Rs. 15 to Rs. 35 was imposed. Only in one case a sum of Rs. 100 was imposed as fine. In many of the cases the imprisonment was from one day to a maximum of 15 days. In only one case one year's Simple Imprisonment was awarded. Similarly, in the state of *Madhya Pradesh* out of the two cases decided in one case a fine of Rs. 50 was imposed. But according to the Act fine and imprisonment run concurrently.

Bonded Labour

2.19 'Begar' and other forms of forced labour were prohibited under Article 23 of the Constitution and yet the practice of traffic in human beings in the form of bonded labour continued in the country with different names in different places. Some State Governments enacted legislation to abolish the practice, but not much success was achieved in abolishing this practice. The Prime Minister's 20 point Economic Programme generated new hopes amongst millions of people and imparted new sense of dynamism to the economy of the country. Abolition of bonded labour system in the 20 point Economic Programme underlined the importance attached to its eradication. The Bonded Labour System (Abolition) Ordinance 1975 came into force on 25th October, 1975 and subsequently, the Ordinance was replaced by an Act of Parliament which came to be known as Bonded Labour System (Abolition) Act, 1976. The provisions of the Act have already been discussed in the previous Reports of the Commissioner.

*Compunding of cases is not however allowed under P.C.R. Act.

2.20 In the 1978-79 Report of the Commissioner for Scheduled Castes and Scheduled Tribes an effort was made to show the pioneering role played and concerted efforts made by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes in exposing the prevalence of bonded labour in different parts of the country. It can be stated without any fear of contradiction that it is because of repeated mention of the prevalence of this system in almost all his Annual Reports from 1951 onwards that the Central Government thought it necessary to enact a Central legislation to abolish this system. The details of different recommendations/suggestions made in the earlier Reports on the subject have been summarised in the Annual Report for the year 1978-79.

Identification of Bonded Labour

2.21 Identification of bonded labourers has been emphasised in the Bonded Labour System (Abolition) Act, 1976. In spite of the importance attached to the identification of bonded labourers by this Organisation and the Ministry of Labour, the progress has not been very encouraging.

Survey by Gandhi Peace Foundation

2.22 The survey conducted by Gandhi Peace* Foundation in collaboration with National Labour Institute in 1,000 villages in 295 districts of *Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu* and *Uttar Pradesh* between May and October, 1978 did throw up some base line important data relating to the prevalence of bonded labour system in different States. According to preliminary analyses excluding *Orissa,* the survey revealed that there were 22.4 lakhs bonded labourers in the country. The findings of the survey were discussed in detail in the previous report of the Commissioner for Scheduled Castes and Scheduled Tribes. It is, however, to be noted that during that period under report many State Governments contested the findings of the Gandhi Peace Foundation survey. While a little over 1,20,000 bonded labourers have been identified and freed, several States like *Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Rajasthan, Maharashtra, Tamil Nadu, Orissa* and *Uttar Pradesh* have questioned the basis of Gandhi Peace Foundation and National Labour Institute report and have sought

*According to available information the survey was conducted jointly by the Gandhi Peace Foundation and the National Labour Institute. The N.L.I. spent Rs. 11,795.30 towards this survey and Gandhi Peace Foundation received an amount of Rs. 4.26 lakhs in the years 1978-79 from Brot Fver Die Welt Diakonisches Werk Stafflenberg Str. D-700 Stuttgard, West Germany. The recipient of the money was the Academy of Gandhian Studies, Hyderabad which passed on this project to Gandhi Peace Foundation New Delhi.

detailed information like district-wise break up and other details of names and areas etc., where bonded labour system is prevalent. It appears that Gandhi Peace Foundation have not been able to give the details as the final report has not yet been brought out. Gandhi Peace Foundation proposes to call a meeting of all concerned with the problem before releasing their report.

2.23 *The above discussion highlights the fact that the identification of bonded labourers should be done by a research body/university in each State in areas suspected to be prone to bonded labour system in collaboration with the State Labour Department so that the findings are quickly available and acted upon by the State Government.*

Bonded Labour from Bihar found in Tripura

2.24 Commissioner had observed during his visits to the tribal areas of *Bihar* that able-bodied men and women were being taken by local influential persons to work in distant States and had stated that the Government of *Bihar* should be vigilant about it as these labourers might be exploited and treated as bonded labourers. This apprehension of the Commissioner turned out to be true when reports started appearing in the press about a racket involving immoral trade in tribal girls and utilizing tribal youth as bonded labourers in some private brick fields in Tripura. Unmarried girls and youth were brought by *sardars* and middlemen from drought hit Chhotanagpur of Bihar to different brick fields in *Tripura.* The Commissioner for Scheduled Castes and Scheduled Tribes took up the matter with the Government of *Tripura* to find out the facts. It was learnt that the State Government took prompt steps to send teams of officers to inspect the brick-kilns and particular raids were conducted on two brick-fields in March, 1980 in West Tripura District. It was found that the labourers were actually brought by the *sardars* from their villages in Ranchi District during the months of August and September, 1979 by deceit and in the brick field they were made to work without proper wages and without any regard to their physical comfort. There were also cases of molestation and other indignities on the women labourers. It was further revealed that from the time of boarding the buses from the villages to the time when they were released they had been confined worngfully. These labourers were taken once a week to a particular bazar where they were permitted to purchase substandard rice at the rate of Rs. 2.50 per kg. from a particular shop. This was a criminal conspiracy in addition to cheating. The alleged beating of the labourers by the *sardars* was also reported. Wages were not paid to them regularly and illegal deductions were made. 94 labourers from these two brick fields were taken charge of by the Government of *Tripura* and lodging and boarding was provided to them. After estimating the correct dues to the labourers the equivalent amount was paid by the State Tribal Welfare Department to the workers pending its realization from the owners of the brick fields. The workers were sent with official escort in two teams by air upto Calcutta and thereafter by train to Ranchi where they reached on 4th and 5th April, 1980 and sent to their villages.

2.25 Similarly, three brick fields in South Tripura district were visited by an inspection team and 113 labourers who were brought by various *Sardars* by deception and false promises were detected. They were also not even allowed to mix or meet local labourers and specific cases of assault on the women labourers, who wanted to escape from the brick fields, were reported. These labourers were brought to Agartala and sent to Ranchi on 10th and 11th April, 1980.

2.26 Out of the ten *Sardars* who had brought the tribal men and women from their villages, eight were arrested and two absconded. Investigation into various offences under IPC and Labour Laws made. It is not known whether cases under Bonded Labour Abolition (System) Act were also proposed to be launched. The Government of *Tripura* deserves to be congratulated on the speedy action taken by them and *it is hoped that the Government of Bihar will be more vigilant and make arrangements to provide gainful employment to the tribal persons in their villages during the slack agriculture season and especially when drought occurs in the tribal areas.*

Rehabilitation of freed bonded Labourers

2.27 It has been stated in our earlier reports that problem of bonded labour is both social as well as economic and rehabilitation is one of the basic aspects of the problem. The State Governments should, therefore, utilise all the on-going programmes for their rehabilitation. The aims should be to give prompt and adequate relief and the target groups get assistance from the on-going schemes of different departments. Assistance through these

programmes should supplement the rehabilitation programme launched to uplift their economic status, so that they do not revert to bondage again.

2.28 According to the available information, the State-wise, position of identified, freed and rehabilitated bonded labour is given below :—

Sl. No.	State	Identification of Bonded Labour (upto 31-1-1981) No. of bonded labourers: Estimates of incidence of bonded labour by the Gandhi Peace Foundation	Identified and freed	Rehabilitated so far: Under on-going schemes	Under the Centrally Sponsored Scheme: During 1978-79	Under the Centrally Sponsored Scheme: Covered by grants during 1979-80	Under the Centrally Sponsored Scheme: So far during 1980-81	Total	Remaining to be rehabilitated Cols. 4–8
1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	3,25,000	12,701	2,880	2,920	1,586	1,760	9,146	3,555
2.	Bihar	1,11,000	4,603	952	816	369	666	2,803	1,800
3.	Gujarat	1,71,000	42	42	..	..	..	42	..
4.	Karnataka	1,93,000	62,699	39,960*	527	1,521	10,860	52,868	9,831
5.	Kerala	..	700	138	110	60	..	308	392
6.	Madhya Pradesh	4,67,000	1,531	..	58	..	..	58	1,473
7.	Maharashtra	1,05,000	..	..	..	..	..	..	..
8.	Orissa	..	52	..	321	16	6	343	..
9.	Rajasthan	67,000	6,000	4,256	700	700	344	6,000	..
10.	Tamil Nadu	2,50,000	27,874	27,311	..	..	359	27,670	204
11.	Uttar Pradesh	5,55,000	4,469	1,368**	495	2,606	..	4,469	..
	TOTAL	22,44,000	1,20,971	76,907	5,947	6,858	13,995	1,03,707	17,264

*Including 20,557 placed in temporary employment.
**Placed in temporary employment.

2.29 It would be seen from the above table that rehabilitation of released bonded labourers has not been very satisfactory. The back-log in case of *Andhra Pradesh, Bihar, Karnataka and Madhya Pradesh is quite alarming and these States should put in special efforts to rehabilitate the remaining bonded labourers. It is also reiterated that the Central Review Committee under the Ministry of Labour with the representatives of different departments and State Governments concerned should, therefore, co-ordinate all programmes regarding rehabilitation of bonded labourers more effectively.*

Centrally Sponsored Scheme for the rehabilitation of bonded labourers

2.30 The Centrally Sponsored Scheme was drawn up during 1978-79 at a total cost of Rs. 2.00 crores, half of which was a matching grant from the Central Government to the States concerned. A set of guide-lines prepared in consultation with the concerned Central Ministries, Departments and on the basis of suggestions made by the representatives of State Governments/Union Territory Administrations was sent to the concerned State Governments/Union Territory Administrations by the Ministry of Labour. Details of these guidelines have already been given in the Annual Report for the year 1978-79. It is understood that the process of rehabilitation is continuing in the States of *Andhra Pradesh, Bihar Karnataka, Kerala, Madhya Pradesh, Orissa, Tamil Nadu* and *Uttar Pradesh*. The rehabilitation schemes are either land based or skill/craft based depending upon the local conditions and needs. On an average the Centrally Sponsored Scheme envisages about Rs. 4,000 to be spent on each bonded labourer half of which is the central share.

2.31 The States which were given assistance under the Centrally Sponsored Schemes were addressed to supply information about the schemes formulated and the extent of benefit derived by the bonded labourers. But like last year no information was received from any State during the year under report. However, the Ministry of Labour have furnished some information regarding release of funds to State Governments and their extent of utilisation and number of freed bonded labourers rehabilitated by this assistance. Position relating to the release of Central assistance to the State Government during 1978-79 is given below :—

(Rupees in lakhs)

S. No.	State	Central Financial Assistance 1978-79: Released to State Government	Utilised by State Government	No. of freed bonded labourers rehabilitated
1	2	3	4	5
1.	Andhra Pradesh	20.00	18.01	2,920
2.	Bihar	14.28	7.26	816
3.	Karnataka	10.28	9.77	527
4.	Kerala	1.65	1.65	110
5.	Madhya Pradesh	17.00	1.21	58
6.	Orissa	5.11	3.15	321
7.	Rajasthan	14.00	14.00	700
8.	Tamil Nadu	5.32	..	..
9.	Uttar Pradesh	10.00	10.00	495
	TOTAL	97.64	65.05	5,947

It would be seen from the above table that out of Rs. 97.64 lakhs released by the Ministry of Labour to 9 States, only Rs. 65.05 lakhs could be utilised by the respective States. The table also indicates that State Governments of *Bihar, Karnataka, Madhya Pradesh, Orissa,* and *Tamil Nadu* were not in a position to make full use of the money released by the Centre. Similarly, the number of bonded labourer rehabilitated by these Governments is also not very encouraging.

2.32 During the year 1979-80, information regarding rehabilitation of bonded labourers under the Centrally Sponsored Scheme furnished by the Ministry of Labour may be seen in the table below :—

Schemes of the State Governments for rehabilitation of bonded labour sanctioned under the Centrally Sponsored Scheme during 1979-80

S. No.	State	No. of Distts. covered by the schemes sanctioned	No. of released bonded labourers to rehabilitated under the scheme	Amount of Central grants released (Rs. in lacks)	Nature of assistance to the bonded labourers envisaged under the scheme to a maximum of Rs. 2,000 each, being 50%, Centre's share
1	2	3	4	5	6
1.	Andhra Pradesh	3	1,586	17.73	Immediate cash relief @ Rs. 200 to each released bonded labourer, provision of plough bullocks, carts and other agricultural implements buffaloes/ cows/sheep/goats; poultry piggery units.
2.	Bihar	2	369	6.62	Cash grants @ Rs. 300 to each person; supply of buffaloes/cows/goats/horses/cart.
3.	Karnataka	5	1,521	7.14	Supply of plough bullocks/carts/agricultural implements/buffaloes/sheep; inputs for sericulture; tanning equipment; poultry farming; piggery, cultivation of vegetables; tools for cobblers.
4.	Kerala	1	60	0.60	Collective farm of about 120.5 hec. in Kodencherry village for cultivation of food and cash crops.
5.	Orissa	3	100	1.00	Subsistence grant; provision of bullocks and carts/ other agricultural implements and inputs/dairy units/goats.
6.	Rajasthan	5	700	10.53	Subsistence allowance @ Rs. 500 to each person; supply of bullocks/other agricultural implements; milch cattle, fishery, craft-based industrial units for carpet/broom/dye-making/wooden building material/office furniture growing of orchards.
7.	Uttar Pradesh	3	2,606	10.00	Supply of bullocks and other inputs for agricultural cultivation vegetable production; milch cattle/sheep/mules/cattle sheds.
	TOTAL	22	6,942	53.62	

2.33 It will be seen from the above table that the Governments of *Madhya Pradesh* and *Tamil Nadu* have not sent any proposals for the rehabilitation of the bonded labourers. *It is astonishing to note that when the Central assistance is readily available the State Governments are not coming forward with their matching grants for the rehabilitation of bonded labourers. It is reiterated that the State Governments should make optimum utilisation of the resources available in the Central and State Sectors under the on-going schemes in the Integrated Area Development Programme and weaker sections development programme for the purpose of rehabilitating the bonded labourers in their respective areas. The State Governments concerned should gear up their machinery and prepare special schemes for the rehabilitation of these labourers in areas of their concentration where either there is no on-going scheme in operation or the resources available under such schemes are inadequate. Constant watch is required to be kept to prevent relapse of freed bonded labourers into bondage again. All preventive measures are also required to be taken to check this process. As the vast number of agricultural labourers in the country are potential recruits to the bonded labour system by incurring debt bondage, it is felt that the Rural Debt Relief Acts should be strictly enforced in various States and adequate machinery should be established with arrangements for effective supervision.*

Findings of a Survey conducted by Indian Statistical Institute in Palamau District of Bihar

2.34 The fears expressed in our earlier Reports that if meaningful schemes are not implemented for the rehabilitation of bonded labourers, they may relapse into bondage again, is borne out by a survey

conducted by Indian Statistical Institute in Palamau district of *Bihar* where more than 200 bonded labourers were released and a scheme for their rehabilitation undertaken. On an average each family was given some goats, a pair of bullocks, about 1½ acres of land, ration for a week and small amount of cash etc. It was observed that in most of the cases, the lands allotted were uncultivable and barren on which no amount of physical labour can produce food enough to maintain a family of moderate size round the year. It was found that in due course, as was inevitable, these so-called freed families consumed the consumer goods, sold out the saleable articles including ploughs bullocks and went in search of jobs elsewhere and mostly in nearest towns as labourers to contractors and virtually became bonded again. Those who remained or returned to the village were now forced by the situation to serve their masters more with lesser returns for their labour. Thus the freed bonded labourers were completely disillusioned with a feeling that they were let-down by all.

2.35 It may be mentioned that the Commissioner for Scheduled Castes and Scheduled Tribes while on tour in *Bihar* in the month of May, 1981 discussed the issue of 1,700 bonded labourers who were detected and released in the quarries of Tarachandi and Karbandia in the district of Rohtas. The D. M., Rohtas was asked by the State Government to enquire into the reported cases of low payment of wages and forcible work being taken from the labourers in the quarries. The D. M. found that at Tarachandi large number of labourers were undergoing oppression at the hands of mine-lease holders who were charging high interest on loans given to the labourers. Similar conditions were prevailing in the quarries at Karbandia. In a particular case of loan of Rs. 300 taken by the father of a labourer several years back could not be recouped in spite of monthly deduction from his wages all these years. He is now 45 years of age. He continued in bondage as he and his family members were not allowed to go home. All the other labourers employed in the quarries were also being paid much lower wages than the minimum wages fixed and were not allowed to move out unless their loan was recovered. Even in the extreme cases like death or illness they were not allowed to leave. The labourers were made to stay in the chawls on the hills and sentries used to be kept at the entrance gates. Most of these labourers had come from other districts of *Bihar* as well as from *Orissa, Madhya Pradesh, Maharashtra, Uttar Pradesh, West Bengal* and also from Nepal. It was also reported that most of the lease holders had violated the mining lease contracts and had also occupied the lands belonging to the Scheduled Castes. The licences given for arms were being used for forcefully confining them in the quarries. No arrangement of treatment for injured labourers had been made and many of them reported to have died while using explosives. Such matters were never reported and no compensation was given. The Commissioner was also informed that after the release of the labourers, the lease holders had filed several false cases against the District Officers and a writ petition was also reported to be pending in the High Court in this connection. The Central Labour Enforcement Officer, Dalmianagar who had visited Karbandia and Tarachandi areas and had promised to lodge the cases on the basis of the papers seized from the lease holders did not turn up to lodge the cases. It was alleged that he was trying to help the lease holders. *The State Government should take action against the lease holders and ensure that labourers get the prescribed minimum wages and that the Labour Laws are not violated by them.*

Findings of study by I.I.P.A. on rehabilitation of bonded labour in Jaunpur Block, Uttar Pradesh

2.36 During the years under report, the Indian Institute of Public Administration, New Delhi brought out an 'Evaluation study of Bonded Labour Rehabilitation scheme in Tehri-Garhwal, *Uttar Pradesh.* The study was undertaken by Dr. R. K. Tiwari and Dr. B. M. Verma of the Institute. The Ministry of Labour, Government of India entrusted the Indian Institute of Public Administration, New Delhi to study the Centrally Sponsored Plan scheme for the rehabilitation of the bonded labour. The report deals mainly with issues like administrative structure, implemented strategy, delivery system and impact of the scheme. The main purpose was to identify bottlenecks and to suggest modifications for more effective execution of the programme. For conducting the study, data was collected through field visits. Feld work was conducted in 24 villages of five circles (Paligad, Deshjulla, Chhaijula, Silwar and Laloor) of Jaunpur block. These villages were selected out of 109 villages on the basis of comparative greater concentration of the bonded labour families. A sample of 78 families (22 per cent of the total number of bonded labour families rehabilitated) was drawn on the basis of land holdings and rehabilitation assistance. From each family a bonded labourer was interviewed with the help of interview schedule. The major instruments of research were observation and interview. An examination was also made of the various documents and official records concerning the programme of rehabilitation of bonded labourers. The important observations/recommendations made in the report have been summarised and given below :—

1. The Centrally Sponsored Scheme for the rehabilitation of Bonded labour is expected to be a major intervention to improve the social and economic conditions of the released bonded labour. However, this scheme touches almost an insignificant number of released bonded labour as its area of operation is limited.

2 The establishment of a separate organisation (Tribal Development Authority) for implementing the rehabilitation scheme has certainly given impetus to the scheme. It has generated a sense of confidence among the released bonded labourers.

3 There is urgent need to introduce a system of monitoring and concurrent evaluation so that corrective measures could be applied in time. For this purpose, there is a need for a Committee both at the Centre and State level for keeping constant watch over the progress of rehabilitation scheme.

4. The Sub-divisional Vigilance Committee constituted under the Bonded Labour (Abolition) Act, 1976, has not functioned effectively in the Tehri Sub-Division (Jaunpur Block forms a part of this Sub-Division). It is defective in composition so much so that at least one of the present members had sixteen bonded labourers serving under him before 1979. Another member does not at all reside in the block. In another case a school teacher with no intimate knowledge of the problem was made a member. To be effective, it is necessary that members of the Sub-Division Vigilance Committee should be drawn from persons who were bonded labourers and those who were closely familiar with the problem. A few released bonded labourers were articulate and by making them members of Vigilance Committee, the Committee can be made to play an important role in the social awakening. In the Vigilance Committee adequate representation should be given to only those social workers who had helped in the identification of bonded labourers. At present the Assistant Development Officer (ADO) is not a member of the Sub-Division Vigilance Committee. This has created difficulties in the implementation of the scheme. As such, it is desirable that the ADO be made a member of the Sub-Division Vigilance Committee.

5. The Sub-Division Vigilance Committee (Tehri) has also not taken active interest in the welfare of the bonded labour families. Though constituted about four years back it had hardly met five to six times. While going through the agenda and minutes of the meeting up to March, 1980 it was found that the committee was mainly busy in devising ways and means to get the non-official members some allowance and matters connected with the welfare of released bonded labourer were hardly discussed.

6. The present set-up of the Tribal Development Authority (TDA) is not conductive for effective implementation of the scheme. The TDA is administratively both under the State—Hill Area Development and Labour Departments. This has given rise to unnecessary delay in the execution of the scheme. For example, though the scheme in the Jaunpur block under the Central grant was submitted to the Hill Area Development in April, 1978, the final sanction from this Department was given as late as March, 1979. The composition of Advisory Committee (TDA) is faulty. There is no representation of State Labour Department in the Advisory Committee, as such there is a need for reconstitution of the Advisory Committee. The Advisory Committee, though constituted in April, 1978, and is supposed to meet once in three months but as up to March, 1980 it had met only twice. For review of the working of the scheme, it is necessary that Advisory Committee meets more often and regularly.

7. For effective implementation of the scheme, there is need for close coordination between the Tribal Development Authority and field agencies like Block Development Organisation, Departments like Public Works, Irrigation, Forest, Rural Development, Water Supply and Education. In earlier phases of the scheme, the rehabilitation work was under District Magistrates of the concerned areas. As such different field agencies used to help in the rehabilitation scheme. Consequently, there was not much problem of coordination. After the establishment of the Tribal Development Authority, in March, 1978, a new organisation consisting of an Advisory Committee (TDA) headed by the Commissioner Garhwal Division as Chairman and various concerned Divisional Officers was established. An officer of the Indian Administrative Services was made Director (TDA) without any powers over block level agencies. This has created problems in coordinating the work with other field agencies. It is suggested that the Director (TDA) should be given adequate powers in those blocks which are inhabitated by tribal and bonded labour population. This measure will help in the speedy execution of the rehabilitation scheme.

8. The Project Officer of the Tribal Development Authority has got no administrative and financial powers. In the absence of these powers, he had no control over his staff. Even for minor financial sanctions he has to get clearance from the Director (TDA). This hampers in the effective execution of the scheme. In this connection, it is interesting to note that in *Uttar Pradesh*, a Block Development Officer has got administrative power, over his staff. Though the present Project Officer (TDA) is of the rank of the District Development Officer, he has got no such powers. The Project Officer looks after the work of rehabilitation of bonded labour families in six blocks spread in three districts—(Dehradun, Uttar Kashi, Tehri Garhwal) and also looks after the execution of the tribal development plans. As such it is suggested that he should have financial powers up to Rs. 500.00 and also some administrative powers over his staff.

9. The Assistant Development Officer (ADO) Jaunpur block at present has got no financial powers. All powers are centralised in the hands of the Director, Tribal Development Authority. For example, the papers for the disbursement of scholarship for the children of released bonded labourers had been submitted four months back, still the money has not been released. As such financial powers up to Rs. 100 should be given to A.D. which will help in distribution of inputs like chemicals, fertiliser, seeds and plants etc. The Assistant Development Officer has got no field office. In order to carry his work in the block there should be some facility of office at a central place like Kampti (Tehri Garhwal district). This will facilitate close supervision and contact with the beneficiaries.

10. To implement the provisions under the Bonded Labour System (Abolition) Act, 1976, Project Officer and Assistant Development Officer at the district and sub-division respectively should have some investigating powers. At present, under the Bonded Labour System (Abolition) Act, 1976, these powers are vested in District Magistrate and Sub-Divisional Magistrate. Due to the nature of their functions it is desirable that the powers as provided in section 10 and 13 of the Act, be delegated to these officers. This will help them in effective execution of the provisions of the Act and rehabilitation scheme. In this connection, it is interesting to point out that field staff at the District and Sub-Divisional level staff of Labour Forest and Public Health possess investigative powers which help them in their work. Such investigative powers, if delegated to the Project Officer and Assistant Development Officer, will help in the release of bonded labourers, and in taking cognisance of any offence against bonded labourers. This will also help in coordinating the programme with district and block agencies.

11. In the Jaunpur block the terrain is difficult and sparsely populated. As such the role of Project Worker is of immense significence. At present there is one Project Worker for 250 released bonded labour families. Instead there should be one Project Worker for 100 bonded labour families. This will facilitate in the delivery system and help in day-to-day problems of the bonded labour families. Presently, Project workers are recruited from the open market. As they are raw, much time is lost in training and guiding them and consequently work suffers. It is suggested that the Project Workers should be taken only on deputation from allied departments and necessary monetary incentive either in the form of higher allowance or higher scales, be provided. At present project workers are stationed in circle headquarters with no facilities of office. This hampers in the distribution of input supply. There is a need to provide them an office which will help in both storage of inputs and office work.

12. Identification work has been very slow in the Jaunpur block. The authorities have taken almost three years to identify, verify and, subsequently reverify bonded labourers. In the identification of bonded labourers both procedure and process adopted by the Project Authority, is quite effective. It is reported by the Project Authority that almost cent per cent bonded labourers were identified in the year 1977-78, that is after the establishment of the separate organisation for the rehabilitation of the bonded labourers. Our data also suggest that identified bonded labourers were released within a period of two months after identification. But no relief was given in any form to nearly 75 per cent of the released bonded labourers. The main thrust of the implementing authority in the beginning was in securing employment for the released bonded labourers. It is interesting to know that only 24 per cent bonded labourers of the sample survey were provided employment for varying periods in different departments. The other 76 per cent got employment on their own, in agriculture and non-agriculture sector just for a period of ten days in a month on an average. It is suggested that with the help of various departments like Forest, Public Works, Integrated Rural Development Scheme, Irrigation, more job opportunities should be created in villages where there is concentration of bonded labourers. In this connection, 'Food for Work' and 'Employment Guarantee Scheme' will help the bonded labourer initially in the process of rehabilitation.

13. It is necessary to publicise the provisions of the Bonded Labourers System (Abolition) Act, 1976 more effectively. Our data had shown that still a large percentage of released bonded labourers were not aware of the more significant provisions of this Act.

14. The present rehabilitation scheme is based on the guidelines provided by the Ministry of Labour, Government of India. The Tribal Development Authority formulated the scheme on the basis of these guidelines and also had taken into account the felt needs of the released bonded labour families. The Project Authority had prepared the plan both long term (five years) and short term (annual) plan. The progress of the scheme has been very slow. It is surprising to note that even after six months of the operation of the scheme, agricultural

implements (for which money had been sanctioned in the budget) have not yet been distributed. These instruments are necessary for agricultural work. So far the TDA has concentrated on the distribution of cattles only. Adequate care has been taken in the mode of insurance, and transport of the cattle to the beneficiaries. One of the main shortcomings of the scheme is lack of institutional facilities like marketing, veterinary cover etc. It is suggested that in order to be effective, institutional facilities including cooperative societies exclusively for released bonded labour should be established. The Tribal Development Authority up to March, 1980 had been able to spend only one third of the total grant of Rs. 20 lakhs. There is need to expedite the work, as it will facilitate early rehabilitation of released bonded labour families.

15. At present financial assistance of approximately Rs. 4,000 is provided for a released bonded labour under this scheme. This includes assistance in the form of a pair of bullock, one buffalo and advance for cattleshed/house. There is need for purchasing cattle from same climatic conditions. Adequate provision has not been made in providing fodder and other inputs like seeds, plants, fertilisers, bonded labourers. One buffalo is not sufficient to give economic relief. It is suggested that at least a unit of two buffaloes should be distributed in the scheme. The quality of land is poor and there are problems of levelling and fencing. Reclamation of land should be given priority in the rehabilitation scheme.

16. The present scheme, even after completion, will not help in the economic rehabilitation of the released bonded labour families. Due to the inadequate grant which at present is only Rs. 4,000 per family it is not possible to rehabilitate fully a bonded family. There is a need for change in the policy both in terms of financial outlay and period of assistance. The following changes are suggested :

(i) the unit of grant should be family rather than individual bonded labourer;

(ii) to stabilise their economic condition long term assistance on a continuous basis (at least for five years) should be prepared;

(iii) the quantum of grant should be increased from Rs. 4,000 to Rs. 10,000 per released bonded labour family;

(iv) in social sector priority should be given in the field of education both liberal and technical;

(v) the present scheme is restricted to three occupations land, non-land and skill based, there is a need for grant to be given in new areas like way side stalls for tea, vegetables and provisions etc. in these areas of the block which are coming up as tourist centres.

These are no doubt commendable recommendations and if implemented by the Government of Uttar Pradesh with all seriousness, may go a long way in improving the lot of the bonded labourers in the area.

Survey in Medak District of Andhra Pradesh

2.37 A survey conducted in the Medak district of *Andhra Pradesh* has revealed that in some cases the freed bonded labourers were re-employed under the same creditors on slightly better wages and the extent of rehabilitation, done was inadequate. The National Rural Development Institute, Hyderabad has conducted a study of the rehabilitation of bonded labourers in Ranga Reddy District in *Andhra Pradesh* and have recommended measures for better implementation of the Centrally Sponsered Scheme.

Survey of economic levels of Scheduled Castes/ Scheduled Tribes in Andhra Pradesh

2.38 It is worth mentioning that the Government of *Andhra Pradesh* organised a systematic survey of the economic levels of the Scheduled Caste and Scheduled Tribe families all over the State. The survey was reported to be family-wise and the department have devised family cards with the involvement of the Scheduled Castes and Scheduled Tribes Finance Corporations. The intention of the State Government in having this survey was to get a full picture of the actual economic conditions of each family of Scheduled Castes and Scheduled Tribes on the one hand and to have a broad idea about their economic conditions district or region-wise. Details of the families having movable and immovable property and family-wise liabilities was also collected. The survey brought out a number of Scheduled Caste/ Tribe families village-wise who had their own viable sustenance base and those families who were below the poverty line and those who were virtually dependant on others being in debts and under bondage. It was also reported that the abstracts drawn up in certain cases on the basis of the family cards revealed that the number of agricultural labourers of Scheduled Caste/Tribe families without any property and having debts were in most cases bonded labourers and were in substantial number. The approach of the Government is to cover initially those families who fall below the poverty line. *The steps taken by the Government of Andhra Pradesh are welcome and it is suggested that other State Governments and Union Territory Administrations should also organise systematic surveys of the economic levels of the Scheduled Caste/Tribe families. This would help the administration to cover Scheduled Caste/Tribe bonded labourers also.*

2.39 During the Sixth Plan, the rehabilitation of bonded labourers is being taken up as part of the

accelerated rural development programme in a time-bound manner and it is hoped that by the end of 1981-82 the remaining freed bonded labourers will be rehabilitated. It is observed that the Programme Evaluation Organisation of the Planning Commission is conducting an evaluation study of the Centrally Sponsored Scheme for the rehabilitation of bonded labourers in the country. The results of this study would help the concerned State Governments to modify and adopt a more realistic approach in the rehabilitation of the identified and freed bonded labourers.

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979

2.40 In the Report for the year 1978-79 various features of the Inter-State Migrant Workmen Act were highlighted. Before the enactment, it was felt that even afer necessary amendments in the Contract Labour (Regulation and Abolition) Act, 1970, it was not possible to check of mal-practices indulged in by the contractors/sardars/khatedars etc. who used to recruit a large number of labourers from different States for the big industrial ana construction projects. Most of such labourers were reported to belong to Scheduled Caste/Tribe communities and were kept as bonded labourers. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979 came into force from 2nd Octobr, 1980. The Central Government have framed rules which are quite exhaustive in nature. The rules spell in detail, the manner of making application for registration of establishment, duties of the contractors, wages to be paid, medical, legal and other facilities to be provided to migrant workers, collection of statistics regarding registers and records etc. *The Act is quite comprehensive and attempts to deal with the basic problems of most vulnerable sections of the society. It is hoped that State Governments/Union Territory Administrations concerned would strictly enforce this Act and ensure that rules framed under the Act are not violated.*

Bonded Labour found in Punjab

2.41 Reports were received about unscrupulous activities of some persons to bring from *Bihar* labourers for doing work in *Punjab*. A case of bonded labour system appeared in 'The Times of India' on 11th April, 1981 in which a Scheduled Tribe labourer of Burrichanda village in Singhbhum district of *Bihar* was promised by some persons for job and was taken to *Punjab* to work as bonded labourer. It was alleged that he alongwith other 39 Scheduled Tribes were lured with promise of job and were sold to an agent for cheap labour. From the agent the poor labourers were hired by a land owner for work for 14 to 16 hours a day at agricultural farm. The report further indicates that they were insulted, abused and beaten up whenever they could not cope with the arduous demands of the land owners. After four months of frustration and mental torture the Scheduled Tribe labourer returned to his home-town. The Office of the Commissioner for Scheduled Castes and Scheduled Tribes have already taken up this matter with the Government of *Bihar*. It may be mentioned here that the agents who bring these labourers pay for the train fare of the labourers and they are not paid any wages for the first two months of their work with the local landlords. The labourers are paid meagre wages at the rate of Rs. 60.00 per month while the agents who deliver these labourers to the landlords were reported to have received about Rs. 300 from the employers. The wages paid to the workers are insignificant compared to the normal wages agricultural labourers get in *Punjab* which are even higher than the prescribed minimum agricultural wages at the time of sowing, harvest etc. Due to intensive agricultural practices and migration of workers from Punjab to foreign countries there is dearth of workers. Such cases may not attract the provisions of the Bonded Labour System (Abolition) Act, 1976 but would come under the Inter State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979.

2.42 The Commissioner for Scheduled Castes and Scheduled Tribes while on tour in *Bihar* in the month of May, 1981 discussed the problem of migrant labourers with the State officials. The Commissioner enquired whether any case study was being undertaken of migrant labourers. He was informed that some studies were being undertaken and was also informed that Labour Officers one each in *Punjab, Haryana, Uttar Pradesh* and *West Bengal* of the rank of Deputy Labour Commissioner would be posted. They would be required to make inspection of the working conditions of the migrant labourers from *Bihar* in these States and to see that labour laws were implemented. *This is a welcome step and Government of Bihar should take more coordinated measures to ensure that the migrant labourers from that State are not exploited.*

Scheduled Tribe migrant labourers in Jammu and Kashmir

2.43 Report of Scheduled Tribe migrant labourers who had gone from *Orissa* as migrant labourers to work under a contractor in the ice bound Kistwar area of Jammu had appeared in one of the leading English newspaper on the 7th March, 1981. The report indicated that as a result of torture and denial of food by the contractor, 4 labourers died. In this case also these labourers were lured by the agents to work under the contractor on a road laying project at Kistwar. They were also lured by promises of attractive wages. The matter also came up for discussions in the State Legislative Assembly of *Orissa*. The Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes has taken up this matter with the Government of *Orissa*.

Scheduled Caste stone quarry migrant workers in New Delhi

2.44 In the month of June, 1980 several news papers reported about the pitiable conditions of Scheduled Caste stone cutters of Mandi Jaunpur area in South Delhi A leading newspaper stated under the heading 'Quarry Contractors' stone hearts .....

'Even though Harijan stone cutters of Mandi-Jaunapur area in South Delhi called off their strike, their problems remain unsolved. The workers are still being paid below the statutory minimum daily wage of Rs. 9.25 despite the reported increase of Rs. 5 per truck load of stones paid by the contractors. About 1,500 workers, mostly from *Rajasthan,* live in three clusters of jhuggies in the steamy rocky terrain without proper water supply or medical attention. Most of them are bonded labourers .....
Another daily under the heading 'Blood on those stones' stated 'It is several years since bonded labour was officially abolished, but apparently the law has remained on paper. There are about 350 Harijan families whose plight is little better than that of bonded labourers. They live in abject poverty, working as long as 10 hours a day for a pittance in the stone quarries owned by the Delhi Administration in Mandi and Jaunapur villages. Skinny little children in rags who should have been studying can be seen picking and crushing stone in the sun .....'
Yet another paper under the heading 'Harijan labourers seek protection' wrote "About 350 Harijan families who work as 'Bonded Labourers' in the stone quarries in Mehrauli area have urged the Government to end their inhuman exploitation and to protect them from the goondas of the contractors....."
The issue was also raised in the Lok Sabha on 2nd and 3rd July, 1980. Looking to the gravity of the situation, the Commissioner for Scheduled Castes and Scheduled Tribes got an on the spot enquiry made by a Research Team. The Team found that there were three clusters of jhuggies on the rocky terrain without any water supply or medical facilities. It was reported that there were about 1500 workers mostly from Bharatpur and Alwar districts of *Rajasthan* and some of them had also come from Mathura district of *Uttar Pradesh.* When the team reached the village about 60 children from 3 to 12 years of age came to the spot. Almost all of them were in rags and most of the adults who were interviewed hardly had anything on their bodies except a small piece of *dhoti.* Most of the workers who had been there for the last 10 to 15 years complained that they had not been provided with even such basic needs like clean drinking water and medical facilities. The nearest well was more than a km. away and during rainy season its water became unfit for consumption and they had to walk to the nearest village to get water. The nearest dispensary was at Mehrauli. The contractors had been giving money in advance according to their needs and the record was usually kept by the contractors themselves. The workers were made payment on the basis of 200 cubic feet of truck space filled by them by stones of different categories. Broadly, there were three sizes in which the workers were required to cut stones.

Size of stones	Payment	Area in cubic feet
1½" . . .	Rs. 40.00	Per 200 (Approximately a truck load).
1" . . .	Rs. 60.00	Per 200 (Approximately a truck load)
Special size .	Rs. 70.00	Per 200 (Approximately a truck load)

2.45 The workers informed the Team that 8 to 10 persons break stones of 1" size per day for a truck load. Similarly to break the stones into special size it takes about 12 persons to fill the truck load in a day's time. If the worker in a quarry was old it took more days and the average daily wage comes to Rs. 4 to Rs. 6. In the normal course, the daily average wage at the rate of Rs. 60 per truck for 1" type stone would come to Rs. 5 per worker. Some of the old workers stated that during the past few years, the working conditions had deteriorated considerably. Previously, the contractors used to give the tools and also pay for the construction of the huts, but this practice was abandoned and no payment was now being made to them for construction of huts etc. The team observed that the labourers were required to dig the big stone slabs from inside the stone pit and sometimes also from the rock above and in that process many accidents had taken place. Some of the workers reported that due to bad working conditions many had lost their limbs, but no compensation was ever paid to them. Some of the important observations/ recommendations made by the Team in this Report which need special attention of Delhi Administration and D.S.I.D.C., New Delhi are summarised below :—

(1) It was found that the Scheduled Caste workers were living in sub-human conditions and no arrangement for providing drinking water was made either by the Gram Sabha, Delhi Administration or by D.S.I.D.C. in the past. The D.S.I.D.C. with its vast resources should be in a position to ensure safety conditions for the labour and also provide basic amenities.

(2) There is a *Kaccha* well near the Mandi hills at a distance of about 1 km. water of which is being used by the labourers. The deep boring of the well can provide water to the labourers all the year round. The well should be made 'pucca' so that water pollution may be checked. This should be done on a priority basis without any further loss of time.

(3) Most of the people reported that first aid facilities were not available to the labourers. The doctor whose visit to the area had been increased recently as reported by the officials of DSIDC, should be properly equipped with medicines and first aid requirements. In case of serious injury arrangement should be made by DSIDC to remove the patients to the hospital. The Delhi Administration should open schools for education of children.

(4) The DSIDC should ensure that prescribed labour laws are not violated by the contractors and the minimum Wages Act, Workmen Compensation Act, Mines and Quarries Act and Contract Labour Act. The DSIDC may levy a fee of one rupee per truck the stone quarries and the amount thus collected should be spent exclusively for the welfare of stone quarry workers.

Appointment of Minister in-charge of Welfare of Scheduled Castes and Scheduled Tribes

2.46 Article 164 of the Constitution provides, that in the State of *Bihar*, *Madhya Pradesh* and *Orissa* there shall be a Minister-in-charge of Tribal Welfare, who may in addition be in charge of the Welfare of the Scheduled Castes and backward classes or any other work This provision was given effect to in all the three States during the year 1979-80 and the portfolio of Tribal Welfare remained in the charge of a Minister of the Cabinet rank till the dissolution of these State Assemblies in February, 1980

2.47 In accordance with the provision made in paragraph 14(3) of the Sixth Scheduled to the Constitution, one of the Ministers is to be specially in-charge of the welfare of autonomous districts and autonomous regions in the States of *Assam* and *Meghalaya* According to the available information in Assam there was a Minister-in-charge of Tribal Areas and Plains Tribes and there a Minister-in-charge of District Council Affairs Department who exclusively looked after the work of District Councils

Representation of Scheduled Castes and Scheduled Tribes in Parliament and State Legislatures under Articles 330, 332 and 334

2.48 Under Articles 330, 332 and 334 of the Constitution, special representation in the Lok Sabha and the State Vidhan Sabhas has been provided for the Scheduled Castes and Scheduled Tribes

Extension of period of reservation till 25th January, 1990

2.49 The passing of the Constitution (Forty-fifth Amendment) Bill, 1980 by the Lok Sabha on January 24, 1980 and by the Rajya Sabha on the 25th January, 1980 and assented by the President on the 14th April, 1980 extended the period of special reservation for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Vidhan Sabhas for a further period of 10 years with retrospective effect from 26th January, 1980

Subsequent Amendments/changes introduced

2.50 At the time of commencement of the Constitution under Article 330 of the Constitution, it was provided that seats shall be reserved in the Lok Sabha for (a) Scheduled Castes (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam, and (c) the Scheduled Tribes in the autonomous districts of *Assam* and the seats shall bear nearly the same proportion to the total number of seats allotted to that State or Union Territory in the Lok Sabha as the total population of the Scheduled Castes in the State or Union Territory or of the Scheduled Tribes in the State or Union Territory Whereas there has ben no change in respect of special reservation to be made for the Scheduled Castes, in the case of Scheduled Tribes, there have been some variation By the Constitution (23rd Amendment) Act 1969, in Article 330 of the Constitution for the words "except Scheduled Tribes in the tribal areas of *Assam*" the words "except the Scheduled Tribes in the tribal areas of *Assam* and *Nagaland*" were substituted Subsequently, 31st Amendment of the Constitution provided that seats shall be reserved in the Lok Sabha for (a) Scheduled Castes, (b) Scheduled Tribes except the Scheduled Tribes —

(1) in tribal areas of Assam,

(2) in Nagaland,

(3) in Meghalaya,

(4) in Arunachal Pradesh, and

(5) in Mizoram, and (c) the Scheduled Tribes in autonomous districts of Assam

2.51 Article 332, provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes except in the tribal areas of *Assam*, in the Legislative Assemblies of every State It was also mentioned that seats shall be reserved also for the autonomous districts in the Legislative Assembly of the state of *Assam* Under 31st Amendment of the Constitution the words "except the Scheduled Tribes in the tribal areas of *Assam* and in *Nagaland*", as provided by the Constitution (Twenty-third Amendment) Act, 1969 were substituted for the words "except the Scheduled Tribes in the tribal areas of *Assam*, in *Nagaland* and in *Meghalaya*"

Increase in the number of seats reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha

2.52 In 1976, Parliament enacted the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 Prior to this many castes had been recognised as Scheduled Castes in certain specified areas of the country By the passing of this Act, such area restrictions imposed on many of the Scheduled Castes/Tribes were done away with Consequently there were some changes required in terms of the Act in the number of seats reserved for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and in the Legislative Assemblies of eleven States But in view of the dissolution of the Fifth Lok Sabha on 19th January, 1977 and the decision to hold a General Election in March, 1977, the provisions of the Act could not be brought into force until after the General Elections were concluded This Act was accordingly brought into force with effect from 27th July, 1977 Under Section 5 of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, the Census Authority was required to ascertain or estimate the revised population of Scheduled Castes and Scheduled Tribes with reference to 1971 Census figures on the basis of the new lists of Scheduled Castes and Scheduled Tribes and in the event of 1971 Census figures in respect of any Caste or Tribe not available the Registrar General of India was enabled to go to earlier census figures The Registrar General of India notified the revised figures on the 20th August, 1977 Section 6 of the Act cast the duty on the Election Commission

to make such amendment as may be necessary in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 (without altering the extent of any constituency as given in such order) for the purpose of giving proper representation to the Scheduled Castes or the Scheduled Tribes, as the case may be. On the basis of revised figures of the population of Scheduled Castes and Scheduled Tribes notified by the Registrar General of India, the entitlement of seats for Scheduled Castes and Scheduled Tribes in proportion to their population to the total population of the State, as required under Articles 331 and 332 of the Constitution in the Lok Sabha and State Legislative Assemblies was calculated a fresh in the Office of the Commission. About reservations of seats in Lok Sabha, the States of *Madhya Pradesh* and *Maharashtra* became entitled to an additional seat each for the Scheduled Tribes and the State of *Madhya Pradesh* became entitled to an additional seat for Scheduled Caste. In other words 3 more seats, *i.e.* one for Scheduled Castes and two for Scheduled Tribes were to be reserved in the Lok Sabha from out of the existing general seats allocated to these States.

Increase in the number of seats reserved for Scheduled Castes and Scheduled Tribes in Vidhan Sabhas

2.53 It may also be mentioned that additional seats for Scheduled Castes in the Legislative Assemblies were provided in *Bihar* (2), *Gujarat* (1), *Himachal Pradesh* (1), *Karnataka* (4), *Kerala* (1), *Madhya Pradesh* (2), *Maharashtra* (1), *Rajasthan* (1) and *Uttar Pradesh* (3). Regarding Scheduled Tribes, additional seats were provided in the Legislative Assemblies of *Andhra Pradesh* (4), *Gujarat* (1), *Madhya Pradesh* (11), *Maharashtra* (5) and *Tamil Nadu* (1).

Seats reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha during 1977 *and* 1980 *election*

2.54 In the course of 1977 General Elections out of a total number of 542 seats, 78 were reserved for the Scheduled Castes and 38 seats for the Scheduled Tribes in the Lok Sabha. As compared to this at the time of 1981 Elections out of a total strength of 542 Members, 79 belonged to Scheduled Castes and 40 to Scheduled Tribes. State-wise information regarding total number of seats and seats reserved for Scheduled Castes and Scheduled Tribes at the time of the General Elections in 1977 and 1980 is given below :—

State/ Union Territory	No. of Parliamentary Constituencies				
		1977		1980	
	Total	Reserved for		Reserved for	
		SC	ST	SC	ST
1	2	3	4	5	6
States					
1. Andhra Pradesh	42	6	2	6	2
2. Assam	14	1	2	1	2
3. Bihar	54	8	5	8	5
4. Gujarat	26	2	4	2	4
5. Haryana	10	2	..	2	..
6. Himachal Pradesh	4	1	..	1	..
7. Jammu & Kashmir	6	.	..	..	..
8. Karnataka	28	4	..	4	..
9. Kerala	20	2	..	2	..
10. Madhya Pradesh	40	5	8	6	9
11. Maharashtra	48	3	3	3	4
12. Manipur	2		1	.	1
13. Meghalaya	2	.	.	.	..
14. Nagaland	1	.	.		..
15. Orissa	21	3	5	3	5
16. Punjab	13	3	..	3	.
17. Rajasthan	25	4	3	4	3
18. Sikkim	1	.	..	..	.
19. Tamil Nadu	39	7	..	7	..
20. Tripura	2	.	1	..	1
21. Uttar Pradesh	85	18	..	18	.
22. West Bengal	42	8	2	8	2
	525	77	36	78	38
Union Territories					
1. Andaman & Nicobar Islands	1	.	..	..	..
2. Arunachal Pradesh	2	..	..	..	.
3. Chandigarh	1	..	..	..	..
4. Dadra & Nagar Haveli	1	..	1	..	1
5. Delhi	7	1	..	1	..
6. Goa, Daman and Diu	2	..	.	.	..
7. Lakshadweep	1	..	1	.	1
8. Mizoram	1	..	..	..	..
9. Pondicherry	1	..	..	..	.
	17	1	2	1	2
TOTAL	542	78	38	79	40

Representation of Scheduled Castes to Lok Sabha from the General Constituencies

2.55 According to available information in the General Elections to the Lok Sabha held in January, 1980, two members belonging to Scheduled Castes were elected to the Lok Sabha from the General Constituencies. These members were elected from the States of *Kerala* and *Orissa* thereby raising the total number of Scheduled Caste members in the Lok Sabha

from 79 to 81 This does not include information relating to the States of *Bihar, Madhya Pradesh, Maharashtra* and *Uttar Pradesh* which is still awaited

Rajya Sabha

2 56 As already indicated in the earlier reports there is no constitutional provision for the reservation of seats for the Scheduled Castes and Scheduled Tribes in Rajya Sabha

Representation of Scheduled Castes and Scheduled Tribes in Vidhan Sabhas and Vidhan Parishads

2 57 In accordance with the provision under Article 332 of the Constitution and Delimitation Order, 1976 and the Representation of the People's (Amendment) Act, 1980 out of 3,997 seats in the Vidhan Sabhas in various States and Union Territories concerned, 557 and 315 seats were reserved for the Scheduled Castes and Scheduled Tribes respectively

Seats reserved for Scheduled Castes and Scheduled Tribes in the Vidhan Sabhas during 1977 *and* 1980 *elections*

2 58 State-wise allocation of seats in respect of total number of constituencies and reserved constituencies for Scheduled Castes and Scheduled Tribes during 1977 and 1980 elections is given below :—

State/ Union Territory	No of Assembly Constituencies				
	Total	1977		1980	
		Reserved for		Reserved for	
		SC	ST	SC	ST
1	2	3	4	5	6
States					
1 Andhra Pradesh	294	39	11	39	15
2 Assam	126	8	16	8	16
3 Bihar	324	46	28	48	28
4 Gujarat	182	12	25	13	26
5 Haryana	90	17		17	
6 Himachal Pradesh	68	15	3	16	3
7 Jammu & Kashmir	76@	6		6	..
8 Karnataka	224	29	2	33	2
9 Kerala	140	12	2	13	1
10 Madhya Pradesh	320	42	64	44	75
11 Maharashtra	288	17	17	18	22
12 Manipur	60	1	19	1	19
13 Meghalaya	60			.	..
14 Nagaland	60				
15 Orissa	147	22	34	22	34
16 Punjab	117	29		29	
17. Rajasthan	200	32	24	33	24
18 Sikkim	32%	1		2	12*
19 Tamil Nadu	234	42	2	42	3
20 Tripura	60	7	17	7	17
21 Uttar Pradesh	425	89	1	92	1
22 West Bengal	294	59	17	59	17
	3821	525	282	542	315
Union Territories					
1 Arunachal Pradesh	30				
2 Delhi	56£	9		9	
3 Goa, Daman & Diu	30	1		1	
4 Mizoram	30				
5 Pondicherry	30	5		5	
	176	15		15	
TOTAL	3997	540	282	557	315

@Excludes 24 seats for the Pakistan occupied territory
*Reserved for Sikkimese of Bhutia-Lepcha origin
%Includes one seat reserved for Sangha Constituency
£Metropolitan Council Constituencies

Besides, one Scheduled Castes & two Scheduled Tribe members each in *Gujarat* and *Rajasthan* and one in *Bihar* were elected from unreserved seats to the respective Vidhan Sabhas

Vidhan Parishads

2 59 As in the case of the Rajya Sabha, there is no constitutional provision for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the State Vidhan Parishads However, information furnished in the year 1979-80 by seven States having Vidhan Parishads was as under —

S No	State	Number of Scheduled Caste Members		Number of Scheduled Tribe Members	
		Elected	Nominated	Elected	Nominated
1	2	3	4	5	6
1	Andhra Pradesh	Information not received			
2	Bihar	3	1	3	1
3	Jammu & Kashmir	1	1		
4	Karnataka	3		?	
5	Maharashtra	4	1		1
6	Tamil Nadu	2			
7	Uttar Pradesh	4	1		

Introduction of rotational system in the Delimitation of Constituencies

2 60 Allocation of seats for Scheduled Castes and Scheduled Tribes is done under Representation of the People Act, 1950 The legal provisions which afford guidance for the reservations of seats are indicated in Section (9)(1)(c) and 9(1)(d) of the Delimitation Act of 1972, which are given below .—

9(1)(c)

"Constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large", and

(9)(1)(d)

"Constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest"

2.61 The allocation of seats reserved for the Scheduled Tribes was done strictly on the basis of higher concentration of the tribal population among the constituencies within the State. As the Scheduled Tribes live in well-defined areas not much difficulty is experienced in reserving seats for them. The Election Commission has informed that it is not practicable to fulfil the requirements in respect of Scheduled Castes that the seats shall be distributed in different parts of the State but also that constituencies shall be located as far as practicable in those areas, where the proportion of their population to the total is comparatively large. It was pointed out by the Election Commission that it is not practicable to fulfil both the requirements of law in the matter of reservation of seats for the Scheduled Castes. Instances were given about cases in which higher concentration of Scheduled Castes in constituencies had been overlooked, lest all the reserved seats become contiguous to each other and form a pocket or cluster of Scheduled Castes' seats. In many cases, the area comprised in most of the existing reserved constituencies continued to be reserved from 1951 onwards. The Election Commission further pointed out that in a large State like *Uttar Pradesh*, where 89 seats were reserved for the Scheduled Castes in the State legislative Assembly, only one constituency *viz.* Dudhi (Mirzapur District, Varanasi Division) was having a concentration of above 50 per cent Scheduled Caste population. Similarly on the lower side, in certain cases like Sultia (SC) assembly constituency in *Karnataka* and Hosdrug (SC) assembly constituency in *Kerala* were having concentration of Scheduled Caste population below 11.00 per cent. Taking various factors into consideration the Election Commission has recommended that after each general election the seats reserved for Scheduled Castes and Scheduled Tribes should be rotated within a district or any other suitable administrative unit in a State so that a seat does not remain reserved for more than 5 or 10 years at a time.

Representation of Scheduled Castes and Scheduled Tribes in the Gram Panchayats and other Local Bodies

2.62 Under the laws enacted by various States, safeguards have been provided for proper representation of the members of the Scheduled Castes and Scheduled Tribes by reservation co-option of seats for them in the Gram Panchayats and other local bodies also.

Lists of Scheduled Castes and Scheduled Tribes

2.63 As indicated in the previous Reports, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1976 was passed by the Fifth Lok Sabha on the 2nd September, 1976 and received the assent of the President on the 18th September, 1976. The Act came into force with effect from the 27th July, 1977 providing for the removal of area restrictions except in cases where it was considered necessary and for the re-adjustment of representation of Parliamentary and Assembly constituencies.

2.64. Since no new caste or tribe was included or excluded from the existing lists of the Scheduled Castes and Scheduled Tribes, the question of drawing up comprehensive lists of the Scheduled Castes and Scheduled Tribes which has been pending since long was referred to a Joint Committee of both the Houses of Parliament to examine the lists contained in the Constitution (Scheduled Castes and Scheduled Tribes) Orders, 1950 and to suggest amendment thereto in their report which was to be submitted by the last day of the 1979 budget session of Parliament. The Committee, however, ceased to exist with the dissolution of the Sixth Lok Sabha by the President on the 22nd August, 1979. The removal of area restrictions in respect of the Scheduled Castes and the Scheduled Tribes have no doubt enabled the members of these communities, who were, hitherto, deprived of the benefits and concessions given by the Central and State Governments to get their due share of educational, economic and political safeguards, but the delay in drawing up comprehensive lists of Scheduled Castes and Scheduled Tribes which has been pending during all this period due to one reason or the other has resulted in lot of hardships to the concerned communities. *It is hoped that the Government of India will bring forward in the near future, a suitable legislation for a comprehensive revision of the lists of Scheduled Castes and Scheduled Tribes, in the present Lok Sabha.*

2.65 The Neo-Buddhists are a group of people from Hindu Scheduled Castes who embraced Buddhism. According to an estimate made in 1969 there number was about 30 lakhs of which about 28 lakhs were in *Maharashtra* alone. Since the neo-Buddhists had chosen to forsake their religion with their conversion and adopted Buddhism whose society is free from the taint of untouchability, they became ineligible to any concession or privilege given to the Scheduled Caste Hindus on the ground of untouchability. On the plea that change of religion does not alter their social and economic conditions, the representatives of the neo-Buddhists have been demanding from time to time, within and outside Parliament, the concessions and facilities, which were enjoyed by them as Scheduled Caste, prior to their conversion.

2.66 The Government of India after examining their demands made from time to time, extended the concession of Post-matric Scholarships meant for Scheduled Castes and Scheduled Tribes to neo-Buddhists formerly belonging to Scheduled Castes. This concession was given on the 30th October, 1971. Considering their persisting demands, the Government of India again decided in March, 1977 to extend the following additional concessions to the neo-Buddhists :—

(i) Neo-Buddhists, formerly belonging to Scheduled Castes, shall also be eligible for admission to Girls Hostels under the "Centrally Sponsored Scheme of Scheduled Castes Girls Hostels."

(ii) Under the Scheme of "National Overseas Scholarships to Scheduled Castes/Tribes", one seat every year out of the Scheduled

Castes quota will be reserved for a neo-Buddhist formerly belonging to Scheduled Caste. If at any time, a suitable Neo-Buddhist candidate is not available, the seat thus reserved will revert to the Scheduled Castes quota.

(iii) Voluntary Organisations of an India nature working for Neo-Buddhists will henceforth be eligible to receive grant-in-aid under the scheme of "Grant-in-aid to Voluntary Organisation"; and

(iv) Neo-Buddhists will also hereafter be eligible for admission to the Pre-examination Training Centres run by the Government of India for Scheduled Castes and Scheduled Tribes, appearing in various competitive examinations.

2.67 Grant of benefits in the States to neo-Buddhists as regards services, educational and financial assistance and other facilities, is within the purview of the respective State Governments. In *Maharashtra*, with effect from the 1st May, 1960, the Scheduled Caste converts to Buddhism have been declared eligible for concessions and facilities available to the Scheduled Castes except the statutory concessions under the Constitution and certain schemes for the removal of untouchability.

2.68 Statutory concessions like reservation of seats in the Lok Sabha and the State Legislative Assemblies and the reservation in services under the Government of India can be extended only if the neo-Buddhist community is included in the Constitution (Scheduled Castes) Orders, which can be done only by a law, as laid down in Article 341(2) of the Constitution. It is believed that the matter is under active consideration of the Government of India.

Reservation of seats for Scheduled Castes and Scheduled Tribes in educational and technical institutions

2.69 Article 15(4) of the Constitution empowers the State for making any special provision for them advancement of any socially or educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. In fact, the necessity for incorporating of Article 15(4) arose after the Constitution came into force because of the decision in *Smt. Champakam Dorairajans case**. The distribution of seats in the Medical and Engineering colleges among the various communities under an order issued by the Madras Government was held to be invalid both by the High Court as well as by the Supreme Court as the same contravened Article 29(2) of the Constitution. In pursuance of Article 15(4), the Union Ministry of Education issued instructions to various State Governments/Union Territory Administrations and Universities that 20 per cent of the seats in different educational and technical institutions should be reserved for the Scheduled Castes and the Scheduled Tribes with a distinct reservation of 15 per cent for the Scheduled Castes and 5 per cent for the Scheduled Tribes. This reservation is inter-changeable, *i.e.*, if a sufficient number of candidates is not available to fill seats reserved for Scheduled Tribes, these may be filled up by suitable Scheduled Caste candidates, and *vice versa*. The Ministry also suggested that, a minimum qualifying standard should be prescribed for admission and Scheduled Caste/Scheduled Tribe students should be eligible for admission to the reserved seats if they attain that standard without any reference to the gap between their marks and the marks of the last person admitted to the open seats. Where admissions are restricted to candidates who obtain certain minimum percentage of marks and not merely the passing of a certain examination, a 5 per cent reduction for the Scheduled Castes and Scheduled Tribes was suggested, provided that the lower percentage prescribed did not fall below the minimum required to pass the qualifying examination.

2.70 In this connection it is pertinent to point out that, while the Ministry of Education has issued instructions for reserving 5% seats in educational and technical institutions for the Scheduled Tribes, they constitute 7.5% of India's population. In the case of services, the Government of India have reserved 7½% posts for the Scheduled Tribes. It is desirable that on the same lines, the Ministry of Education should issue revised instructions to various State Governments/Universities to reserve 7½% seats in educational and technical institutions, for the candidates belonging to these communities.

Capitation Fees

2.71 Most of the educational and technical institutions including I.I.Ts. and Medical Colleges are following instructions issued by the Ministry of Education to reserve seats for Scheduled Caste/Scheduled Tribe candidates for admission to Undergraduate courses. However, it is understood that Governments of some States like *Karnataka* allowed charging of capitation fee in private Medical and Engineering Colleges. The Government of *Andhra Pradesh* has permitted the same in some of the newly established private Engineering Colleges. According to available information, 25 Private Engineering Colleges had been established in *Karnataka* and 10 Engineering Colleges in *Andhra Pradesh*, in addition to some Private Medical Colleges in *Karnataka*, upto the year 1980-81, which were charging capitation fee for admission of candidates. It was recommended in Commissioner's earlier Reports that the State Governments concerned should pay early attention to put a stop to this system and admit candidate purely on merit, after allowing the prescribed relaxation of minimum standard for admission of Scheduled Caste/Scheduled Tribe students against reserved seats. *As education has since been included in the concurrent list of the Constitution, the Government of India should consider the desirability of enacting*

*AIR 1951 S.C. 226

Central legislation in order to put a stop to the practice of admission by payment of capitation fee.

2.72 At post-graduate level, the instructions issued by the Government of India for reservation of seats for Scheduled Caste/Scheduled Tribe candidates, in medical and technical courses, are, however not being followed by a number of States/Universities. Details of the position in various State Governments in this regard, have been given elsewhere in this Report. It is felt that reservation of seats for Scheduled Caste/Scheduled Tribe candidates in educational institutions is not sufficient in itself to promote advancement of educational among these communities. It is necessary that the educational base of these communities should also be strengthened at the pre-matric stage to enable more students belonging to these communities to go in for higher education. To achive that goal, it was recommended in Commissioner's earlier Reports that the State Governments/Union Territory Administration which had not so far achieved universal coverage in the grant of pre-matric stipends to Scheduled Caste/Scheduled Tribe students should take early action to achieve the same early. It was also recommended that other facilities like hostels, free books and stationery etc., should be provided to these students as incentives to them to complete pre-matric education. *Since the action taken by various State Governments in this regard is not known, the recommendation is reiterated.* Scheduled Caste/Tribe parents, specially those engaged in leather work, fishing, civic sanitation work, etc., are compelled to send their children to work at an early age to supplement their meagre family incomes. *In order to provide incentives to them to send their children to school and to compensate them for the loss in family income which they may have to undergo by sending their children to school, they should be paid a monthly amount of at least Rs. 20 per child sent to school, in the form of opportunity cost.*

Scheduled and Tribal Areas

I. *Scheduled Areas*

2.73 In accordance with the provisions of the Fifth Scheduled to the Constitution the President issued Scheduled Areas (Part A States) Order, 1950, the Madras Scheduled Areas (CESSER), 1951 and the Andhra Scheduled Areas (CESSER), 1955 notifying Scheduled Areas in the States of *Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab and Rajasthan.* Subsequently the Scheduled Areas (Himachal Pradesh) Order, 1975 was issued in respect of the State of *Himachal Pradesh.* The Fifth Scheduled to the Constitution was amended by the 'Fifth Schedule to the Constitution (Amendment) Act, 1976'. The amendment gave additional powers to the President to (i) "increase the area of any Scheduled area in a State after consultation with the Governor of that State and (ii) rescind in relation to any State or States any order or orders made under this paragraph and in consultation with the Governor of the State concerned make fresh orders redefining the areas which were to be Scheduled Areas". In pursuance of the above mentioned amendment the Scheduled Aeras in *Bihar, Gujarat, Madhya Pradesh* and *Orissa* were rationalised, in accordance with the 'Scheduled areas' (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977. State-wise information above the extent of Scheduled Areas and the Scheduled Tribes population in those areas may be seen in statement at Appendix II.

2.74 During the period under Report, the Scheduled Areas (State of Rajasthan) Order, 1981 was issued which came into force on 12th February, 1981. Information about the increase in the extent of Scheduled Areas in *Rajasthan* and the coverage of Scheduled Tribe population is not known. The redefined Scheduled Areas in Rajasthan may be seen at Appendix III.

Governor's Report on the Administration of Scheduled Areas

2.75 Under the Fifth Scheduled to the Constitution, the Governor has been vested with the authority to modify State and Central laws and to make regulations for the peace and good Government of Scheduled Areas. The Governor of each State having Scheduled Areas is also required to submit a report to the President regarding administration of the Scheduled Areas in that State as per clause (3) of the Fifth Schedule to the Constitution. According to the first proviso to Article 275(1), there is an obligation on the Central Government to assist financially the States to raise the level of administration in the Scheduled Areas. As per Article 339(2) the executive power of the Union extends to the giving of directions to a State as to the drawing up and execution of schemes for the welfare of Scheduled Tribes in the State. Para 3 of Part A of the Fifth Schedule provides that the executive power of the Union shall extend to the giving of directions to the State as to the administration of Scheduled Areas. Keeping in view the above mentioned provisions of the Constitution, the Governor's Report on the Scheduled Areas carries special significance. However, it was pointed out in the previous Report of the Commissioner for Scheduled Castes and Scheduled Tribes that the Governors Reports have got routinised and they tend to be the annual reports of State Tribal Welfare Departments. It was, therefore, recommended in the 1977-78 Report of the Commissioner that there should be annual review of the general tribal development programmes in various States by the Governor, in their reports, which at present is not specifically provided under clause (3) of the Fifth Schedule although in practice the reports largely deal with these aspects. The Governors report should be comprehensive and deal specially with the action taken by State Governments for the peace and good governments of the Scheduled Areas as also raising the level of administration of these areas during the period covered by the reports. *It was, therefore, recommended*

in the 1978-79 that the scope of the Governors reports should be expanded to cover tribal developmental programmes outside the Scheduled Areas also and Clause (3) of the Fifth Schedule should be suitably amended for this purpose. The desirability of laying the Governors reports in both the Houses of Parliament should also be considered. As no action appears to have been taken on the above mentioned recommendations these are therefore reiterated.

2.76 The Governors reports on the administration of Scheduled areas are to be submitted to the President, every year by 31st October. However, it has been observed that these reports are not being submitted in time. In some cases these reports were not submitted for more than two years from the due date. Information regarding the receipt of Governors reports in the Ministry of Home Affairs for the years 1977-78 to 1979-80 may be seen in the table below :—

S. No.	State	1977-78		1978-79		1979-80	
		Due date	Date of Receipt	Due date	Date of Receipt	Due date	Date of Receipt
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	31-10-78	16-10-80	31-10-79	Not Received	31-10-80	Not Received
2.	Bihar	31-10-78	24-4-80	31-10-79	Not Received	31-10-80	Not Received
3.	Gujarat	31-10-78	23-4-80	31-10-79	Not Received	31-10-80	Not Received
4	Madhya Pradesh	31-10-78	15-11-80	31-10-79	Not Received	31-10-80	Not Received
5.	Maharashtra	31-10-78	Not received	31-10-79	Not Received	31-10-80	Not Received
6.	Orissa	31-10-78	26-6-80	31-10-79	3-3-81	31-10-80	Not Received
7.	Rajasthan	31-10-78	29-5-81	31-10-79	29-5-81	31-10-80	Not Received
8.	Himachal Pradesh	31-10-78	Not Received	31-10-79	Not Received	31-10-80	Not Received

It would be seen from the above table that the Governors reports for the year 1979-80 have not been received from any of the State concerned in the Ministry of Home Affairs. Even for the year 1978-79 also, except Governments of *Orissa* and *Rajasthan* none of the States have submitted the Governors report.

Tribes Advisory Councils

2.77 The Tribes Advisory Councils are constituted in the States in accordance with Clause (4) of the Fifth Schedule to the Constitution which provides that there shall be established in each State having Scheduled Areas therein and if the President so directs, also in any State having Scheduled Tribes but not Scheduled Areas therein, a Tribes Advisory Council consisting of not more than 20 members, of whom, as nearly as may be three fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State. Provided that if the number of representatives of the Scheduled Tribes in the Legislative Assembly of the State is less than the number of seats in the Tribes Advisory Council to be filled by such representatives, the remaining seats shall be filled by other members of those tribes. It is also provided that it shall be the duty of the Tribes Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

2.78 Tribes Advisory Councils have been established in all the States having Scheduled Areas. The States of *Tamilnadu* and *West Bengal* have also set up such councils. The States of *Kerala, Tripura* and *Uttar Pradesh,* have constituted State Boards for the same purpose. It was felt that a uniform practice should be followed for constituting Tribes Advisory Councils in all the States having Scheduled Tribes population. Therefore, it was recommended in the 1978-79 Report of the Commissioner that the President may consider giving suitable directions under Clause (4) of the Fifth Schedule to all the State having Scheduled Tribes population to constitute Tribes Advisory Councils. The above mentioned recommendation is reiterated.

2.79 The Tribes Advisory Councils in the States of *Bihar, Himachal Pradesh, Maharashtra, Orissa* and *Tripura* are headed by the Chief Ministers of the respective States. While in other States these Councils are headed by the Ministers in charge of Tribal Development.

2.80 As provided in various orders the Tribes Advisory Councils would meet four times in a year in the case of *Kerala, Tripura, Uttar Pradesh* and *Rajasthan* and twice a year in the case of *Andhra Pradesh, Bihar, Himachal Pradesh, Maharashtra, Orissa* and *West Bengal.* It was observed in the previous report of the Commissioner that the meetings of these

Councils are not held regularly. The State-wise information about the number of meetings of these Councils held during 1976-77, 1977-78, 1978-79 and 1979-80 may be seen in the table below :—

S. No.	Name of State	Number of Tribes showing council meetings held during			
		1978-79		1979-80	
		No.	Date	No.	Date
1	2	3	4	5	6
1.	Andhra Pradesh	1	(2-12-1978)	N.A.	
2.	Bihar . .	Nil		N.A.	
3.	Gujarat .	N.A.		N.A.	
4.	Madhya Pradesh	3	(24-5-1978, 22-10-1978 and 24-1-1979)	3	(11th and 12th of June, 1979, 10-8-1979 and 12-10-1979)
5.	Maharashtra	Nil		2	(3-4-1979 & 13-4-1979)
6.	Orissa .	1	(16-11-1978)	No meeting was held	
7.	Rajasthan	N.A.		N.A.	
8.	Himachal Pradesh	Nil		1	(24-10-1979)
9.	Tamil Nadu . .	1	(7-2-1979)	N.A.	
10.	West Bengal .	3	(27-4-1978, 3-12-1978 and 12-2-1979)	1	(24-9-1979)

It would be seen from the above table that the number of meetings of Tribes Advisory Councils held in almost all the States was much less than the required number. During the year 1979-80, in the States of *Madhya Pradesh* and *Maharashtra* 3 and 2 meetings of the T.A.C. were held while in *Himachal Pradesh* and *West Bengal* one meeting was held and in the State of *Orissa* no meeting of T.A.C. was held. The above picture indicates that the State Governments are not involving Tribes Advisory Councils in the matter of formulation and implementation of plans and programmes for the development of Scheduled Tribes and Scheduled Areas. As a result the task entrusted to these Councils has not been achieved to the desired extent. *It was, therefore, recommended in the* 1978-79 *Report of the Commissioner that these Councils should be reactivated so that they may discharge the functions entrusted to them in a more meaningful manner and achieve fully the purpose for which they are constituted. The recommendation is reiterated.*

II. *Tribal Areas*

2.81 The sixth schedule to the Constitution deals with the administration of Tribal Areas in the State of *Assam* and *Meghalaya* and Union Territory of *Mizoram*. These Areas have been divided into Autonomous Districts, namely North Cachar Hills District and Karbi Anglong District in *Assam*, Khasi Hills District, Jaintia Hills District and Garo Hills District in *Meghalaya* and Chakma, Lakher and Pawi Districts in *Mizoram*. In each of these Autonomous Districts, District Council has been constituted vested with the power of administration of land revenue, primary education, forests, taxes administration and justice. Some of the Districts Council like Karbi Anglong District Council has an estimated annual income of Rs. 80.00 lakhs from the forests while the Pawai District Council yearly collection of various taxes comes to about Rs. 70,000. The Pawai District Council get annually about Rs. 3 lakhs for developmental works which is inadequate for looking after the primary schools, management of forests etc. *The State Government and Union Territory Administration concerned should give liberal grants for the District Councils so that these bodies can take up developmental projects for the betterment of the Scheduled Tribes.*

Constitution of Autonomous District Council in India

2.82 The Tripura Tribal Areas Autonomous District Council Act, 1979 was enacted by the Tripura legislature with a view to constituting an autonomous district comprising of Tribal Areas in Tripura. The Act provided that there shall be an autonomous district comprising of 9 Tehsils and 8 villages in Dharamanagar Sub-Division, 5 Tehsils and 20 villages in Kailashahar Sub-Division and 1 Tehsil and 24 villages in Kamalpur Sub-Division of North Tripura District, 2 Tehsils and 33 villages in Khonai Sub-Division, 17 Tehsils and 17 villages in Sadar Sub-Division and 10 villages in Sonamara Sub-Division of West Tripura District, 1 Tehsil and 15 villages in Udaipur Sub-Division, 8 Tehsils and 6 villages in Annarpur Sub-Division, 2 Tehsils and 18 villages in Belonia Sub-Division and 3 Tehsils and 12 villages in Sabroom Sub-Division of South Tripura District.

2.83 In accordance to the clause 4 of "The Tripura Tribal Areas Autonomous District Council Act, 1979," a district council consisting of 28 members elected on the basis of adult suffrage from territorial constituencies, was to be constituted in the State. However, the Government of Tripura was informed that the members of the autonomous District Council could not be selected due to the disturbances in Tripura in the month of June, 1980. The Tribals of Tripura who formed the majority of the population before Independence are reduced to minority due to the large scale immigration of population from Bangladesh and other non-tribals of adjoining States have been demanding since long for the formation of district council.

Grant for promoting the welfare of Scheduled Tribes and raising the level administration

2.84 In accordance to the first proviso to Article 275(1) of the Constitution, the Government of India should provide grants-in-aid to the State Governments for the purpose of promoting the welfare of the Scheduled Tribes in the State concerned and raising the level of administration of Scheduled Areas therein.

2.85 In this regard it was observed that although the Government of India had been sanctioning grants to the State Governments under the framework of Five Year Plans, the intention behind the provision in the Constitution that grants could also be given outside the plan to meet the emergent situation in the Scheduled and Tribal Areas, had not been fully made use of. It was further observed that the Central and State Governments were not giving adequate attention to the matter of raising the level of administration in the Scheduled Areas and the provisions made in the Constitution in this regard remained largely unimplemented. It was, therefore, recommended in the 1975—77 Report of the Commissioner that the State Governments concerned should carefully review the existing level of administration in the Scheduled and Tribal Areas with particular reference to items like restructuring administrative units, applicability of rules and regulations, provision of building as well as other infrastructure, posting of right type of staff etc. for progressive equalization of standards existing in the adjacent areas and that the Government of India should give the necessary financial assistance to the State Governments for the purpose, as envisaged under the First Proviso to Article 275.

2.86 The seventh Finance Commission made an award in favour of 13 States of Rs. 30.71 crores and Rs. 11.92 crores from non-plan grants under Article 275(1) of the Constitution for payment of compensatory allowance to transferable Government servants working in tribal areas during the period 1979—84 and for construction of residential accommodation for Government servants posted in tribal areas respectively. The Union Ministry of Home Affairs had issued guideline to all the concerned States for utilisation of devolution of funds and also suggesting the areas and programmes calling for priority.

Representation of Anglo-Indians in Lok Sabha and Vidhan Sabhas

Lok Sabha

2.87 Article 331 provides that the President may nominate not more than 2 members of the Anglo-Indian community to the Lok Sabha. Till the dissolution of the 6th Lok Sabha, Shri A. E. T. Barrow and Shri Rudolf Rodrigues represented Anglo-Indian community. In the 7th Lok Sabha, the President has nominated Shri Frank Anthony and Shri A. E. T. Barrow on the 19th January, 1980, to represent the Anglo-Indian Community.

Vidhan Sabha

2.88 Article 333 of the Constitution, as amended by the Constitution (23rd Amendment) Act, 1969 provides that the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate one member of that community to the Assembly According to the available information during 1979-80, one Anglo-Indian member each in the Vidhan Sabhas of *Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh* and *West Bengal* nominated by the respective Governors of these States to the Vidhan Sabhas continued to represent their community. However, the nominated Anglo-Indian members in the Vidhan Sabha of Kerala continued to represent till 30th November, 1979 and in the five Vidhan Sabhas of *Bihar, Madhya Pradesh, Maharashtra, Tamil Nadu* and *Uttar Pradesh* upto 17th February, 1980 when these State Assemblies were dissolved.

2.89 The provision made in the constitution under Article 334 relating to the nomination of the members of Anglo-Indian community to the Lok Sabha and State Legislative Assemblies for a period of ten years was amended by the Constitution (8th Amendment) Act, 1959 and the Constitution (23rd Amendment) Act, 1969 extending the principle of nominating Anglo-Indians to the Lok Sabha/State Legislative Assemblies upto the 25th January, 1980. Keeping in view the socio-economic conditions of the Anglo-Indians, the period of the special nomination of the representatives of Anglo-Indian community in the Lok Sabha and State Assemblies was further extended by another ten years by the Constitution (forty-fifth Amendment) Act, 1980.

Other Backward Classes

2.90 It was envisaged by the framers of our Constitution that besides the Scheduled Castes and Scheduled Tribes, there may be other classes of people who may be backward and for whom special provisions may be necessary. Article 46 of the Constitution relating to Directive Principles of State Policy lays down, "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation." Article 15 of the Constitution pertaining to prohibition of discrimination on grounds of religion, race, caste, sex or place of birth contains a special clause (4) to permit special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Article 16 of the Constitution pertaining to equality of opportunity in the matters of public employment provides under clause (4) for the reservation of 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. Article 338 of the Constitution pertaining to Special Officer for Scheduled Castes, Scheduled Tribes etc., lays down that references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian community.

2.91 In accordance with the provisions of Article 340, first Backward Classes Commission was appointed on 29th January, 1953. This Commission

was also entrusted with the responsibility of determining the criteria to be adopted for treating any sections of the people in the country other than the Scheduled Castes and Scheduled Tribes as socially and educationally backward and in accordance with such criteria to prepare a list of such classes setting out also their approximate numbers and their territorial distribution. This Commission, popularly known as Kalelkar Commission submitted its Report on 31st March, 1955. On the basis of criteria evolved by it, the Commission listed 2,399 communities as backward, out of whom population figures could be compiled in respect of about 930 communities only. They also categorised some of the communities as being the most backward. The Commission were also inclined to regard women as backward.

2.92 The Commission suggested that principal criterion for the determination of the Backward Classes should be their low social position in the traditional caste hierarchy of the Hindu Society. Besides, the Commission also suggested certain other criteria like lack of general educational advancement among the major sections of a caste or a community; inadequate or no representation in Government service; inadequate representation in trade, commerce and industry; communities consisting larger of tenants without occupancy rights and those with insecure land tennacy and communities consisting of large percentage of small land owners with uneconomic holdings.

2.93 The Report of Kalelkar Commission was placed before both the House of Parliament on 3rd September, 1956 along with a Memorandum explaining the action taken on it. It was explained in the Memorandum that if the bulk of the country's millions were to be regarded as coming within the category of backward classes, no useful purpose would be served by separate enumeration of such classes. On 14th August, 1961, a letter was addressed by the Ministry of Home Affairs to the Chief Secretaries of all State Governments/Union Territories, in which it was mentioned that the efforts to discover practical criteria for backward classes had not resulted in any clear or generally acceptable conclusions. The Deputy Registrar General who was asked to conduct a pilot survey on the basis of backward occupations reported that it would be impossible to draw up any precise and complete list of occupations the members of which could be treated as socially and educationally backward. Attempts to draw up a list of such occupations did not yield any useful results. The question had also been discussed with the representatives of State Governments, some of whom were in favour of adopting economic backwardness as a criteria. One State wanted classification of backward areas rather than backward classes, while other State Governments indicated that they would find it difficult to disturb their existing lists drawn up on the basis of caste It was further mentioned in the letter under reference that the Constitution did not require Government of India specifically to draw up lists of socially and economically backward classes other than the Scheduled Castes and Scheduled Tribes. It was also indicated that even if the Central Government were to specify under Article 338(3) certain groups of people as belonging to 'other backward classes', it would still be open to every State Government to draw up its own lists for the purpose of Article 15 and 16. The Government of India were also of the opinion that while the State Governments had the discretion to choose their own criteria for defining backwardness in view of the Government of India, it would be better to apply economic tests than to go by caste.

2.94 In the meanwhile the State Governments/ Union Territory Administrations of *Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Delhi* and *Pondicherry* identified backward classes and had been providing special assistance and facilities to the members of the classes. It may, however, be mentioned that some of the State Governments, like *Orissa* and *Delhi*, subsequently withdrew their lists of O.B.Cs. The following list indicates readily available information regarding the number of communities identified as backward in various States.

S. No.	State	Member of Backward Communities
1	2	3
1.	Andhra Pradesh	92
2.	Assam	30
3.	Bihar	112
4.	Gujarat	82
5.	Haryana	61
6.	Himachal Pradesh	48 (communities throughout the state). 30 in merged areas. 15 in old areas.
7.	Karnataka	16 Backward communities including Muslims. 129 Backward Castes. 62 Backward Tribes. 5 Special Groups.
8.	Kerala	81 40 in erstwhile Travancore Cochin area. 152 in Malabar area.
9.	Maharashtra	171
10.	Punjab	68
11.	Rajasthan	57 (throughout the State in 23 Ajmer District).
12.	Tamil Nadu	121* (21 in Kanya Kumari District and Shencottah taluk of Tirunelveli District).
13.	Tripura	6
14.	Uttar Pradesh	37 (Hindu). 21 (Muslim).
15.	Pondicherry	219 (for Pondicherry and Karaikal regions). 105 Mahe region. 98 Yenam region.

2.95 It may also be relevant to point out that Commissions/Committees to report on other backward classes were appointed in *Andhra Pradesh, Bihar, Gujarat, Jammu and Kashmir, Karnataka, Kerala, Maharashtra, Tamil Nadu, Uttar Pradesh* and *West Bengal.*

2.96 As regards reservations made for O.B.C., in educational institutions and State services by various States and Union Territories, readily available information is given below :—

State	Reservation in Government Services	Reservation in Educational institutions
1	2	3
Andhra Pradesh . .	25%	25%
Assam	Nil	Nil
Bihar	Class I and II 25% Class III and IV 30%	*NA ..
Gujarat	Gazetted 5% Non-Gazetted 10% Class IV 10%	10%
Haryana . . .	10%	2%
Himachal Pradesh . .	5%	2%
Jammu and Kashmir .	42%	42%
Karnataka . . .	48%	50%
Kerala	40%	25%
Madhya Pradesh . .	Nil	Nil
Maharashtra . . .	10%	10%
Orissa	Nil	Nil
Punjab	5%	5%
Rajasthan . . .	Nil	Nil
Tamil Nadu . .	50%	50%
Tripura . . .	Nil	Nil
Uttar Pradesh . .	15%	15%
Delhi	Nil	Nil
Pondicherry . . .	Nil	Nil

2.97 The Government of India appointed a second Backward Classes under Article 340 of the Constitution Commission under the Chairmanship of Shri B. P. Mandal on 1st January, 1979 with the following terms of reference :

(i) to determine the criteria for defining the socially and educationally backward classes;

(ii) to recommend steps to be taken for the advancement of the socially and educationally backward classes of citizens so identified;

(iii) to examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens which are not represented in public services and posts in connection with the affairs of the Union or of any State; and

(iv) present to the President a report setting out the facts as found by them and making such recommendations as they think proper.

2.98 The Commission submitted its Report to the Government of India on 31st December, 1980. The Report submitted by the Mandal Commission, is a confidential document but it is gathered from the press reports that about 50 per cent of the population would fall under the category of backward classes as recommended of the 2nd Backward Classes Commission. Besides, according to the various statements issued by that Commission, the backward classes require immediate assistance in the form of reservations in jobs and educational, institutions and other types of assistance.

2.99 It may be mentioned that backwardness is a complex problem depending upon many circumstances, which may vary from State to State and even from place to place in a State. Special facilities for the residents of border, hilly areas have also been considered justified by Law Courts. *It is hoped that Government would announce its decision on Mandal Commission Report in due course. Sufficient care must be exercised to ensure that advanced and vocal sections of population may not corner facilities at the cost of really needy and deserving other backward classes.*

Reservation for Scheduled Castes and Scheduled Tribes in services and posts

2.100 In the previous Report (1978-79), reference was made in Chapters 2 and 3, of the immense contribution made by various judicial pronouncements on the subject of reservation for Scheduled Castes and Scheduled Tribes in services and posts both at the recruitment and promotion levels. These pronouncements helped to clear the doubts expressed in various quarters as also the challenges posed in various courts to the Government policy on reservation for Scheduled Castes and Scheduled Tribes in services. However, some petitions were still pending in the Supreme Court. Since one petition by the Soshit Karamchari Sangh (Railways) and others against the Union of India, raised an important issue relating to constitutional validity of the very policy of reservation in posts filled by promotion, the Supreme Court decided the same on 14th November, 1980 upholding the Railways Board circulars making reservation for Scheduled Castes and Scheduled Tribes not only at the initial recruitment but also in subsequent promotions to selection as well as non-selection posts. It would be pertinent to reproduced the extracts from the judgement dated 14th November, 1980 of the Supreme Court :

"Far more serious is the criticism of Annexure 'K'* on the basis of which

*Ministry of Railways (Railway Board) Circular No. E(SCT)/72-CM 15/5, dated 11-1-1973 providing for reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion on the basis of seniority-*cum*-suitability.

reservations were introduced even to promotion posts filled by the 'seniority-*cum*-suitability' rule. Some other relaxations and concessions also are granted under it to Scheduled Caste and Scheduled Tribe candidates. But the maximum mayhem inflicted by Annexure 'K' is in the extension of the operation of promotional reservation to non-selection posts. It was urged that Rangachari (*supra*) did not cover non-selection posts and, therefore, could not be an authority to sustain its validity. There is no force in this submission."

"The sting of the argument against reservation is that it promotes inefficiency in administration by choosing sub-standard candidates in preference to those with better mettle. Competitive skill is more relevant in higher posts, especially those where selection is made by competitive examinations. Lesser classes of posts, where promotion is secured mechanically by virtue of seniority except where the candidate is unfit, do not require a high degree of skill as in the case of selection posts (See 1968 1 SCR p. 721 at 734). It is obvious that as between selection and non-selection posts the role of merit is functionally more relevant in the former than in the latter. And if in *Rangachari* reservation has been valid in the case of selection posts, such reservation in non-selection posts is an *afortiori* case. If, in selecting top officers you may reserve posts for Scheduled Caste/Scheduled Tribe with lesser merit, how can you rationally argue that for the posts of peons or lower division clerks reservation will spell calamity? The part that efficiency plays is far more in the case of higher posts than in the appointments to the lower posts."

Later the said Sangha sought the review of the above case on the ground that it had raised issues of far-reaching constitutional interpretation which might be considered by a larger bench consisting of not less than 5 judges of the Supreme Court. The Supreme Court heard this plea on 31st March, 1981 and dismissed the petition confirming its previous judgement of 14th November, 1980.

2.101 The refreshing observations of Mr. Justice Krishna Iyer in the judgement should serve as an eye-opener to those who continue to have apprehensions about the damage to the equality of opportunity and impairment of efficiency of administration on account of reservation for Scheduled Castes/Scheduled Tribes in appointments/promotions. Some of these observations having a healthy impact on the issue of reservation are reproduced below :—

Concessions/relaxations

"Even as under Article 15(4) and Article 16(4) lesser marks are prescribed as sufficient for Scheduled Castes and Scheduled Tribes or extra marks are added to give them an advantage, the re-grading is one more method of boosting the chances of selection of these depressed classes. There is nothing shady about it. If there is advancement of prospects of Scheduled Castes and Scheduled Tribes by addition of marks or prescribing lesser minimum marks or by relaxing other qualifications, I see no particular outrage in re-categorisation which is but a different mode of conferring an advantage for the plain and understandable reason but Scheduled Castes and Scheduled Tribes do need some extra help. It is important to note that the prescribed minimum qualifications and standards of fitness are continued even for Scheduled Castes and Scheduled Tribes under Annexure 'H'.*"

"The other vice pointed out against Annexure 'H'* is that the qualifying marks in respect of Scheduled Caste and Scheduled Tribe candidates is somewhat less than is applicable to candidates of unreserved groups. There is no merit in this objection and no good ground exists which militates against the constitutionality of Annexure 'H'*."

Carry-forward of unfilled reservations

"Likewise, the carry forward rule being raised from 2 years to 3 years also cannot be struck down. It must be realised that law is not an abstraction but an actual prescription in action. So what we have to be more careful about is to scrutinise whether the carry forward rule by being increased to 3 years is going to confer a monoply upon the Scheduled Caste and Scheduled Tribe candidates and deprive others of their opportunity for appointment. From the percentage furnished by the Railway Board we find that even if we carry forward vacancies for any number of years there is no prospect, within the reasonable future, of sufficient number of Scheduled Caste and Scheduled Tribe candidates turning up to fill them. There is a provision that if sufficient number of candidates from the Scheduled Castes and Scheduled Tribes are not found, applicants from the unreserved communities will be given the appointment provisionally. After 3 years those vacancies cease to be reserved. Going by the actuals it is clear that no serious infraction of any individual's fundamental right under Article 16(1) takes place and no monopoly is conceivably conferred on Scheduled Caste and Scheduled Tribe candidates, they are

*Ministry of Railways (Railway Board) Circular No. E(SCT)68-CM 15/10, dated 27-8-1968 providing for relaxation in favour of Scheduled Castes and Scheduled Tribes in promotion to selection posts in Class III where safety aspect was not involved and also providing for one grading higher to Scheduled Caste/Scheduled Tribe employees in promotions by selection from Class III to Class II as a measure of improving the representation of Scheduled Castes and Scheduled Tribes.

not available in sufficient numbers to reach anywhere near the percentage reserved."

Efficiency of administration

"Trite arguments about efficiency and inefficiency are a trifle phoney because, after all, at the higher levels the *harijan/girijan* appointees are a microscopic percentage and even in the case of Class III and II posts they are negligible. The preponderant majority coming from the unreserved communities are presumably efficient and the dilution of efficiency caused by the minimal induction of a small percentage of 'reserved' candidates cannot affect the overall administrative efficiency significantly. Indeed, it will be gross exaggeration to visualise a collapse of the Administration because 5 to 10 per cent of the total number of officials in the various classes happen to be sub-standard. Moreover, care has been taken to give in-service training and coaching to correct the deficiency."

"Look at the desperate state in which Government is trying to give fair representation to *harijans/girijans* in Administration. These miserables suppressed by centuries of trampling are still slum=bering despite inducements to awaken. It is a genetic calumny and unscientific assertion to castigate the Scheduled Caste and Scheduled Tribe communities as possessed of less intellectual potential what with *Valmiki* and *Vyasa* to Baba Sahib Ambedkar. The darkening and benumbing environment of ages in which shudras and panchamas have suffered their mental powers to be chained accounts for their seeming retardation. Once brighter atmosphere and better opportunity enliven their talent their contribution to the Indian treasury will raise the human resources and democratic status of Bharat. A democracy of talent is an inarticulate major promise of our culture. The fundamental question arises as to what is "merit" and "suitability". Elitists whose sympathies with the masses have dried up are, from the standards of the Indian people, least *suitable* to run Government and least *meritorious* to handle state business, if we envision a Service State in which the millions are the consumers. A sensitized heart and a vibrant head, tuned to the tears of the people, will speadily quicken the developmental needs of the country, including its rural stretches and slum squalour. Sincere dedication and intellectual integrity there are some of the major components of "merit" and "suitability"—not degrees from Oxford or Cambridge, Hardward or Stanford or simian, though Indian institutions. Unfortunately, the very orientation of our selection process is distorted and those like the candidates from the Scheduled Caste and Scheduled Tribe who from their birth, have bad traumatic understanding of the conditions of agrestic India have, in one sense, more capability than those who have lived under affluent circumstances and are callous to the human lot of the sorrowing masses. Moreover, our examination system makes memory the master of 'merit' and banishes creativity into exile. We need not enter these areas where a fundamental transformation and a radical reorientation even in the assessment of the qualities needed by the personnel in the Administration and the socialist values to be possessed by the echelons in office is a consummation devoutly to be wished. This may have to be subjected to a national debate. The colonial hangover still clings to our selection processes with superstitious tenacity and narrower concepts of efficiency and merit are readily evolved to push out Gandhis and J.Ps. Ambedkars and Nehrus, to mention but a few who knew the heart-beats of the people. I divagate and make these observations only to debunk the exaggerated argument about *harijans* and *girijans* being sub-standard."

2.102 The recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes in his previous Reports for carrying forward of the unfilled reserved vacancies till these are actually filled by Scheduled Caste/Scheduled Tribe candidates, thus stand vindicted by the argument of Mr. Justice Krishna Iyer, in regard to carry-forward of unfilled reserved vacancies referred to above. Mr. Justice Chinnappa Reddy gave an excellent analysis of the 'equality of opportunity' as enshrined in Article 16 of the Constitution in the following words :—

"In the name of Equality (of opportunity), we are asked to deny equality (of opportunity), in writ petitions. That we cannot do and that we will not do. If we do that we will be subverting the spirit and the sense of the Constitution. The petitioners claim that their Fundamental Rights to Equality of Opportunity in the matter of public employment, guaranteed by Article 16(1) of the Constitution has been flouted by a series of orders and circulars issued by the Railway Board reserving posts at several levels and making various concessions in favour of members of the Scheduled Castes and the Scheduled Tribes. This has been done, it is claimed, at the cost of efficiency, though forbidden by Article 335 of the Constitution The plain answer of the respondents is that everyone of the orders and circulars has the backing of Article 16(1), 16(4) and other special provisions of the Constitution and that the alarm of inefficiency is nothing but a begey."

"Reservation of posts and all other measures designed to promote the participation of the Scheduled Castes and the Scheduled Tribes in the Public Services at all levels are in our opinion necessary consequences flowing

from the Fundamental Right guaranteed by Article 16(1). This very idea is emphasised further by Article 16(4), Article 16(4) is not in the nature of an exception to Article 16(1). It is a facet of Article 16(1) which fosters and furthers the idea of equality of opportunity with special reference to an under-privileged and deprived class of citizens to whom *egalite de droit* (formal or legal equality) is not *egalite de fait* (practical or factual equality). It is illustrative of what the State must do to wipe out the distinction between *egalite de droit* and *egalite de fait*. It recognises that the right to equality of opportunity includes the right of the underprivileged to conditions comparable to or compensatory of those enjoyed by the privileged. Equality of opportunity must be such as to yield 'Equality of Results' and not that which simply enables people, socially and economically better placed, to win against the less fortunate, even when the competition is itself otherwise equitable."

2.103 A few days earlier to the above judgement, the same Bench of the Supreme Court disposed of another petition filed by S. S. Sharma and others against the Union of India. In this case the petitioners had challenged the validity of the Central Secretariat Service (Amendment) Rules, 1979 and of Regulations made consequent thereto by the Union of India for the purpose of holding a departmental competitive examination limited to candidates belonging to Scheduled Castes and Scheduled Tribes for filling up vacancies reserved for these categories in Grade I of the C.S.S.

2.104 While in this case the main contention of the petitioners was to challenge the above provision the counsel for the petitioners tried to challenge the very provision of reservation in promotion by the methed of selection from Group 'C' to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A' posts as envisaged in the Government O.M. dated 20th July, 1974. The Court rejected this contention on the plea that the entire scope of the petition was limited to challenging the validity and application of the C.S.S. (Amendment) Rules, 1979 and consequent Regulations for holding a limited departmental competitive examination. No relief had been sought for quashing the O.M. dated 20th July, 1974.

2.105 The petitioners had contended that in the said O.M. dated 20th July, 1974, the Government had provided that if enough candidates belonging to Scheduled Castes and Scheduled Tribes were not available in the normal zone of consideration to fill all the vacancies reserved for them even after allowing the reserved vacancies being exchanged between these two categories in the same year, the remaining vacancies could be filled by general candidates after getting those vacancies dereserved from the Department of Personnel and Administrative Reforms. In this regard, the court opined that "whether or not reserved vacancies should be dereserved is a matter falling primarily within the administrative discretion of the Government. There is no right in candidates seeking to fill vacancies belonging to the general category, to insist on dereservation of reserved vacancies so long as it is possible in law to fill the reserved vacancies". The Court further opined that "Before reaching this extremity, the Government acts wholly within its power in adopting an alternative arrangement for filling the reserved vacancies. Dereservation as a process should be resorted to only when it is not reasonably possible within the contemplation of law, to fill the reserved vacancies".

2.106 Despite such an unassailable formulation of law with regard to the policy of reservation, there may still be any number of cases pending before the court of law. We do not object, that being a fundamental right of any citizen. But what should be borne in mind is that there must be a clearer understanding of a sense of history in what is asked and agitated for. It is not by perpetuating the deep rooted apathy against the down-trodden or by creating fresh animosities against them but by willingly joining in the crusade against the centuries of discriminations from which the weaker sections, today's Scheduled Castes and Scheduled Tribes, have been suffering, so that the need of protective discrimination in their favour may be done away as early as possible. This is precisely, what are the sections behind Article 16(4) and 335 and other articles of the Constitution relevant to the issue, seek to promote.

Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes

2.107 Article 338 of the Constitution while enjoining upon the President to appoint a Special Officer with duties "to investigate all matters relating to the safeguards for the Scheduled Castes and Scheduled Tribes under the Constitution and report to the President upon the working of these safeguards", impliedly visualised a suitable machinery to enable the Special Officer to discharge his constitutional obligation. This resulted in the creation of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1950. So far 26 Reports containing nearly 5,000 recommendations have been submitted by the successive Commissioners during these years. The Reports of the Commissioners had their impact on the evolution of a number of development strategies for Scheduled Castes and Scheduled Tribes and their reservations in services and educational institutions.

2.108 Explaining the *raison detre* of Article 338, particularly with reference to clause (2) of the Article that assigns to the Special Officer, *i.e.* Commissioner for Scheduled Castes and Scheduled Tribes, the duty to investigate all matters relating to safeguards, the Ministry of Law had opined as far back as June 1951 that :

"In clear and unambiguous terms, the clause imposes this as a duty upon the Special Officer, and so requires him to take all action that may be necessary for carrying on the

investigations and the making of the report. The language of the clause *prima facie* excludes any implication that the duty, in any respect, can properly be passed on to any authority or person not subordinate and answerable to the Special Officer. This is confirmed also by the principle *delegatus non protest delegare* which applies here as the the functions of investigation involve the exercise of the judgment and discretion in collection and assessment of data. And a consideration of the *raison detre* of Article 338 also points to the same conclusion. In order that the Reports submitted to Parliament are accurate and dependable, it is necessary that the data on which they are based is collected and assessed by an independent and impartial agency, applying uniform methods and uniform standards. Therefore, the duty in its entirety, must be discharged by the Special Officer himself, with the assistance of such staff as may be provided. He may, no doubt, request the State Governments to furnish information as to the safeguards provided for the Scheduled Castes and the Scheduled Tribes in each State, and the machinery provided for their enforcement, etc. But it is for the Special Officer himself (with the assistance of his staff) to ascertain their actual working, how far they are effective, and whether they are adequate and so forth".

2.109 With this expert opinion of the Law Ministry, there could hardly be any ambiguity and uncertainty about the role of the Commissioner and the need to place sufficiently adequate machinery at his disposal. It is also clear that that machinery to be of any worth must not only be confined to the Headquarters but should also be spread over to as many States as possible in order to ensure a closer look and scrutiny of the working of the safeguards in the States. Accordingly, gradually, 17 offices were opened in various States and Union Territories as eyes and ears of the Commissioner. But in June 1967 all the field offices of the Commissioner were withdrawn to cater to the requirements of the Director General of Backward Classes Welfare then with the Ministry of Social Welfare on the specious plea that the functions relating to the investigations and reporting of the working of the safeguards did not make it necessary to have a field organisation. How sadly diametrically opposed in this understanding of the implication and *raison detre* of Article 338 to the one interpreted by the Ministry of Law is more than obvious.

2.110 It is true that the Estimates Committee of the Parliamnet in their 48th Report had commented on some of the non-statutory functions entrusted to the Commissioner by the Government. According to the Committee, the Commissioner was assigned the following duties in addition to his constitutional functions :

(i) Evaluation of the progress of the welfare schemes undertaken by the State Governments and non-official agencies with grant-in-aid from the Government of India.

(ii) Serving as a nominee of the Central Government on the Managing Committees of the non-official organisations receiving grants direct from the Centre.

(iii) Examination of the accounts of the non-official organisations receiving grants from the Centre.

(iv) Giving advice on any new schemes received from the State Governments.

2.111 The Committee commented that the duties entrusted to the Commissioner under item (i) above were, no doubt, in consonance with his functions assigned under Article 338(2). But items (ii), (iii) and (iv) above, the Committee felt, were not consistent with his role as envisaged in the Constitution. Since according to Article 338, he was appointed by the President for the purpose of seeing that the directive of the Constitution was properly fulfilled and that his position was analogous to that of a judge, the Committee further felt that it was not appropriate for him to serve as a nominee of the Central Government on the Managing Committees of the non-official organisations, or to examine their accounts, or to give advice on the new schemes received from the State Governments. It is thus clear that what the Estimates Committee intended was to relieve the Commissioner of the burden of the non-essential duties not relevant to his essential functions envisaged under the Constitution so as to enable him to function more effectively as an impartial auditor and assessor of the all-round development of the Scheduled Castes and the Scheduled Tribes in conformity with the various safeguards guaranteed to them. This view of the Committee could not, therefore, be advanced as an *alibi* to deprive the Commissioner of his field offices which were primarily needed to assist him in the discharge of his essential functions rather than of the non-essential, non statutory duties. And yet the decision to transfer the regional offices of the Commissioner became effective since 1967. These offices were regrouped in the five zonal offices, each under a Zonal Director of Backward Classes Welfare. The very fact that 17 regional offices in different States were regrouped into just 5 zones with a reduced strength is itself indicative of the fact that the work for which these offices were transferred to the Director General, Backward Classes Welfare was not of the same magnitude as that entrusted to the Commissioner.

2.112 Thus with his regional offices gone, the Commissioner was obliged to function only through his Headquarters with a skeleton staff of nearly 71 persons including Class III and Class IV employees to watch over the performance of the Central and State Governments relating to the safeguards for a little less than a quarter of the population of this country.

2.113 Naturally, therefore, this decision of the Government attracted sharp criticism from the important national Committees dealing with the problems of Scheduled Castes and Scheduled Tribes, such as Committee on Untouchability, Economic and Educational Development of the Scheduled Castes, the Study Team on Tribal Development Programmes appointed by the Planning Commission and the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. All these Committees, in their reports submitted on various dates in 1969, had criticised the step in no uncertain terms, that all the three Reports of these Committees had asked for immediate restoration of the field offices to the Commissioner. While the Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and the Scheduled Tribes submitted on 30th January, 1969 pleaded for not only restoring the field organisations, but also to further strengthen and systematise it, the Study Team of the Planning Commission in its report dated 19th September, 1969 observed :

> "The Study Team hardly regard as statutory an arrangement where the Commissioner is required to discharge his constitutional functions through the very agencies whose performance in certain spheres he may be called upon by virtue of his office to sit in judgement."

30107

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes said in its first Report presented on 26th November, 1969 that the action in abolishing the field machinery of the Commissioner had "denigrated his office, his status, his actual authority and his capacity to discharge his constitutional obligation".

2.114 Later in 1970 the Zonal Directors were also designated as ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes to meet some of the criticism and perhaps also to make it comparatively easier to collect materials from the States, if associated in any form with the constitutional office rather than being a subordinate office of any Department of the Government. Possibility of such thing happening was then in those States which were supposed to be more sensitive to any interference with their autonomy The Jurisdiction of the Commissioner had no barrier of a State List to encounter. The arrangement could neither satisfy the critics, since in the absence of any administrative control of the Commissioner over the field offices necessary to make them "answerable" to the Commissioner as visualised in the opinion given by the Law Ministry; nor did it confirm to the principle *delegatus non protest delegare.* In practice also this arrangement did not succeed as the field offices were not supposed to give priority to the instructions of the Commissioner for studies into the specific problems of Scheduled Castes and Scheduled Tribes over the instructions of the Director General of Backward Classes Welfare. In the circumstances, the Commissioner for Scheduled Castes and Scheduled Tribes was compelled to rely for most of his functioning, even in the fields, on the meagre staff available to him at the headquarters. It was the goodwill and the credibility of the organisation of the Commissioner earned over the years that helped him, in spite of the handicaps, to discharge his obligations as effectively as possible in the circumstances.

2.115 With the increasing pace of development and launching of several schemes exclusively for the weaker sections during recent years as well as the extension of the reservation in services in many more areas of public employment and educational institutions, the magnitude of the problems needing the attention and assessment of the Commissioner has increased manifold. But the machinery available to him has not shown even small addition what to talk of an strength commensurate with the increasing responsibilities. The predicament of the Commissioner, therefore, in the absence of adequate strengthening of his machinery both at the headquarters as well as in the fields presents a picture of more and more increasing load and shrinking strength.

2.116 The establishment of the Scheduled Castes and the Scheduled Tribes Commission by a Government Resolution of July 21, 1978 has not materially changed the situation with regard to the Office of the Commissioner. There appears to be only two options open ; (i) either to amend the article 338 of the Constitution and replace the Commissioner for Scheduled Castes and Scheduled Tribes by a multimember Commmission or (ii) to retain both the Offices of the Commissioner as well as that of the Commission, with distincly drawn up functions and status. In the case of the latter option having accepted as appears to be the case at the moment, it would be desirable to appropriately revise the functions assigned to the Commission under the resolution so that these do not overlap with the functions assigned to the Commissioner under the Constitution. And there is quite a scope for such a revision in view of the magnitude of the problems relating to the Scheduled Caste and the Scheduled Tribes.

CHAPTER 3

REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES

Introduction

While the down-trodden communities, particularly the Scheduled Castes and Scheduled Tribes have been subjected to various forms of indignities and exploitation for centuries, not many eye-brows were raised on the himalayan injustices perpetrated on them except by some social reformers and a very small number of crusadors. Now after the advent of independence they have been earmarked for some special treatment in the Constitution particularly in the form of reservation in services and when the same has started showing some improvement in their situation, a hue and cry is raised in certain quarters alleging that Scheduled Castes and Scheduled Tribes are being given undue preferences in the society. Attempts have also been made to challenge the very validity of the policy of reservation as enshrined in Articles 16(4) and 335 of the Constitution. A number of writ petitions were filed in various courts. The latest verdict of the Supreme Court in the case of Soshit Karamachari Sangh *Vs.* the Railway Board and the Union of India has clinched the issue though attempts were also made to revive the same in the Supreme Court for consideration by a larger bench. This judgement is discussed separately elsewhere in this chapter. It is worthy of note that the policy of reservation for Scheduled Castes and Scheduled Tribes should no more be considered as a negation of equality to any category of persons but as an affirmation of the inalienable right to the same equality in favour of Scheduled Castes and Scheduled Tribes. The acceptance of this reality should now induce the society to come to grips with the problem in order to wipe out the disparity as quickly as possible and hasten the pace of total assimilation of the weaker sections with the mainstream. What is called for is liberal appreciation of the concept of special opportunities of equality for those who, for no fault of theirs, were forced to remain out of the race for centuries.

3.2 While it is true that the policy regarding reservation in services was a historical necessity, the sincerity of purpose to implement this policy of the Government was not reflected in many areas of implementation processes with the result that much remains to be done as yet. The situation is further being aggravated by the open propagation of the opposition to the policy of reservation in an organised manner by forming associations by non-Scheduled Caste/Scheduled Tribe employees. This anti-reservation movement first raised its head in 1973 and 1974 when certain unions in some of the public sector enterprises opposed the introduction of reservation in posts filed by promotion. It has later spread to Government offices as well and was discussed in paragraphs 3.141 to 3.144 for the last Annual Report for the year 1978-79.

3.3 It has already been pointed out in the Report for the year 1975-76 and 1976-77 that with the passage of time, the potential for employment under Government has been dwindling and has reached almost to a saturation point, thus compelling us to tap other avenues of employment in the public sector enterprises, public sector and nationalised banks, universities and teaching institutions, High Courts and Judicial Services & voluntary agencies receiving grants-in-aid from Government. Reservation in most of the above institutions is still not very encouraging and, therefore, in order to divert the stagnating manpower among the Scheduled Castes and Scheduled Tribes, it has been recommended to the Government time and again to compel the private sector also to fall in line with the policy of the Government in the matter of reservations for Scheduled Castes and Scheduled Tribes so as to relieve the pressure of unemployment among these communities converging only on the Government and Government-aided institutions.

3.4 *Though we have not made much headway quantitatively, whatever has been achieved has not percolated down to the weakest among the weak. In service matters, the benefit of reservation could not be distributed evenly amongst various castes and tribes for various reasons particularly due to the very low level of education among the weaker of the scheduled communities. The present State of their condition deserves greater attention than given earlier so that they also are made capable to compete alongwith others for a meaningful place in the mainstream. Their level of education will have to be raised with special care.*

3.5 Since the appointments under the Government as already stated have almost reached a saturation point and there is very little scope for adding a substantial number to them, one step that may now be suggested in this regard is that the Scheduled Castes and Scheduled Tribes should be allowed a greater and active participation in the formulation of their own welfare schemes besides introduction of reservation in services under the private sector. In the employment sector, enough funds should flow to them to set up industries and create jobs for themselves.

Important Issues

(i) *Reservation in Promotions*

(a) Ad hoc *Promotions*

3.6 The matter regarding introduction of formal reservation in posts filled by promotion on *ad hoc* basis was again raised with the Government in the Department of Personnel and Administrative Reforms. The Government informed that in terms of the decision taken on the subject by the High Power Committee, it was clear that *ad hoc* promotions are not formally subject to reservation. But, the instructions issued by the Government require the authorities concerned to give special consideration to eligible Scheduled Caste/Scheduled Tribe candidates along with others while making *ad hoc* promotions where necessary. It is not understood what special consideration would be given by the authorities concerned in the case of *ad hoc* promotions which are normally made strictly according to seniority. Thus it is clear that the claims of the Scheduled Caste/ Scheduled Tribe employees cannot be taken into consideration and to that extent the instructions issued are not going to benefit them. The Government has been requested to clarify the position as contained in their instructions referred to above about the manner in which claims of employees belonging to Scheduled Castes and Scheduled Tribes would be taken into consideration in promotions made on *ad hoc* basis when there was no formal reservation for these communities in such promotions. *The Commissioner for Scheduled Castes and Scheduled Tribes is of the opinion that unless there are specific instructions to make formal reservation in favour of Scheduled Caste and Scheduled Tribe employees in* ad hoc *promotions the claims of persons belonging to these communities would not be considered and it would never be possible to curb the tendency of the appointing authorities to resort to* ad hoc *promotions on one or the other pretext.*

(b) *Promotion within Class I and safeguard against supersession of Scheduled Castes and Scheduled Tribe Officers*

3.7 The question of reservation in posts filled by promotion by the method of selection within Class I has been the subject of discussion in the past several Reports of the Commissioner for Scheduled Castes and Scheduled Tribes. The Government's stand against such a provision based on 'efficiency of Administration' and 'morale of services at the higher level' have been quite effectively countered on the basis of judgement of the Supreme Court. The policy of reservation in promotional posts has once again been held valid by the Supreme Court in a recent case of Soshit Karamchari Sangh *Vs.* the Railway Board. *The Government is, therefore, urged to reconsider its stand and agree to the introduction of reservation in posts filled by promotion on the basis of selection within Class I also. Government must also keep in view the suggestion made in paragraphs* 3.94 *to* 3.96 *of the last Report in order to avoid supersession of Scheduled Caste and Scheduled Tribe Officers within Class I.*

(c) *Select Lists for Promotion*

3.8 According to the Government of India's instructions, orders providing reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion apply only to the regular vacancies and as such the appointing authorities are required to draw up select lists for promotions after carefully assessing the number of vacancies as accurately as possible. These instructions further provide that short term vacancies should not be taken into account for this purpose, nor should any addition be made to cover unforeseen vacancies. These orders had been issued in 1976 on the basis of a recommendation in 1971—73 Report of the Commissioner in which it had been emphasised that there was a tendency in some of the Central Government offices to pool together long term and short term vacancies while applying reservation orders, as a result of which, the Scheduled Caste/Scheduled Tribe Officers being placed at the bottom of the combined select list, could get only *ad hoc* and temporary appointments on the basis of promotion, depriving them of getting promotion against regular vacancies. It is very clear that the above instructions had been issued to avoid situations where inflated panels were drawn and at times the Scheduled Caste|Scheduled Tribe candidates who happened to be at the bottom of the panel, remained unpromoted for want of vacancies even after the extension of the panel. It is, however, unfortunate that such situations did arise even after the instructions had been issued in 1976.

3.9 In a number of cases brought to the notice of Commissioner, the organisation of the Commissioner for Scheduled Castes/Scheduled Tribes had to put pressure on the appointing authorities to arrange promotions of all the candidates on the panel at least to the extent of the vacancies required to be reserved for Scheduled Castes and Scheduled Tribes on the basis of the vacancies already filled up. In one such case, sponsored by the Scheduled Castes Uplift Union and taken up with the Defence Research and Development organisation, where an inflated panel had been drawn in January 1977 for promotion to the posts of Junior Scientific Officers in that organisation, none of the Scheduled Caste/Scheduled Tribe candidates empanelled, being at the bottom, was promoted till middle of June 1980. The panel was to lapse on 26th June, 1980 after having already been extended for six months and all the reserved vacancies which should have been given to Scheduled Caste/Scheduled Tribe candidates on the basis of promotions already made, had been filled up by general candidates. After a protracted correspondence at the highest level of that organisation, the concerned authorities promoted the Scheduled Caste/Scheduled Tribe candidates on the panel on the last day of the 18 months old panel. There was no doubt that if this case had not been pursued vigorously the panel would have lapsed without filling up the reserved points in spite of the fact

that quite a good number of Scheduled Caste/Scheduled Tribe candidates had been approved by the D.P.C. This is not an isolated case and there are many more where the inflated panels are prepared. Such a course of action certainly harms the promotional interests of the Scheduled Caste/Scheduled Tribe candidates in particular.

3.10 There is yet another aspect of this problem. It has been observed that the Scheduled Caste/Scheduled Tribe candidates, having lower position in the panel, get promotions quite late, sometimes even after one year or more, as a result of which they become eligible for promotion to the next higher scale also late by that period. Sometimes they also miss the crucial dates prescribed for the promotions. Keeping in view the situations the following procedure was suggested in the 1973-74 Report :—

(a) Separate select lists—(i) for general candidates, (ii) for Scheduled Caste and (iii) Scheduled Tribe candidates—arranged in order of their respective *inter se* seniority as are required to be prepared in accordance with instructions contained in the O.M. dated 27th November, 1972, should be retained in their respective forms and these should be combined into a joint select list only as and when the vacancies actually arise during the course of a year.

(b) The select list may first be combined and candidates arranged according to their *inter se* seniority to the extent of the exact number of more or less firmly available vacancies (which are to be filled in the very near future for a sufficiently long period say three months or more). The reservation may be allowed to Scheduled Caste/Scheduled Tribe candidates on the basis of such type of firmly available vacancies according to the roster and such persons appointed according to their share in the shape of reserved vacancies.

(c) Whenever some unforeseen/unanticipated short-term vacancies (of less than three months' duration) due to persons proceeding on leave or for any other similar reason are required to be filled on a temporary or *ad hoc* basis, the remaining candidates both on the general select list and on the reserved select lists may be combined again according to their *inter se* seniority only to the extent of the exact number of vacancies to be filled and reserved posts determined according to the roster.

(d) In case of reversion of any general or Scheduled Caste/Scheduled Tribe candidate due to expiry of the term of the short-term vacancy, the name of the concerned persons should come back to the relevant select list at a point to be determined according to his seniority *inter se* with other remaining persons in the respective select lists. Such persons may be considered first in the event of any future regular or short-term vacancies becoming available.

(e) If after appointment of any candidate on *ad hoc* basis, a regular vacancy arises, the *ad hoc* promotee may be first regularised and the resultant *ad hoc* vacancy filled according to the above procedure.

It appears that the above suggestion was not acceptable to the Government as no action had been initiated in this regard. *As such it is felt that in order to avoid recurrence of such situations, it would be appropriate if the instructions providing reservation for Scheduled Castes and Scheduled Tribes in each batch in the matter of direct recruitment, are extended to the posts filled by promotion. It is, therefore, suggested that where all the promotions through departmental examinations or otherwise, cannot be made simultaneously, the correct procedure would be to determine the number of vacancies to be reserved for Scheduled Castes and Scheduled Tribes separately according to the roster in each batch of promotion and to make promotions of the required number of general and Scheduled Caste/Scheduled Tribe candidates in that batch.*

3.11 In order to avoid *ad hoc* promotions, instructions, already exist that D.P.Cs. should meet at regular intervals for the preparation of select lists for the vacancies arising during that period. Since reservation orders do not apply to the *ad hoc* promotions, there was a tendency on the part of the appointing authorities to avoid D.P.C. meetings. There had been cases when the above instructions had been flouted on account of one or the other reason and the *ad hoc* promotions continued for long. To curb such tendencies, it was suggested in the 1978-79 Report that the D.P.C. meetings should invariably be held in the same year when the vacancies occurred. In order to avoid supersession of the Scheduled Caste/Scheduled Tribe employees on large scale in view of the delayed D.P.C. meetings, it was also suggested that if it became unavoidable to hold the D.P.C. for a number of years, then the select list should be prepared for each year separately taking particular date as crucial date for the purpose of promotions in that year. In order to avoid the problems arising out of not holding the D.P.C. meeting annually, which enlarges the field of choice and upset the relative seniority position in higher grades on account of supersession, the Department of Personnel and Administrative Reforms have modified the existing instructions on 24th December, 1980. According to the revised instructions, cases where for reasons beyond control, the meeting of the D.P.C. could not be held in any year(s) even though the vacancies arose in that/those year(s), the first D.P.C. that met thereafter would have to follow the following procedure :—

(i) Determine the actual number of regular vacancies that arose in each of the previous year/years immediately preceding and the actual number of regular vacancies proposed to be filled in the current year separately.

(ii) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards.

(iii) Prepare a 'select list' for each of the years starting with the earliest year onwards.

(iv) Prepare a consolidated 'select list' by placing the select list of the earlier year above the one for the next and so on.

It is hoped that the strict compliance of these orders would certainly help in reducing the cases of supersession of Scheduled Castes and Scheduled Tribes in future.

(d) *Supreme Court Rulings—Reservation in posts filed by promotion*

3.12 A reference was made to certain court judgements both of High Courts and the Supreme Court in paragraphs 3.77 to 3.85 of the Report for the year 1978-79. It had been stated that Supreme Court had already upheld the validity of reservation in posts filled by promotion in the case of General Manager, Southern Railway *Vs.* K. Rangachari and in the case of the State of Punjab *Vs.* Hira Lal and others. In spite of this a number of writ petitions were filed before the Supreme Court which included the one filed by Soshit Karamchari Sangh (an organisation of Railway employees belonging to non-Scheduled Castes and Scheduled Tribes) *Vs.* the Union of India (Railway Board). The contesting parties instead of disputing and finding fault with the specific provisions of relevant rules whereby according to them, benefit of reservation was alleged by going to Scheduled Castes and Scheduled Tribes on an unprecedented scale, had sought to question the very validity of the principle of reservation. The Supreme Court in its judgement dated 14th November, 1980 dismissed the writ petition filed by the Akhil Bharatiya Soshit Karamchari Sangh, and upheld the validity of reservation in posts filled by promotion through the 40-point rosters. The hypothesis propounded by the Sangh failed to convince the Bench of the Supreme Court comprising Mr. Justice V. R. Krishna Iyer, Mr. Justice R. S. Pathak and Mr. Justice O. Chinnappa Reddy who held : "We see that when posts, whether at the stage of initial appointment of at the stage of promotion are reserved for other preferential treatment is accorded to members of the Scheduled Castes, Scheduled Tribes and other socially and economically backward classes, it is not a concession or privilege extended to them; it is in recognition of their undoubted Fundamental Right to Equality of Opportunity and in the discharge of the Constitutional obligation imposed upon the State . .....". The Court did not agree to deny this 'Equality' to these backward communities as it would, in the opinion of Mr. Justice Chinnappa Reddy amount to "subverting the spirit and the sense of the Constitution". In view of this, the position on these issues of reservation policy has been made crystal bar leaving no scope for doubt.

3.13 In para 3.85 of the Report for the year 1978-79 it was stated that the Department of Personnel & Administrative Reforms of the Government of India were requested to involve itself as a party in all the cases going to the courts which necessitated interpretation of the rules and policy framed by the Government of India for reservation in services for Scheduled Castes and Scheduled Tribes that Department being the concerned authority, in such matters in accordance with the Allocation of Business Rules. It was also suggested that the Department of Personnel & Administrative Reforms should issue general instructions advising all Ministries/Departments and their subordinate offices to get the affidavits vetted by that Department before these were filed in the Court. *The Department is, therefore, once again urged to examine this matter and issue immediate instructions to all concerned to ensure that the policy of the Government in regard to reservation which is based on the provisions made in the Constitution is properly interpreted before the courts and the cases do not go by default. At the State level, in the case of writ petitions challenging the instructions issued by the Government, State Governments should also issue similar instructions for getting the affidavits vetted by the General Administration Department or Social Welfare Department which are concerned with the framing of rules and other instructions for grant of reservation benefits to members of Scheduled Castes and Scheduled Tribes.*

3.14 *The Central Government as well as the State Governments may also consider the desirability of giving legal aid to the active associations of Scheduled Castes and Scheduled Tribes who are keen to defend the cases in the Courts. Cost of litigation in such matters being quite high, particularly at the level of High Courts and Supreme Court, it is understandable that without suitable legal aid such Scheduled Caste and Scheduled Tribe Associations desiring to defend the cases, cannot do so due to their poor financial resources. In view of this, it is strongly felt that there should be enough funds for giving legal aid to such Associations by the Central and State Governments.*

(e) *Zone of consideration—Promotion by Selection in Group A & B Posts*

3.15 It was pointed out in 1977-78 Report (Para 3.37) and reiterated in the Report for the year 1978-79 (Para 3.90) that the very scheme of zone of consideration in promotion to Group A and B posts by the method of selection vitiated the principle of reservation. It has been seen that the vacancies are reserved for Scheduled Caste/Scheduled Tribe officers but benefit cannot be derived by them on the plea that they are not within the zone of consideration. It had, therefore, been recommended that either the zone of consideration should be dispensed with or if it was absolutely necessary to apply it in the case of general candidates, the zone should be fixed firmly and applied separately in the case of Scheduled Caste/Scheduled Tribe candidates. Instructions have now been issued by the Department of Personnel & Administrative Reform in December, 1980 fixing the zone of consideration. The field of choice with reference to

the number of clear regular vacancies proposed to be filled in a year would now be as under :—

Number of vacancies	Candidates to be considered
1	2
1	5
2	8
3	10
4 or more	3 times the number of vacancies.

It is thus clear that it has not been left to the discretion of the Departmental Promotion Committees to fix the zone arbitrarily. There is also a provision to the effect that where adequate number of Scheduled Caste/Scheduled Tribe candidates are not available within the normal field of choice, as referred to above, the field of choice may be extended to five times the number of vacancies and the Scheduled Caste/ Scheduled Tribe candidates (and not the others) coming within the extended field of choice, should also be considered against the vacancies reserved for them. Thus in so far as Scheduled Caste and Scheduled Tribe employees are concerned, normal zone of consideration can go upto five times the number of vacancies. But Commissioner's recommendations for application of zone of consideration separately to the reserved vacancies in respect of Group A and B posts on the lines of a similar provision in respect of Group C and D posts has not been considered. *In order to ensure that sufficient number of Scheduled Caste/Scheduled Tribe candidates are brought within the zone of consideration and actually considered for promotion, the Commissioner for Scheduled Castes and Scheduled Tribes feels that it is still necessary to apply the zone of consideration separately to the reserved vacancies. It is hoped that the Department of Personnel and Administrative Reforms would expedite a decision in this regard.*

(ii) *Constitutional Bodies*

3.16 This issue was discussed at length in the Annual Reports for the year 1977-78 (Paras 3.15—3.20) and 1978-79 (Paras 3.114 and 3.115) and also in earlier Report for the year 1971—73 (Paras 3.89-3.90). Ministry of Home Affairs have issued instructions to all Ministries/Departments in October, 1980 clarifying the position after consulting the Ministry of Law. It has been pointed out that "under the provisions of Article 338(2) of the Constitution, it is the duty of the Commissioner for Scheduled Castes and Scheduled Tribes to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution and report to the President upon the working of those safeguards. The words 'all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes' used in the aforesaid Article are very wide and as such, the Commissioner for Scheduled Castes and Scheduled Tribes may be within his rights to investigate the matters relating to employment etc. in respect of Scheduled Caste/Scheduled Tribe employees working under the authorities/bodies created under Constitution as well. It is also a constitutional duty of the Commissioner for Scheduled Castes and Scheduled Tribes to report to the President upon the working of the safeguards and in view of the fact that provision exists in the Constitution for laying such reports before each House of Parliament, it is not open to anybody to object to the laying of such reports regarding the safeguards provided for Scheduled Castes and Scheduled Tribes".

3.17 The above instructions have thus cleared the doubts expressed earlier whether the Commissioner for Scheduled Castes and Scheduled Tribes could conduct on-the-spot studies etc. into the working of various safeguards provided for Scheduled Castes and Scheduled Tribes in the constitutional and statutory bodies and incorporate his findings in his Annual Reports.

(iii) *Recognisation of service Associations of Scheduled Castes and Scheduled Tribes*

3.18 The question of according recognition to the associations of employees belonging to Scheduled Castes and Scheduled Tribes for the purposes of projecting their general service grievances with their respective employees has been engaging the attention of the Commissioner for Scheduled Castes and Scheduled Tribes and had been the subject of discussion in his Annual Reports. The issue was last discussed in Paragraphs 3.81 to 3.83 of the Report for the year 1977-78 and Paragraphs 3.100 of the Report for the year 1978-79.

3.19 It was understood that the Department of Personnel and Administrative Reforms was considering the question of revising and up-dating the list of recognised associations of Scheduled Castes and Scheduled Tribes as included in Appendix 11 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services. These Associations were earlier recognised for the limited purposes of notifying the reserved vacancies to them by the appointing authorities. Earlier, whenever any reference was made for the recognition of association of Scheduled Caste/Scheduled Tribe employees to the Department of Personnel and Administrative Reforms, the stock reply had been that the Government was not inclined to recognise any more service associations which may be based on Caste/Tribe or religion. This argument has been countered with the support of the ruling of the Supreme Court in the case of State of Kerala and another *Vs.* Mr. N. M. Thomas and others wherein the Court held that the members of these associations who had been drawn from various castes, races or tribes had attained such a status by virtue of the Presidential notification. Therefore, the Scheduled Castes and Scheduled Tribes are not castes within the ordinary meaning of "Caste".

3.20 In September, 1980 the Department of Personnel and Administrative Reforms sought the views of the Commissioner on the criteria to be following for adding to the list of the Scheduled Castes/

Scheduled Tribes Associations recognised for the purposes of notifying the reserved vacancies to them. The matter was examined carefully and it was felt that there were a large number of associations/unions representing the interests of Scheduled Castes/Scheduled Tribes. While it may not be possible to recognise all of them, it is equally difficult to recognise some of them and ignore others. It is, therefore, considered desirable that the best way to identify the associations which represent the interests of Scheduled Castes/ Scheduled Tribes would be to select all such associations or voluntary agencies which are receiving grant-in-aid from the Government for the purpose of welfare programmes for the benefit of Scheduled Castes and Scheduled Tribes. The Department of Personnel & Administrative Reforms has, therefore, been advised to adopt this as a guideline for inclusion of associations of Scheduled Castes and Scheduled Tribes in the list that is proposed to be up-dated by that Department for the purposes of notifying the reserved vacancies to them.

3.21 There is yet another aspect on which the Commissioner has laid emphasis in his previous reports that apart from recognising the associations at the Central/State level for the purposes of notifying reserved vacancies, one association of employees belonging to Scheduled Castes and Scheduled Tribes should be recognised in each Ministry/Department/ Organisation for the purposes of taking up general service interests of Scheduled Caste/Scheduled Tribe employees as it was experienced that the general associations/unions were reluctant to support the cause of these communities. The purpose of recognition of such associations should be limited to taking up grievances of general nature affecting Scheduled Caste/Scheduled Tribe employees.

3.22 Where there are more than one association in an organisation, the authorities concerned should recognise the association which represents the largest number among the Scheduled Caste/Scheduled Tribe employees. The Scheduled Caste/Scheduled Tribe employees are also advised to refrain from forming multiple associations. They should instead form a single association and forge a joint front with the employers/managements in order to get due share of reservation both in direct recruitment and promotions in accordance with the instructions issued by the Government from time to time. *It is hoped that the Government will consider the above points and recognise associations of Scheduled Castes/Scheduled Tribes employees for the purpose of notifying reserved vacancies which are in receipt of grant-in-aid from the Government. As regards the recognition for the purposes of taking up grievances also the Government should issue suitable guidelines that may be followed by various Ministries/Departments and Public Sector Enterprises.*

(iv) *Anti-reservation activities on the part of non-Scheduled Caste/Scheduled Tribe employees in Central/State Governments, Public Sector Undertakings, Public Sector Banks etc.*

3.23 Initiative to oppose the policy of the Government of India to reserve vacancies for Scheduled Castes and Scheduled Tribes in posts filled by promotion in the initial stages was taken by some of the labour/trade unions in the public sector undertakings. With the passage of time there has been some evidence of this thinking in some Government offices as well. There is no doubt that there are some less appreciating persons who subscribe to the view that the reservations provided for Scheduled Castes and Scheduled Tribes in Central, State and other services are against the principle of equality, as guaranteed under Article 16 of the Constitution. They are however, unmindful about various disabilities from which the weaker sections have been suffering from times immemorial. The Commissioner had been keeping himself aware of the growth of this unhealthy trend and detailed references have been made in his Annual Report (Para 3.141 to 3.144 of 1978-79 Report) and through correspondence with Department of Personnel and Administrative Reforms. It is our considered opinion that if these anti-reservation activities are allowed to go unchecked, a time would come when it might take a shape of an organized movement on a large scale which would be difficult to control.

3.24 In 1979, we brought to the notice of the Department of Personnel and Administrative Reforms, citing as many as 15 cases of this nature in a detailed note. They, however, held the view that a mere expression of opposition to the reservation policy of the Government or even to the constitutional provisions pertaining to reservation by Government servants in the form of a representation or by lawful means, cannot be taken as constituting a violation of the Conduct Rules, or, for that matter, the contempt of Constitution. We could not convince ourselves of this line of action and there has, therefore, been recommendations in the Commissioner's Reports on this important issue.

3.25 In this connection it may be mentioned that in another case which has come to the notice of the Commissioner recently, a section of non-Scheduled Caste/Scheduled Tribe employees of Bank of India Punjab Branches, have formed Bank of India Employees (non-Scheduled Castes) Welfare Association, with the main object to oppose reservation of vacancies in promotion made in the settlement reportedly arrived at between the Management of the Bank of India and the Federation of Bank of India Unions. They have also raised funds for the purpose from the Bank employees and other supporters. In fact they have challenged the said provisions in the settlement before the Punjab and Haryana High Court at Chandigarh in a writ petition.

3.26 In view of the position explained above, it is felt that before it is too late some effective remedial measures are necessary to counteract the progress of this type of activity. *It is recommended that the Government should take serious view of this matter and examine it in its entirety, if necessary, in consultation with the Ministry of law in order to curb organised anti-reservation activities of non-Scheduled Caste/Scheduled Tribe employees.*

(v) *Brochure on Reservation for Scheduled Caste and Scheduled Tribes in Services*

3.27 It was stated in the last Report for the year 1978-79 (Para 3.140) that the number of copies of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services brought out by the Department of Personnel and Administartive Reforms was inadequate with the result that almost all the 10,000 copies printed by the Department were exhausted in a few months. It was, therefore, suggested to the Department of Personnel and Administrative Reforms to have at least 25,000 copies of the Brochure re-printed after making it up-to-date. It was also suggested that after the Brochure was re-printed, wide publicity should be given in the Press as also by sending special circular to all Ministries/ Departments of the Government of India/Union Territories and the Bureau of Public Enterprises, Universities and Courts, autonomous bodies and organisations so that they could easily procure copies of the same.

3.28 It has also been suggested to the Department of Personnel and Administrative Reforms to include complete and up-to-date lists of Scheduled Castes and Scheduled Tribes as recognized in various States/ Union Territories in the appendices part of the Brochure. This would be quite helpful to the implementing authorities who are required to consult such lists quite often. *It is hoped that the Department of Personnel and Administrative Reforms will keep this aspect in view before finalising the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services.*

3.29 In Part III of the Brochure are included copies of all the Office Memoranda and instructions issued by the Government of India from time to time. With the passage of time a number of orders/ instructions issued by the Government have been wholly or partially modified and fresh instructions issued as and when found necessary by the Government. For the sake of continuity it might be necessary to incorporate all the instructions issued earlier but superseded later on in Part III of the Brochure. *While doing so a note should be appended at the bottom of the relevant page indicating the supersession or modification of a particular instruction with particular reference and date. This seems necessary in order to indicate to the implementing authorities as to at what stage a new instruction was issued and how the earlier one affecting this issue was superseded or modified. It is hoped that the Department of Personnel and Administrative Reforms would keep this suggestion also in view while finalising the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services.*

(vi) *Caste/Tribe Certificates vis-a-vis Service Matters*

3.30 As part of the investigations into the working of the service safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution, study teams of the Commissioner for Scheduled Castes and Scheduled Tribes visit various Central/State Government offices as well as public sector undertakings to see the implementation of reservation orders. During such visits some of the Caste/Tribe certificates produced by employees as proof of their belonging to Scheduled Castes or Scheduled Tribes are also checked. The intention of this exercise is to ensure that the certificates produced by the employees are in order as per the existing orders and that the benefit of reservation in services which is provided for Scheduled Castes and Scheduled Tribes is actually availed of by them.

3.31 During the course of recent studies in some of the offices of the Government of Andhra Pradesh located in Hyderabad, the study team found that according to the Government of Andhra Pradesh instructions, Gazetted Officers of the State Government including those serving in Municipalities were empowered to issue community certificates. This is contrary to the instructions contained in the Government of India orders according to which the certificates are to be issued by the District Magistrate/ Deputy Commissioner/Collector/First Class Stipendiary Magistrate/Presidency Magistrate/Revenue Officers (not below the rank of Tehsildar) and Sub-Divisional Officer of the area where the candidate and his family normally reside. *It is, therefore, not known as to how a different procedure has been adopted by the Government of Andhra Pradesh in authorising their Gazetted Officers to issue the Caste/Tribe certificates.*

3.32 It appears that the Government of Andhra Pradesh have also not issued any guideline to be observed by the officers authorised to issue the community certificates corresponding to the guidelines contained in the instructions of the Ministry of Home Affairs' letter No. 35/1/72-RU (SCT-V), dated 2nd May, 1975 sent to all the State Governments and Union Territories. In the absence of guidelines, the issuing officer can give a Scheduled Caste or Scheduled Tribe certificate at his discretion which can lead to large scale misuse of this provision. It was also noticed that in some cases the Gazetted Officers had issued certificates in respect of candidates residing in other districts and they had no means of satisfying themselves about the genuineness of the claim put up by a candidate for the certificate. *It is recommended that the Government of Andhra Pradesh examine this issue thoroughly and issue necessary instructions to ensure that the Scheduled Caste/Scheduled Tribe certificates are issued by the Magistrate or Revenue authorities not below the rank of Tehsildar as specified by the Ministry of Home Affairs, Government of India.* There is, however, no objection to the issue of the community certificate by the Magistrate or any other authority prescribed for this purpose on the basis of the certificate issued by the Gazetted officers in which case the responsibility in the event of the certificate being found to be false would be on the Gazetted Officers giving such certificates.

3.33 During the course of a similar study in various Central/State Government offices located at Bangalore in January, 1978, it had come to the notice that according to the instructions issued by the Government of Karnataka, the procedure for the issue of Caste/Tribe Certificates had been liberalised whereby

any applicant could obtain community certificate simply on the basis of his own affidavit. It was pointed out in the Report of the Study Team (Appendix XL with reference to para 3.121 of the Report for the year 1977-78) that this liberalised procedure was not free from the possibility of misuse by unscrupulous persons, as the chances of detection of such cases were rare. Thus such of the persons not belonging to Scheduled Castes and Scheduled Tribes who attempted to obtain such certificates on the basis of their own affidavit could avail the benefits meant for Scheduled Castes and Scheduled Tribes in case there was no complaint against them. *The Government of Karnataka to whom a copy of the Study Team's Report was forwarded in March, 1978, were advised to ensure that the certificates were issued by the competent authorities and that the authorities empowered to issue such certificates should exercise proper care before issuing them. The Government of Karnataka have not furnished any report of the action taken so far. It is hoped that the State Government would examine this matter and issue necessary instructions in this regard.*

3.34 There is yet another aspect which has come to the notice of the study teams particularly in the Southern States that some of the persons professing Christian religion had managed to obtain Scheduled Caste Certificate on the plea that their caste found a place in the Presidential Orders notifying the Scheduled Castes/Scheduled Tribes in various States. There is a constitutional requirement that Scheduled Caste certificates can be issued only to those persons who profess Hindu or Sikh religion. Therefore, persons professing religion other than these religions are not entitled to be treated as Scheduled Castes. *It seems necessary to remove any confusion on this score by issuing fresh instructions in this regard. It may be necessary to incorporate a column in the prescribed form about the religion with a foot-note for the guidance of issuing authority that a Scheduled Caste certificate can be issued in favour of persons professing Hindu or Sikh religion only. Such a provision would obviate any chance of issuing Scheduled Caste certificate to persons not professing the Hindu or Sikh religion. It is, therefore, recommended that the Ministry of Home Affairs may examine this matter and issue necessary instructions to all the State Governments/Union Territories clarifying the position in this regard.*

3.35 Instances have also come to notice that caste certificates have been issued by the competent authorities to those persons who have married a Scheduled Caste or Scheduled Tribe person. According to rules the certificates are issued to Scheduled Caste and Scheduled Tribe persons who are so by birth and the marriage does not change this position. In one such case in the New Delhi Municipal Committee, noticed during the course of study by a team of the Commissioner for Scheduled Castes and Scheduled Tribes, on verification at the instance of the Study team, it was confined that the certificate was obtained by misrepresentation and was therefore cancelled involving withdrawal of concessions enjoyed, if any. *There is, therefore, need to add a suitable note on the prescribed form for the guidance of the competent authorities.*

3.36 Apart from the above, there are increasing instances of issue of false certificates even by the authorities competent to issue such certificates. This is perhaps due to the fact that these certificates are not issued after proper verification of the claims to belong to Scheduled Castes/Scheduled Tribes. *Ministry of Home Affairs are urged to reiterate the guidelines already issued in the matter cautioning the certificate issuing authorities that in the event of the certificates being found to be false at a later date the issuing authority might be held responsible for it. Where the competent authority has issued the certificate on the basis of evidence by a Gazetted Officer of the Central/State Government or any other authority, that officer would be responsible in case it is proved that evidence leading to the issue of a caste/tribe certificate had been false.*

(vii) *Disposal of references from the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes*

3.37 The question of delay in responding to communications sent by the office of the Commissioner for Scheduled Castes and Scheduled Tribes to various Ministries/Departments/Offices relating to the grievances of Scheduled Caste and Scheduled Tribe employees, was high-lighted in para 2.16 of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1967-68. In that Report, the Commissioner had recommended *inter alia* that the Liaison Officers who had been nominated in the Ministries etc. for the work relating to the representation of Scheduled Castes and Scheduled Tribes should ensure the extension of the necessary assistance to the Commissioner in the investigation of these complaints. This recommendation of the Commissioner was brought to the notice of all Ministries and Departments of the Government of India in April, 1970. A specific reference was made in the Report for the year 1977-78 (para 3.6) pointing out that the response from the Railway Board to the large number of reference made to them by this organisation was poor. The Department of Personnel and Administrative Reforms, therefore, issued instructions in June, 1978 requesting all Ministries/Departments to ensure that whenever any case of individual representation relating to service matter was referred by the Commissioner for Scheduled Castes and Scheduled Tribes calling for facts and comments, necessary action had to be taken to send reply/report to the Commissioner as expeditiously as possible. *Despite these instructions, our experience has been that communications addressed by this office in regard to service grievances of Scheduled Caste and Scheduled Tribe employees seldom fetch a satisfactory and prompt response from the implementing authorities.* This resulted in inordinate delay in the redressal of the grievances of the concerned employees as also hampered the Commissioner to investigate into the services safeguards in accordance with the duties assigned to him under Article 338(2) of the Constitution. The matter was, therefore, taken up once again with the Depart-

ment of Personnel and Administrative Reforms. *It is rather difficult to understand the reasons for the delay in intimating the actual position to the Commissioner for Scheduled Castes and Scheduled Tribes as it is felt that in majority of cases, the Scheduled Caste and Scheduled Tribe employees approach the Commissioner only after they had been denied the benefit of reservation in the matter of promotion, confirmation seniority, etc.* These are cases where authorities concerned had already considered and examined the claims of Scheduled Caste and Scheduled Tribe employees in accordance with the rules and, therefore, their inability to respond immediately conveying the facts of the case could not be adequately explained. In many cases no reply whatsoever is sent to the Commissioner unless reminded time and again officially as well as demi-officially. In the opinion of the Commissioner for Scheduled Castes and Scheduled Tribes, the authorities could conveniently intimate the position within one month of the receipt of the communication from this office. It was in this context that the Commissioner recommended to fix a time limit for the Ministries/Departments/Organisations to send a report to him in the cases referred to them. *It is, therefore, suggested that the Department of Personnel and Administrative Reforms should amend their earlier instruction suitably by prescribing a time limit of one month for responding to the communications sent to various Ministries and Departments in respect of service grievances of Scheduled Castes and Scheduled Tribes.*

(viii) *Relaxation in Typing qualification/proficiency*

3.38 In a meeting held in , the Ministry of Home Affairs some time in the middle of 1978, to study the short-fall in recruitment of Scheduled Castes and Scheduled Tribes in public services, particularly with reference to the recruitment to various grades made through the Staff Selection Commission, and to consider the question for making up short-fall, the point regarding relaxation in typing qualification had also come up for discussion. Since adequate number of candidates proficient in typing were not becoming available for Grade III Clerks from amongst the Scheduled Castes and Scheduled Tribes, it was suggested in that meeting that the best of the candidates who had taken the examinations but were not possessing typing qualification/proficiency may be selected and given a subsequent training with stipend, so that they may acquire the prescribed qualification/ proficiency in typing within a period of one year. This question also came up for discussion in the meeting of the High Power Committee held under the Chairmanship of the then Prime Minister on 20th October, 1978. While apprising the Committee, the then Minister in the Ministry of Home Affairs, clarified that the intention of the Government was that the Scheduled Caste/Scheduled Tribe candidates in question would first be formally appointed to the posts|services and then given in-service training. As mentioned in the 1978-79 Report of the Commissioner, such a relaxation had been allowed in the past by the U.P.S.C./Staff Selection Commission in the recruitment of L.D.Cs. There was a provision in the rules that the Scheduled Caste and Scheduled Tribe candidates who had qualified in the written examination but did not possess adequate speed in type-writing, were allowed to be appointed and were to pass the type-writing test within a period of six months after their appointment. This concession which continued for a number of years was withdrawn some time back. *It is unfortunate that in spite of a decision by the High Power Committee, no formal instructions have so far been issued by the concerned authorities.* In 1979, 85 vacancies reserved for Scheduled Tribes and convertible to Scheduled Castes in the third year of carry-forward had been proposed to be dereserved by the Department of Personnel and Administrative Reforms. As a result, the reserved vacancies are lapsing to the disadvantage of Scheduled Caste|Scheduled Tribe candidates. *It is, therefore, suggested that urgent steps should be taken to issue necessary instructions in this regard so that the reserved quota could be filled up from amongst the Scheduled Caste/Scheduled Tribe candidates who qualify in the written test of the Clerks Grade Examination conducted by the Staff Selection Commission. Such candidates can also be nominated for appointment against reserved vacancies in the organisations where they require non-typists.*

Dereservations

3.39 In the last Report for the year 1978-79 (paragraphs 3.29 to 3.30) it was pointed that the latest (November, 1979) instructions of the Government delegating the authority for dereservation of reserved vacancies in promotional posts to the Ministries/Departments concerned was likely to be misused and the appointing authorities out of their anxiety to push through the proposal quickly within the Ministry/Department, could skip over certain formalities in the matter of proper carry-forward, exchange of reservations etc. It was also apprehended that some of the authorities may not even send the details of the vacancies dereserved by them to the Department of Personnel and Administrative Reforms and the Office of the Commissioner for Scheduled Castes and Scheduled Tribes as required under these instructions. While it was noticed that proposals for dereservation in promotional posts where authority was delegated to the Ministries/Departments, continued to be received but there was no way of check it whether any authority had sent the details to the Department of Personnel and Administrative Reforms and the Office of the Commissioner for Scheduled Castes and Scheduled Tribes. The instructions regarding delegation of authority though issued in November, 1979 were actually implemented in the year 1980 and the relevant data for that year has not yet been made available by the Department of Personnel and Administrative Reforms. Therefore, comments on the proper working of these instructions cannot be given in this Report.

3.40 Details of the vacancies proposed for dereservation during the year 1979 as received from the Department of Personnel and Administrative Reforms have been summarised in Statements I and II of Appendix IV It is noticed from those statements that as a

result of constant scrutiny by the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes and vigilance exercised by the Department of Personnel and Administrative Reforms in regard to following the procedure of dereservation of reserved vacancies properly, there was now not a single case in any class of posts where Scheduled Caste/Scheduled Tribe eligible candidates were available but were not found suitable for appointment/promotion. Another aspect worthy of note is that during the year 1979 there was no case in which *ex post facto* approval was sought *i.e.* in all the cases, prior approval of Department of Personnel & Administrative Reforms had been obtained before appointing/promoting general candidates against reserved vacancies.

3.41 The above position would make any one believe that there was nothing wrong with the implementation of reservation orders in any Ministry/Department; no Scheduled Caste/Scheduled Tribe candidate was rejected and it was only due to the non-availability of the Scheduled Caste/Scheduled Tribe candidates that general candidates were appointed/promoted against the reserved vacancies after following the proper procedure of dereservation of reserved vacancies. *However, on a close scrutiny the situation does not appear to be as satisfactory as made out. Exercising caution and vigilance the Commissioner's organisation have found the position as depicted by the statistics supplied by the Department of Personnel and Administrative Reforms, not so gratifying.* As a test case the following facts were dug out of the cases of dereservation received during the year 1979, in respect of one Ministry alone (Ministry of Finance). It was noticed :—

(a) That in one case pertaining to the proposal for dereservation of reserved vacancies in the post of Inspector (Ordinary Grade) in the Collectorate of Customs and Central Excise, Ahmedabad and Baroda, as many as 275 Scheduled Tribe candidates were sponsored by the Employment Exchange. 134 appeared for written test and it is reported that only four candidates qualified. But finally two Scheduled Tribe candidates were selected and dereservation was sought for as many as 14 vacancies reserved for Scheduled Tribes. This is a clear case of where Scheduled Tribe candidates were available but were not found suitable.

(b) There were at least 11 proposals relating to dereservation of reserved vacancies in promotional posts in which it was noticed that against as many as 17 vacancies reserved for Scheduled Castes and 2 vacancies reserved for Scheduled Tribes, the Scheduled Caste/Scheduled Tribe candidates were eligible for promotion but were considered unfit for various reasons. Thus in the promotion category also it cannot be said that enough Scheduled Caste/Scheduled Tribe candidates were not available at all for promotion.

(c) The Department of Personnel in the statistics supplied by them have indicated that there was no proposal in which *ex post facto* approval was sought. But as noticed from the copies of the proposals in respect of Ministry of Finance alone, it was found that in as many as 24 cases *ex post facto* approval was sought involving 49 vacancies reserved for Scheduled Castes and 124 vacancies reserved for Scheduled Tribes.

3.42 *It will be seen from the above that the information supplied by the Department of Personnel and Administrative Reforms did not reflect the correct position particularly in regard to the 2 aspects, namely, that there was no case of dereservation of reserved vacancies during the year 1979 in which Scheduled Caste/Scheduled Tribe candidates were available but not found suitable ; secondly there was no case in which* ex post facto *approval was sought. In fact there were a number of cases in which general candidates had already been appointed/promoted without obtaining prior approval from the Department of Personnel and Administrative Reforms. It is hoped that this Department would be more careful in supplying correct and factual information as also ensure further that proper vigilance is exercised by the various Ministries/Departments to follow the instructions scrupulously.* If this can be the position in respect of one Ministry, there is every possibility that cases of this nature may be found in regard to other Ministries/Departments when properly scrutinised. *It is, therefore, evident that there has not been proper scrutiny of dereservation proposals sent to the Department of Personnel and Administrative Reforms.*

Carry forward of Unifilled Reservation and Allocation of seniority strictly according to the Points in the Roster

3.43 It was pointed out in para 3.42 of the Report for the year 1977-78 that in the event of non-availability of reserved category candidates, the reserved vacancies were being offered to general candidates and some of them were even allowed to lapse at the end of the 3 years period of carry-forward. With this state of affairs, it was not possible to reach the goal of adequate representation of Scheduled Castes and Scheduled Tribes in the services in a forseeable future. *It is, therefore, reiterated that period of carry-forward should not be restricted to 3 years and the reserved vacancies should not be allowed to lapse.*

3.44 There is a tendency on the part of certain authorities not to make sincere efforts to locate the Scheduled Caste/Scheduled Tribe candidates against the reserved quota. They simply carry-forward the same to the subsequent recruitment years presumably thinking that these would eventually lapse at the end of the 3-year period of carry-forward. This situation can be overcome by ensuring that the Scheduled Caste and Scheduled Tribe candidates whenever becoming available (without limit of 3 years) are allowed the seniority position strictly according to

the points earmarked for them in the roster. Such a procedure is already being followed by the Government where there are specific quotas of posts to be filled by direct recruitment and promotions in case of general candidates. For example if a post is required to be filled 50 per cent through Union Public Service Commission and 50 per cent by promotion and the Commission takes 2 to 3 years to finalize the selection, the candidate selected by the Union Public Service Commission is accorded seniority over those promoted 2-3 years prior to his appointment. On the same anology the Scheduled Caste and Scheduled Tribe candidates who are appointed later for various reasons but on the oft repeated plea of non-availability, should be given the same notional seniority position as if the relevant category candidate was available in the very first instance straightway. If the authorities are faced with the proposition that the Scheduled Caste/Scheduled Tribe candidates whenever appointed would take their respective position in the seniority list strictly according to the roster, they would make sincere efforts to select the suitable Scheduled Caste/Scheduled Tribe candidates in the very first year itself instead of putting off the selection year after year till the vacancy got lapsed. *It is, therefore, recommended that in order to ensure that quota reserved for Scheduled Castes and Scheduled Tribes is fully utilized, the reserved vacancies be carried forward till they are actually filled by the relevant category candidates and those Scheduled Caste/Scheduled Tribe candidates who are appointed later are allowed the retrospective position in the seniority list strictly according to the points in the roster.*

Appreciation Courses/Orientation Programmes

3.45 As stated in the last Report (para 3.118 to 3.119) the Institute of Secretariat Training and Management was conducting Appreciation Courses/ Orientation Programmes on the reservation for Scheduled Castes and Scheduled Tribes in services. The First Appreciation Course commenced from September, 1978 and the first Orientation Programme was started from December, 1978 in pursuance of the recommendations made in the Commissioner's Report for the years 1975—77 and 1977-78. Following table would indicate the performance of the Institute.

Course	Year	No. of courses conducted	No. of officers trained
1. Appreciation Course for Liaison Officers, Deputy Secretaries, Under Secretaries, etc.	1978-79	1	24
	1979-80	4	75
	1980-81	3	56
2. Orientation Programme for Section Officers and Assistants, etc.	1978-79	2	55
	1979-80	4	131
	1980-81	4	118

3.46 As recommended in the last Report (paras 3.118 and 3.119) the Institute was requested to conduct more such courses and camp courses in various important cities where a large number of Central Government establishment and undertakings are located. Final reply is still awaited from the Institute. It is once again stressed that the Department of Personnel and Administrative Reforms consider the desirability of expanding the activities of the Institute to conduct at least 12 Orientation Programmes in an year (one in each month) and 4 Appreciation Courses also to arrange camp courses in other cities, preferably the State capitals.

3.47 In the last Report efforts made by the Food Corporation of India through its Central Training Institute to conduct similar courses for its officers were commended but it is regretted that the Corporation conducted only one such course thereafter some time in June, 1980, whereas the need such courses is a regular one because the officers in charge of the work relating to the implementation of reservation orders keep on changing. *It is, therefore, necessary that such courses are conducted at regular intervals.* Needless to mention here that these courses conducted by the ISTM and other authorities have been greatly appreciated by those who participated in them.

3.48 It is worth noting that the Bharat Heavy Electricals Limited, a pioneer public sector enterprise in the field of production of power generating machinery in India, also realised the need for holding seminars for updating the knowledge of their officers at various levels in the matter of implementation of reservation orders etc. It would be seen in this Chapter that on-the-spot studies of rosters, etc., maintained by the Corporate Office and five other Divisions/Units located at New Delhi, Hardwar, Hyderabad, Tiruchirapalli and Madras were conducted by the study teams of the Commissioner for Scheduled Castes and Scheduled Tribes. During these studies, on the advise of the team, the Management arranged a 3-day seminar in January, 1981. In this seminar, besides educating the officers in the matter of reservation policy and various rules/instructions issued thereunder, a host of problems pertaining to implementation of reservation policy in Bharat Heavy Electricals Ltd., in particular were discussed by the various speakers. Bharat Heavy Electricals Ltd., is one of the biggest public sector enterprises having a large employment potential and, therefore, it is necessary that the implementation machinery in regard to reservation orders for Scheduled Castes and Scheduled Tribes in geared from time to time and tuned fully to achieve the goal of adequate representation for Scheduled Castes and Scheduled Tribes in its services. *It is, therefore, expected that the Bharat Heavy Electricals Ltd., Management would make it a regular feature to hold such seminars at regular intervals. It is further hoped that other bigger enterprises would also initiate action for holding similar Appreciation Courses/Seminars for the benefit of their officers.*

Follow-up Action on the Recommendations of the Commissioner in regard to Service Matters

3.49 Primarily, the responsibility for obtaining the follow-up action reports from various authorities including the State Governments on the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes, devolves on the Ministry of Home Affairs. However, in actual practice since no report of follow-up action by the State Government an other authorities was being furnished to the Commissioner, many recommendations had to be repeated and reiterated from year to year. In order to avoid this situation, it was also decided to call for follow-up action report in respect of recommendations relating to service matters from various authorities as also from the State Governments by the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes itself—starting from the Report for the year 1977-78.

3.50 Adequate cooperation from various authorities in the Central Government such as the Department of Personnel and Administrative Reforms, Bureau of Public Enterprises and various Ministries under the Government of India, will greatly help in knowing the reaction of these bodies. As a result of this initiative, it may be pointed out that follow-up action reports have started coming in from different authorities. It is now expected that the effective number of recommendations needing action on the part of various authorities will be reduced in this as well as in the coming reports. As regards the recommendations relating to policy matters in the matter of reservation for Scheduled Castes and Scheduled Tribes with which the Department of Personnel and Administrative Reforms of the Government of India is mainly concerned, it may be pointed out that *the response of this Department has not been satisfactory since there has been a good deal of delay at that end. It is hoped that the Department would expedite the decisions in the large number of pending policy issues which are based on the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes in the annual reports.*

3.51 *In so far as the recommendations pertaining to service safeguards under the State Governments are concerned the response in furnishing follow up action reports by State Governments has been very poor.* This issue of follow-up action by various State Governments on the recommendations made by the Commissioner in his 25th Report for the year 1977-78 was taken up with the various State Governments in February, 1980 after the report was placed in Parliament. It is, however, regretted that by and large the State Governments have not furnished the follow-up action reports except the Governments of Andhra Pradesh, Rajasthan and West Bengal. The Government of Bihar has furnished a partial follow-up action report. It is, therefore, stressed that the State Governments should examine the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes in his Annual Report within 3 months of the receipt of the communication from the Commissioner's office or Ministry of Home Affairs forwarding them a copy of the Annual Report. *Expeditious receipt of the follow-up action reports by the Commissioner from various State Governments would enable him to assess the working of the service safeguards by the State Governments in accordance with the spirit of Article* 338(2) *of the Constitution. Any inordinate delay on the part of the State Governments to furnish the follow-up action reports to the Commissioner may defeat the very purpose of the recommendations and in some case, may render the recommendations infructuous. It is, therefore, recommended that all State Governments should take this issue seriously and help the Commissioner in the discharge of his Constitutional obligation by sending reports of follow-up action within three months.* Where it is considered that more time is needed to complete the action by the State Governments, a report to that effect should be sent to the Commissioner indicating the reasons for the delay and the period within which the action is expected to be completed by the State Government.

Role of Parliamentary Committee on the welfare of Scheduled Castes and the Scheduled Tribes

3.52 As mentioned in para 3.25(a) of Commissioner's twentysixth Report for the year 1978-79, one of the essential functions of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes is "to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution and to report as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the administration of the Union Territories". While examining the Department of Personnel and Administrative Reforms the Parliamentary Committee of the Fourth Lok Sabha examined a number of recommendations made by the Commissioner in regard to policy matters connected with the implementation of reservation orders relating to Central Government. Thereafter this important role of the Parliamentary Committee with regard to the recommendations made by the Commissioner in his reports seems not to have been given the needed priority. *It is, therefore, urged that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes would lay greater stress on this aspect. It cannot be over-emphasized that such a support is vital for getting favourable decisions from the authorities concerned in the matter of reservation and concessions for Scheduled Castes and Scheduled Tribes. Even an active interest is all the more important in order to create a healthy climate in the country which is capable to counteract the anti-reservation trends gathering momentum in the country. It is unfortunate that the note of caution sounded by the Commissioner in some of his reports on this anti-reservation trends in some parts of the country was not heeded to. It is felt that if timely action as suggested by the Commissioner had been taken perhaps much of the unpleasant situation witnessed today could have been avoided.*

State Legislative Committee

3.53 *Similarly there should be Legislature Committees in all the States to ensure follow-up action on the recommendations in the Commissioner's reports and the implementation of service safeguards.* Some States do have such Committees. An initiative on the part of the Legislature Committees and the Members representing the people at large and those representing the Scheduled Castes and Scheduled Tribes and other backward communities in the State Legislatures would surely create a healthy climate which would be conducive to harmonious relations between the general communities and the vulnerable sections of the society.

Review of Representation of Scheduled Castes and Scheduled Tribes in Services

(a) *Central Government*

(i) *Central Government Services*

3.54 The Department of Personnel and Administrative Reforms of the Government of India is collecting and compiling the information regarding the representation of Scheduled Castes and Scheduled Tribes in Central Government Services as on 1st January each year. According to instructions, this information is required to be furnished to this Department by various Ministries and Departments of Government of India in the form prescribed in Appendix 8 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services by 31st March each year. Therefore, the information as on 1st January, 1980 should have been furnished to the Department of Personnel and Administrative Reforms by 31st March, 1980. Similarly information as on 1-1-1981 should have been made available to the Department of Personnel and Administrative Reforms by 31st March, 1981. However, on enquiries from the Department of Personnel and Administrative Reforms, it was revealed that even by February, 1981 *i.e.* almost one year after the last date for submission of such returns information as on 1-1-1980 had not been received from the four major Ministries/Departments like the Irrigation, the P & T, the Defence and the Railways. The information pertaining to the Ministries of Defence, Irrigation and the Railways was however, made available at the end of March, 1981 and in respect of Directorate General, Posts and Telegraphs in the middle of April, 1981. It is indeed unfortunate that these Departments which employ bulk of Central Government employees, should have failed to furnish the information after more than one year. Similar information as on 1-1-1981 has not yet been received from the Department of Personnel and Administrative Reforms.

3.55 In this connection, it may also be mentioned here that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its 41st Report had recommended that failure to submit the information in the Annual Returns in time should be regarded as a serious lapse on the part of the concerned Ministry or the Department. This recommendation of the Parliamentary Committee had been brought to the notice of the various Ministries/Departments *vide* the Department of Personnel and Administrative Reforms, O.M. dated 10th May, 1976, emphasising that failure to submit the annual statement in time without any valid reason should be brought to the notice of the Secretary/Additional Secretary to the Government of India in the Ministry/Department or the Head of the Department in respect of an office under the Head of the Department concerned. *In spite of these instructions there has not been any marked improvement in the attitude of the Ministries/Departments. It is for the Department of Personnel and Administrative Reforms to examine as to which Ministries/Departments have failed to furnish the information as on 1st January, 1980 to that Department by 31st March, 1980 and that as on 1st January, 1981 by 31st March, 1981, without any valid reason and what action has been taken to remedy the situation.*

3.56 The information as on 1st January, 1980 furnished by the Department of Personnel and Administrative Reforms in respect of all the 56 Ministries/Departments of the Government of India, may be seen in the following table :—

Group of posts	Total number of employees	Scheduled Castes		Scheduled Tribes	
		Number	Percentage	Number	Percentage
Group 'A' .	47,937	2,375	4.95	506	1.06
Group 'B' .	59,161	5,055	8.54	763	1.29
Group 'C' .	1,752,230	235,555	13.44	55,334	3.16
Group 'D' . (Excluding Sweepers)	1,272,397	247,607	19.46	68,401	5.38

The information given in the above table indicates only marginal variation from the information indicated in the last year's report. Ministry/Department-wise information as on 1st January, 1980, as has been received from the Department of Personnel and Administrative Reforms, may be seen in Appendix V.

3.57 It would be seen from the Ministry-wise data referred to in the para above, that out of 56 Ministries/Departments, the envisaged level of representation of Scheduled Castes, *i.e.* 15 per cent has been achieved in Group A posts only in one establishment *i.e.* President's Secretariat. In the case of Group B posts there are only two such Departments *viz.* Department of Parliamentary Affairs and Vice-President's Office. Even in Group C posts there are only ten such Ministries/Departments, which could achieve representation of Scheduled Castes to the extent of 15 per cent or more. In the case of Scheduled Tribes it may be noted that there is not a single Ministry/Department which could achieve the desired level in Group A, B

or C posts. Even in the case of Group D posts, the required level of representation of Scheduled Tribes could be achieved only in respect of six such Ministries/Departments. It may further be pointed out that there are still 52 Ministries/Departments in Group A, 42 Ministries/Departments in Group B and 8 Ministries/Departments in Group C, which could not cross the representation of Scheduled Castes even beyond 10 per cent. Similarly in the case of Scheduled Tribes there are only 5 Ministries/Departments which could achieve their representation to the extent of 5 per cent in Group C posts. There is not a single Ministry/Department which could achieve even this level in their Group A and B posts. There is, therefore, urgency to ensure prescribed percentages for Scheduled Castes/Scheduled Tribes in services under the Central Government.

(ii) *All India and other Central Services*

3.58 As in the previous years, this year also an effort had been made to collect the statistical information regarding the representation of Scheduled Castes and Scheduled Tribes in various All India and other Central Services as on 1st January, 1980. It is, however, regretted that out of 37 services being controlled by various Ministries/Departments in respect of which the information had been called for, we have received the same in respect of 22 services only. As has been our experience in the past, similar information as on 1st January, 1981 could not be received by the time of finalizing this Report. The statement showing the requisite information as on 1st January, 1980 received from various Ministries so far, is as in the table below :—

S. No.	Name of the Service	Total No. of officers in position	No. of Scheduled Castes	Percentage	No. of Scheduled Tribes	Percentage
1.	Indian Administrative Service	3,898	381	9.8	201	5.2
2.	Indian Police Service	2,189	210	9.6	75	3.4
3.	Indian Audit & Accounts Service	486	34	7.0	12	2.5
4.	Military Engineer Service :					
	(*i*) Buildings & Roads	273	5	1.8	..	..
	(*ii*) Electrical & Mechanical	103	4	3.9	1	1.0
5.	A.F.H.Q. Civil Service	643	46	7.2	4	0.6
6.	Indian Foreign Service :					
	(*i*) Group 'A'	478	46	9.6	25	5.2
	(*ii*) Branch 'B' (Gr. 'A')	75	3	4.0	1	1.3
7.	Indian Economic Service Grade I to IV	414	29	7.0	8	1.9
8.	Indian Inspection Service Group 'A'	120	12	10.0	1	0.8
9.	Indian Supply Service Group 'A'	133	7	5.3	..	..
10.	Central Information Service	789	63	8.0	11	1.4
11.	Central Engineering Service :					
	(*i*) CPWD — Group 'A'	533	34	6.4	2	0.4
	Group 'B'	1,061	39	3.7	2	0.2
	(*ii*) Roads Wing (Shipping & Transport) Group 'A'	193	10	5.2	1	0.5
12.	Central Electrical Engineering Service (CPWD) :					
	Group 'A'	143	5	3.5	..	..
	Group 'B'	374	35	9.4	1	0.3
13.	Assistant Directors/AEE, Group 'A' (Deptt. of Power)	195	13	6.6	2	1.0
14.	Assistant Managers (Factories) Group 'A' (P&T Telecommunication Factories Organisation)	23	..	..	..	..
15.	Assistant Drilling Engineers (Geological Survey of India) Group 'A'	63	3	4.8	1	1.6
16.	Indian Naval Armament Service	14	..	..	..	..
17.	Defence Lands & Cantonments Service :					
	Group 'A'	107	7	6.5	3	2.8
	Group 'B'	54	2	3.7	..	..
18.	Indian Telegraphs Service Group 'A'	1,111	107	9.6	5	0.4
19.	Telegraph Engineering Service — Group 'B'	4,130	468	11.3	39	0.9
20.	Telegraph Traffic Service Group 'B'	160	18	11.2	1	0.6
21.	Indian Postal Service :					
	Group 'A'	15	2	13.3	..	..
	Group 'B'	417	67	16.0	5	1.2
22.	Indian Defence Accounts Service	214	17	7.9	9	4.2

3.59 It would be seen that the representation of Scheduled Castes in Indian Administrative Service, Indian Police Service, Indian Foreign Service (Group A), Indian Inspection Service (Group A), Central Electrical Engineering Service (Group B—CPWD), Indian Telegraph Service (Group A), Telegraph Engineering Service (Group B), Telegraph Traffic Service (Group B) and Indian Postal Service (Group A & B) though below the prescribed percentages, may be termed as tolerable. Their representation in Indian Audit & Accounts Service, A.F.H.Q. Civil Service, Central Information Service, Indian Defence Accounts Service, and Indian Economic Service (Grade I to IV), which is around half of the prescribed percentage of 15, is not considered as satisfactory. The representation of Scheduled Castes in other services, particularly Military Engineer Service (B&R) (E&M), Central Engineering Service (CPWD) Group B, Central Electrical Engineering Service (CPWD) Group A and Defence Lands & Cantonments Service (Group B) is rather poor. As regards the representation of Scheduled Tribes, it is noted that their maximum strength which is just 5 per cent of total, is in Indian Administrative Service and Indian Foreign Service (Group A) only. In other two services *viz.* Indian Police Service and Indian Defence Accounts Service, it is between 3 and 5 per cent. *In all other services in respect of which information has been received, their representation is negligible and as such there is need to take some special steps to attract more Scheduled Tribe candidates for appointment in these services.* In this connection, it may be emphasised that due publicity needs to be given to the scheme of pre-examination training, being implemented by the Ministry of Home Affairs, for the benefit of Scheduled Caste and Scheduled Tribe candidates intending to compete for those examinations. *The desirability of arranging pre-examination coaching and training for viva-voce for such of the services which are not covered so far in this scheme, may also be considered. Opening of training centres at places nearer the concentration of Scheduled Tribe population in the States would be worthy of consideration.*

(iii) *Railway Services*

3.60 The statistical information showing the representation of Scheduled Castes and Scheduled Tribes in services under Railways as on 31st March, 1980, as received from the Ministry of Railways has been re-produced in the table below :—

Group of Posts	Total strength including S.Cs. and S.Ts.	Scheduled Castes		Scheduled Tribes	
		Number	Percentage	Number	Percentage
Group 'A' .	5,393	419	7.8	77	1.4
Group 'B' .	5,098	550	10.9	114	2.3
Group 'C' .	707,034	79,935	11.3	16,231	2.3
Group 'D' .	779,308	137,860	17.7	41,552	5.3

It would be seen that except in Group D Posts, the representation of Scheduled Castes and Scheduled Tribes is yet to attain the prescribed percentages. The figures given above, when compared with the similar information as on 1st January, 1979 included in our last report, would reveal that there is no change in the position insofar as the representation of Scheduled Castes in Group A and C is concerned. It has gone down in Group D posts, whereas in Group B there has been slight improvement. As regards the representation of Scheduled Tribes in these services, it has been noted that there is a slight increase in Group A and B posts. There is, however, no change in respect of Group C and D posts. Further information after 31st March, 1980 has not been received.

(iv) *Armed Forces*

3.61 The element of reservation for Scheduled Castes and Scheduled Tribes has not been introduced in the matter of recruitment to the Armed Forces so far at any level. However, an effort had been made to collect statistical information showing the representation of the Scheduled Castes and Scheduled Tribes in Armed Forces. While the actual number of Scheduled Castes and Scheduled Tribes, in these services could not be made available by the Ministry of Defence, the percentage of Scheduled Castes/Scheduled Tribes as compared to total strength of Armed Forces as on 1st January, 1980, received from that Ministry has been reproduced below. Similar information as on 1st January, 1981 is not yet available

Name of Service	Category of Post	Percentage of Scheduled Castes/Scheduled Tribes persons in Armed Forces as compared to the total strength	
		Scheduled Castes	Scheduled Tribes
Army . . .	Officers (including Nursing Officers)	0.44	0.23
	JCOs/OR	10.62	2.56
Navy . . .	Officers	Not available	
	Sailors	7.3	1.1
Air . . .	Officers	0.156	0.067
	Airmen	2.568	0.003

It would be seen from the figures above that the representation of Scheduled Castes and Scheduled Tribes in various ranks in armed forces is extremely poor, except in the case of JCO's in Army and Sailors in Navy. While it is true that the Government have taken some steps to improve the representation of Scheduled Castes and Scheduled Tribes in the defence forces by way of admission of Scheduled Caste/Scheduled Tribe boys in the Sainik Schools under relaxed standards and introduction of Scholarship Scheme exclusively for the benefit of Scheduled Caste/Scheduled Tribe boys who qualified in the Entrance Examination, there was no marked improvement in

this direction. *It is felt, as mentioned in various earlier reports, that unless element of reservation for Scheduled Castes and Scheduled Tribes is introduced in the recruitment of Armed Forces, the position is not likely to improve in the near future. Ministry of Defence might also consider the desirability of introducing the pre-recruitment training programme for the Scheduled Caste/Scheduled Tribe candidates intending to opt for a career in the defence forces.*

(b) *Public Sector Undertakings*

(i) *Representation as on 1st January, 1979 and 1st January, 1980*

3.62 The statistical information regarding the representation of Scheduled Castes and Scheduled Tribes in 159 enterprises as on 1st January, 1978 was given in para 3.124 of the Commissioner's 26th Report for the year 1978-79. According to information received from Bureau of Public Enterprises, there were as many as 185 Public Sector Undertakings as on 1st June, 1980. Some of them were subsidiary units of the main undertakings such as Steel Authority of India Ltd., National Textile Corporation, State Trading Corporation etc. The statistical information as on 1st January, 1979 showing the representation of Scheduled Castes and Scheduled Tribes in respect of 160 enterprises in various groups of posts as also the information as on 1st January, 1980 in respect of 177 enterprises made available by the Bureau of Public Enterprises in February, 1981 is given in the following Tables :—

Category of Post	Total No. of employees	Representation of Scheduled Castes and Scheduled Tribes			
		Scheduled Castes	Percentage	Scheduled Tribes	Percentage
(a) *As on* 1-1-1979					
Group 'A' .	81,153	1,917	2.36	440	0.54
Group 'B' .	85,095	3,605	4.23	833	0.97
Group 'C' .	11,68,073	203,974	17.46	94,582	8.09
Group 'D' . (Excluding Sweepers)	4,02,813	90,909	22.56	40,206	9.98
Sweepers .	24,539	19,230	78.36	884	3.60
TOTAL .	17,61,673	3,19,635	18.14	1,36,945	7.77
(b) *As on* 1-1-1980					
Group 'A' .	93,984	2,726	2.90	623	0.66
Group 'B' .	97,756	5,003	5.11	1,329	1.35
Group 'C' .	12,74,581	2,30,505	18.08	98,329	7.71
Group 'D' . (Excluding Sweepers)	3,53,981	79,167	22.36	38,083	10.75
Sweepers .	36,030	23,309	64.69	1,492	4.14
TOTAL .	18,56,332	3,40,710	18.35	1,39,856	7.53

It would be seen from the above tables that the representation of Scheduled Castes and Scheduled Tribes in Group A and Group B posts continues to be below the percentages of reservation prescribed for them. It is noticed that insofar as Group C posts are concerned, the representation of both Scheduled Castes and Scheduled Tribes is reasonably satisfactory. One of the reasons for satisfactory representation of Scheduled Castes and Scheduled Tribes in Group C posts is that in many public sector enterprises, the pay scales of Group D employees being rather on the high side as compared to Central Government employees, the employees who should be accounted for in Group D posts are actually counted in Group C posts. Thus this has inflated the representation of Scheduled Castes and Scheduled Tribes who are available in large number for such posts. *The Bureau of Public Enterprises is, therefore, requested to issue necessary instructions that where certain posts which were earlier treated as Group D posts, but as a result of revision of pay scales are now treated as Group C posts, should continue to be treated as Group D posts*

(ii) *Internal Circulars*

3.63 Yet another reason for low representation of Scheduled Castes and Scheduled Tribes in various categories of posts under the public sector enterprises is that in many enterprises, large number of posts which should normally attract candidates from the open market are filled from among the employees already working, through internal circulars. While there is no objection to such a course of action, *it is to be ensured that if sufficient number of Scheduled Caste and Scheduled Tribe candidates are not available internally to fill the vacancies reserved for them, the remaining reserved vacancies should be filled through normal open market channels, namely the Employment Exchange and through advertisement. This is necessary because among the internal employees, sufficient number of Scheduled Castes and Scheduled Tribes employees are not available and, therefore, all the vacancies reserved for them cannot be utilised by the appointment of internally available Scheduled Caste/Scheduled Tribe employees. The Bureau of Public Enterprises should issue suitable instructions in this matter in order to ensure that the vacancies reserved for Scheduled Castes and Scheduled Tribes are fully utilised by the appointment of candidates from these categories.*

(iii) *Backlog*

3.64 As would be seen from the foregoing paragraphs, there is a backlog in the representation of Scheduled Castes and Scheduled Tribes particularly in Group A and Group B posts. This backlog cannot be wiped out easily because in promotional posts filling of the reserved vacancies depends on the availability of Scheduled Caste and Scheduled Tribe candidates in the feeder cadres. *As the implementation of reservation orders in these cadres was not upto the mark in the earlier stages, enough Scheduled Caste/Scheduled Tribe candidates were not available to fill up the vacancies reserved for them in the senior positions. One way of narrowing this gap in a phased manner is to lay more emphasis on the greater intake*

of Scheduled Caste/Scheduled Tribe candidates at the induction levels available in Group A and B posts, and where feasible, to open new induction levels in such posts which are at present filled by promotion alone. If necessary special recruitment drive can also be resorted to at such levels so that more and more Scheduled Caste/Scheduled Tribe candidates are recruited who can later on become available for promotion to the next higher grades in accordance with the promotion policy of any particular organisation. Bureau of Public Enterprises is advised to issue suitable instructions through various Ministries/ Departments suggesting the above steps for clearing the backlog in senior Group A and Group B posts.

(iv) *De-reservation Procedure in Public Sector Undertakings*

3.65 In the public sector enterprises, the procedure for de-reservation of reserved vacancies in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates is simpler as compared to the procedure followed in the Central Government Offices. Unlike the Government offices where the prior approval for appointment of general candidates against reserved vacancies is to be taken from Department of Personnel and Administrative Reforms, in the public sector undertaking, the appointing authorities have not to approach any outside authority before appointing general candidates against the reserved vacancies. In the case of Group C and D posts, the Chairman-*cum*-Managing Director is competent to dereserve vacancies and in the case of Group A and B posts the Board of Directors has to be approached for approval before appointing a general candidate against a reserved vacancy.

3.66 Even the simple procedure as explained above is not followed in many of the undertakings due to lack of clear understanding about the process of dereservation. In many organisations it is understood that recourse to dereservation is necessary only when the reservation is likely to lapse eventually after it's being carried forward for three years. Thus dereservation is understood to be a permission for lapsing of reserved vacancies where Scheduled Caste/ Scheduled Tribe candidates are not available. Some other undertakings feel that it is enough to carry forward the unfilled reserved quota to subsequent recruitment years and it is not necessary to seek approval of any authority. Yet others keep the reserved vacancies unfilled thereby projecting the view that since the post is still vacant, the question of seeking the approval for dereservation of the competent authority does not arise. In this particular case, it is not correct to say that it is not necessary to go for dereservation. If, for example, there are 40 vacancies out of which 7 are reserved for Scheduled Castes and 3 for Scheduled Tribes and if only 2 Scheduled Caste candidates are appointed and no Scheduled Tribe candidate is available, the remaining 8 vacancies are not filled, and only 32 vacancies are filled. But if we reflect these 32 vacancies in the roster, we find that out of these 32 vacancies 6 are still reserved for Scheduled Castes and 3 for Scheduled Tribes. Since reservation is applicable to the number of vacancies which are actually filled, dereservation would be involved in respect of 4 Scheduled Caste vacancies and 3 Scheduled Tribe vacancies. Therefore, the usual procedure for dereservation of reserved vacancies has to be followed after taking all the steps for recruitment of Scheduled Caste/Scheduled Tribe candidates as prescribed in Chapters 8 or 9, as the case may be, of Broucher on Reservation for Scheduled Castes and Scheduled Tribes in Services.

3.67 One more and rather important reason for not following the procedure of dereservation of reserved vacancies in some of the undertakings has been the decision of certain Ministries controlling them that no vacancy which is reserved for Scheduled Caste or Scheduled Tribes should dereserved. While the intention of the Ministries is appreciable as it is intended to curb the tendency of indiscriminately going for dereservation of reserved vacancies without taking all the steps prescribed for filling the posts, there is a misapprehension that if the reserved vacancy goes to a general candidate due to non-availability of the reserved category candidate, the vacancy is lost to the Scheduled Castes/Scheduled Tribes. The position in this regard has now ben clarified by the Department of Personnel and Administrative Reforms. According to this Department, "dereservation is the mechanism before filling up a reserved vacancy by a non-reserved candidate and carryforward is the modality for safeguarding the Scheduled Castes/Scheduled Tribe interests. In fact, efforts have to be made to find out Scheduled Caste/Scheduled Tribe candidates for a total period of four recruitment years, taking into consideration the original recruitment year and the three years of carryforward. Four recruitment years should be considered to be a sufficiently long and reasonable period to look for a reserved category candidate. Thus, the mechanism of dereservation has three functions, firstly, to keep the reservation alive for four years during which efforts could be made to find out suitable Scheduled Caste/Scheduled Tribe candidates; secondly, Administration does not suffer because the vacancy need not be kept vacant till the search for a Scheduled Caste/Scheduled Tribe candidate has produced result and can be filled up by a general category candidate and thirdly, general community candidate can also get appointed against a reserved vacancy which is only in public interest but without causing any long term harm to Scheduled Caste/ Scheduled Tribe candidates when they are not available". The Department of Personnel and Administrative Reforms have further pointed out that the decision to keep the vacancy unfilled for more than a year in anticipation of the availability of Scheduled Caste/Scheduled Tribe candidates has serious implications on the maintenance and operation of reservation rosters. According to the rules, no gap can be left in the roster and if the reserved vacancies are kept unfilled for a number of years, it would give rise to many gaps being left in the roster and would compel the organisation concerned to stop further recruitment in the subsequent year till the reserved vacancy of the previous year is filled. Besides it would expose the authority concerned in pressing for the administrative need to fill a vacancy and yet

keeping it vacant for want of Scheduled Caste/ Scheduled Tribe candidate. *Therefore, the procedure for dereservation of reserved vacancies has to be followed after ensuring that all the steps prescribed for filling the reserved vacancies are taken.*

3.68 In this connection it may be pointed out that no Ministry/Department or organisation is competent to take any decision which does not conform to the orders issued by the Department of Personnel and Administrative Reforms. That Department is the nodal authority empowered to issue directions/ instructions regarding reservation for Scheduled Castes and Scheduled Tribes according to Government of India (Allocation of Business) Rules, 1961, as amended from time to time. If any different decision in the matter of reservation etc., is to be taken by any Ministry/Department, it is mandatory for that Ministry/Department to consult the Department of Personnel and Administrative Reforms. *The Bureau of Public Enterprises should issue suitable guide-lines emphasising the need for taking all the prescribed steps for recruitment of Scheduled Caste/Scheduled Tribe candidates against the reserved quota and the importance of following the procedure for dereservation of reserved vacancies* i.e. *taking prior approval of the competent authority before appointing general candidates against the reserved vacancies.* It may be emphasised that dereservation is nothing but a temporary permission of the competent authority to treat the vacancies unreserved and carry the reservation forward to the subsequent recruitment years after the recruiting authorities have taken sincere steps but failed to recruit enough Scheduled Caste/Scheduled Tribe candidates.

(v) *Reservation in Company-Built Accommodation for Staff*

3.69 In some of the large public sector units, company-built accommodation is available for allotment to employees of the company. It has been pointed out earlier that there is reservation for Scheduled Castes and Scheduled Tribes where residential accommodation is allotted to the employees by the Government or public sector undertakings. During the course of studies undertaken by the study teams of the Commissioner for Scheduled Castes and Scheduled Tribes, it has been noticed that reservation was not made applicable from the dates these orders were enforced, and where reservation was applied, benefit had not been allowed to the extent of quota prescribed by the Government. *According to the orders of Ministry of Works and Housing, reservation has to be made for Scheduled Castes and Scheduled Tribes to the extent of* 10 *per cent in type I and II (the lowest two types of accommodation) and to the extent of* 5 *per cent in types III and IV (the next two types of accommodation). It has been noticed that in some organisations reservation is allowed only to the extent of* 5 *per cent and in some others reservation is not allowed in types III and IV. It is recommended that Bureau of Public Enterprises should issue necessary instructions for uniform application of reservation orders in the company-built residential accommodation in favour of Scheduled Castes and Scheduled Tribes in all the public sector units where the accommodation is available.*

3.70 *It has, further been recommended to the Government that in the matter of allotment of Government or company-built accommodation, reservation for these communities should be provided in all types of accommodation and to the extent of reservation prescribed for them in the services i.e.* 15 *per cent for Scheduled Castes and* 7.5 *per cent for Scheduled Tribes. It is learnt that the Ministry of Works and Housing is collecting necessary statistics in regard to overall satisfactions and the percentage of satisfaction of Scheduled Castes and Scheduled Tribes in the matter of allotment of Government accommodation. The Government is urged to examine this matter early and expedite a decision therein.*

(vi) *Promotion Policy in Public Sector Enterprises*

3.71 For obvious reasons the promotion policy differs from enterprise to enterprise. Some of the undertakings have vacancy oriented system of promotion on the pattern of the Central Government. Some others have a career growth policy which does not depend on the availability of vacancies. In the latter system, the employees are upgraded/promoted to higher ranks irrespective of the availability of vacancies in the higher grades. For example, in the Bharat Heavy Electricals Ltd., there is a career-growth policy of promotion according to which employees having completed a prescribed period of service in the lower grade are upgraded with a performance appraisal system. This system is identical to the policy of promotion on the basis of seniority subject to fitness. In this system, in the Central Government Offices, the employees belonging to Scheduled Castes and Scheduled Tribes who are not found unfit for promotion are promoted upon the availability of vacancies in accordance with the quota of reservation prescribed for them. Thus there is no possibility of a Scheduled Caste or Scheduled Tribe employee being dropped from promotion if the vacancies are available and are also reserved in accordance with the points in the roster, unless the employees are found unfit for promotion. Therefore, in the Central Government offices, if promotions were not dependent upon the availability of vacancies every employee would get promotion on satisfactory completion of specified period of service in the lower grade and the need of reservation of vacancies for Scheduled Castes and Scheduled Tribes would not arise. In the career-growth policy of promotion as introduced by certain public sector enterprises, if every employee who is not unfit for promotion gets promotion on completion of the requisite length of service in the lower grade, there would be no need for reservation. But the fact remains that many employees who have completed the requisite length of service are not promoted and the employees belonging to Scheduled Castes and Scheduled Tribes are a common casuality in this system. *There is, therefore, need for applying the scheme of reservation in such a system of career-growth policy of promotion thereby ensuring that the employees belonging to Scheduled Castes and Scheduled Tribes get due share in such promotional posts unless they are specifically declared unfit for promotion. Therefore, keeping such a system of career-growth promotion out of the purview of reservation, amounts to depriving Scheduled Caste/*

Scheduled Tribe employees of their normal promotion. In some other organisations, there is appraisal system more or less on same lines for promotion where element of reservation is not applied. *It is, therefore, suggested that Bureau of Public Enterprises should issue guidelines in the matter with a view to ensuring that element of reservation is brought into existence in all posts filled by promotion whether they are based on the availability of vacancies or not.*

(vii) *Qualification for Promotion*

3.72 *It has come to the notice of the Commissioner through his study teams' reports and correspondence with various authorities that in some organisations the qualification of Higher Secondary for certain categories of posts and graduation/diploma for some other categories of posts was not prescribed for promotion to the next higher grade in the case of existing employees. While some of the employees belonging to the general categories acquired these qualifications later on after entering into service, some of those belonging to Scheduled Castes and Scheduled Tribes could not acquire these qualifications for one or the other reason. The management, therefore, decided to introduce an element of qualification for promotion to certain categories of posts. This has deprived the employees belonging to Scheduled Castes and Scheduled Tribes of the benefit of promotion to next higher grade.* For example, in the Indian Drugs & Pharmaceuticals Ltd., for most of the administrative posts, graduation was not considered necessary earlier but now graduation has been made compulsory not only for direct recruits but also for those who were recruited prior to this change. *There is no objection to make such changes in the recruitment rules for direct recruitment but it has to be ensured that such changes do not affect the existing employees. If work could be carried on without the acquirement of qualification of graduation earlier, there is no reason why it cannot be done now more so, when the employees have gained practical experience of years in a particular organisation. Most of the persons who suffer from this change in the conditions of service belong to Scheduled Castes and Scheduled Tribes and it is, therefore, necessary that any change that is made in the recruitment rules should not affect the existing employees.*

(viii) *Insistence on First/Second Class Degree for Direct Recruitment Posts*

3.73 Some of the recruiting authorities while advertising vacancies, prescribe a first or second class degree or post-graduation qualification for certain categories of posts. In this connection, it may be pointed out that emphasis on first or second class is a recent phenomenon when a large number of candidates apply against a small number of posts, thereby necessitating some method of elimination so as to select the exact number of candidates for the vacancies notified. While there is no objection to such a course of action in respect of general category candidates, and for that matter even in respect of the reserved category candidates, if sufficient number of candidates possessing the first or second class in the graduation or post graduation qualifications have applied for the post. Where sufficient candidates from among the Scheduled Communities are not available, insistence on first or second class degree in the advertisement would debar the Scheduled Caste/ Scheduled Tribe candidates otherwise possessing the minimum qualification prescribed for the post in question. This would result in non-utilisation of the quota of vacancies reserved for Scheduled Castes and Scheduled Tribes and the authorities concerned would be going in for dereservation of the reserved vacancies on the plea of non-availability of Scheduled Caste/ Scheduled Tribe candidates. Such an anomaly came to the notice of the study team in the advertisements issued by some of the public sector enterprises. In the State of Andhra Pradesh also, for certain posts of Assistant Lecturers and Lecturers the first class post-graduation has been prescribed in the recruitment rules. The Central Tibetan Schools Administration is also following this line which is not justified particularly when there is a backlog of vacancies in the cadre of teachers. *It is felt that still many persons belonging to Scheduled Castes and Scheduled Tribes are not going up to the level of post-graduation and where they do, many do not secure first class. It is, therefore, necessary that Central and all State Governments should issue suitable guidelines to prescribe the minimum qualification of graduation or post-graduation and not to insist on the first or second class particularly when sufficient number of candidates belonging to Scheduled Castes and Scheduled Tribes are not available for consideration.*

(ix) *Liaison Officers and Special Scheduled Caste/ Scheduled Tribe Cells in Public Sector Enterprises*

3.74 It was recommended in the Report for the year 1977-78 (Para 3.51) that all Ministries/ Departments may be advised by the Bureau of Public Enterprises to ensure that instructions regarding appointment of Liaison Officers and setting up of special cells for work relating to the representation of Scheduled Castes and Scheduled Tribes are implemented in the public sector undertakings, statutory bodies, semi Government bodies etc. Necessary instructions in this regard have since been issued by the Bureau of Public Enterprises in November, 1980.

(x) *Transfer of bond executed by Scheduled Caste and Scheduled Tribe employees*

3.75 According to the instructions contained in the Bureau of Public Enterprises Office Memorandum No. GI-C-17/NAM/2(ii)/75-N/E(CMI), dated 13th June, 1977, enforcement of terms of the bond executed by Public Sector Undertakings employees for working with those undertakings for a specified period is not to be insisted upon in case of the employees joining the Central or State Government organisations, subject to the condition that a fresh bond is taken to ensure that the employee serves the new employer for a period of the original bond. While these orders issued by the Bureau of Public Enterprises are applicable to all the employees working in the Public Sector units, these have special bearing with reference to the Scheduled Castes and Scheduled Tribes, for whom

there is a provision that their applications for higher posts elsewhere are to be forwarded liberally in order to afford them better opportunities for improving their career prospects.

3.76 It has, however, come to the notice of the Commissioner that in the case of National Thermal Power Corporation, the Government (Ministry of Energy) have allowed them exemption from the above orders. While there may be special considerations to allow the National Thermal Power Corporation. exemption from the application of the above orders, such an exemption when applied to the Scheduled Castes and Scheduled Tribes would come in conflict with the instructions about forwarding their application and their consequent selection to higher posts. Once the application of a Scheduled Caste or Scheduled Tribe employee for a higher post is forwarded, he is also to be allowed the special consideration of the transfer of bond as provided in the Bureau of Public Enterprises O.M. dated 13th June, 1977. However, in the wake of exemption from the purview of these instructions as allowed to the National Thermal Power Corporation, there is likelihood of more such requests from other public sector undertakings to be put forward, which would affect the ambitions of the employees in general to better their prospects and those of the Scheduled Caste/Scheduled Tribe employees in particular in view of the conflicting position as pointed out above. *It is, therefore, suggested that the policy of exemption from the general provision should be generally discouraged and where it becomes absolutely necessary to grant such an exemption to a particular organisation, it should not come in the way of Scheduled Castes and Scheduled Tribes employees.*

(c) *Public Sector and Nationalised Banks*

3.77 As has been mentioned in various Reports of the Commissioner, the scheme of reservation in direct recruitment had been made applicable to various banking institutions, including the Nationalised Banks in the late sixties. As regards the reservation in posts filled by promotions, the managements were reluctant in the initial stages on the plea that the promotion policy in the banks was based on the agreements with the employees unions. The banking institutions, however, accepted relaxation of 5 per cent in the qualifying marks to the Scheduled Caste/Scheduled Tribe candidates, both in the written examination as well as in interview.

3.78 Since the attitude of the banking sector towards safeguarding the interests of Scheduled Castes and Scheduled Tribes at promotional level was not in conformity with the Government policy, it was recommended in the 24th Report that the Department of Banking should take urgent steps to persuade the Nationalised and Public Sector Banks to fall in line with the public sector undertakings by accepting the principle of reservation in promotion as well. After the Reserve Bank of India had drawn a scheme of reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion, though slightly different from the Government scheme, it was suggested to the Department of Banking (now Banking Division under the Department of Economic Affairs) to persuade other Public Sector and Nationalised Banks also to follow at least the scheme adopted by the Reserve Bank of India. It was also emphasised that the argreement existing between the bank management and the employees trade unions should be suitably modified so that it did not come in the way of the implementation of reservation orders in posts filled by promotion.

3.79 Subsequently, the Department of Banking circulated on 31st December, 1977 a scheme of reservation in promotions to all the Nationalised and Public Sector Banks, as adopted by the Reserve Bank of India. It was, however, noticed from various representations received from the Scheduled Castes/ Scheduled Tribes Bank employees' unions that the scheme was not being implemented by those banks properly. While referring this matter again to the Banking Division in the Department of Economic Affairs, for factual information, it was impressed upon the banking sector also to persuade the employees union to accept the constitutional obligation to enable the management to follow the Government directive on reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion. According to the information received from various banks, out of 14 nationalised banks, 9 banks, *viz.*, Central Bank of India, Bank of India, Bank of Baroda, United Bank of India, Dena Bank, Indian Bank, Bank of Maharashtra, Indian Overseas Bank and Syndicate Bank had made applicable these instructions during 1978 itself. The State Bank of India and it's subsidiaries also adopted instructions from 1st March, 1978. Of the remaining 5 banks, Punjab National Bank, United Commercial Bank and Canara Bank modified their agreement with the employees union to provide reservation for Scheduled Castes/Scheduled Tribes in posts filled by promotion some time in 1979. The Union Bank of India after long persuasion have also fallen in line in 1980. Information in respect of Allahabad Bank which was still initiating discussions with the employees union, is still awaited.

3.80 According to the scheme of reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion, as made applicable to various grades under the nationalised banks excepting posts of Officers' grade, the shortfall, if any, in the number of Scheduled Caste and Scheduled Tribe employees against reserved quota, which is made good by general candidates, should be carried forward to three subsequent recruitment years as is being done in Central Government offices. In the case of promotion on the basis of selection to the posts of Officers' grade, in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates, as per instructions, the reserved vacancies were, however, to be treated as dereserved and filled by employees belonging to other communities included in the panel. This had been done on the analogy that these promotions were on the lines of the posts filled by selection method from Class III to Class II, within Class II and from Class II to the lowest rung of Class I, where carry-forward has not been allowed by the Government. There was, however, some lapse in certain banks about the provision of carry-forward in posts filled by promotion even in other grades and a number of nationalised banks ignored this

requirement. The Banking Division of the Department of Economic Affairs, with whom the matter had been taken up, reported that since the promotion procedure in the banking sector was not similar to the one being followed by the Government and promotions in the banks could not be strictly categorised as those in the Government offices, there was some confusion in certain banks in this regard. It was, further reported by the authorities that while there is no problem as regards carry-forward in promotions upto and within the clerical cadres, the promotions from the clerical cadre to the officers' cadre had been creating problems, as to whether unfilled reserved vacancies had to be carried forward in those categories or not. While clarifying this position to the banking sector, the Government have also decided to introduce this provision in the case of promotions from clerical to officers grade. In order to safeguard and protect the interests of Scheduled Castes and Scheduled Tribes in this grade, the instructions provided that the promotion tests from clerical to officers' grade might also be treated as qualifying for three years-carry-forward. *The provision of carry-forward of the backlog in those promotions has, however, been allowed to be operative for five years from the date of introduction of the scheme of reservation in posts filled by promotion in a bank and the position would be reviewed after five years, keeping in view the representation of Scheduled Castes and Scheduled Tribes. It has, however, to be ensured by the Banking Division that the instructions are complied with by all the banks strictly and uniformly. It has also to be ensured that the vacancies in the promotion quota in various banks are reflected on the 40-point roster in the proper form which enables authorities to keep record of unfilled reservation for the purpose of carry-forward and adjustment in future promotions. While reserving vacancies for Scheduled Castes and Scheduled Tribes, the brought forward unfilled reservations are to be added to the current reservation. This can be taken care of by the Banking Division of the Department of Economic Affairs by calling for his information along with other periodical returns submitted by various banks.*

3.81 As regards the representation of Scheduled Castes and Scheduled Tribes in services under the Nationalised and Public Sector Banks, the Banking Division of the Department of Economic Affairs, which is expected to collect necessary data in this regard from various banking institutions, could supply, till March, 1981, such information as on 1st January 1980 in respect of 14 Nationalised Banks and the subsidiaries of the State Bank of India. This speaks of the poor response from the authorities, as the information on 1st January, 1980 which was normally expected to be ready by March, 1980, could not be collected even after the lapse of full one year. It may be further observed that, as has already been pointed out earlier, in spite of the instructions regarding reservation for Scheduled Caste and Scheduled Tribe employees in services under them, having been issued to all the banking institutions in public sector for quite some time now, there are a number of instances where these institutions are flouting the directives on one or the other pretext. The Banking Division which is apprised of such instances from time to time, could not effectively safeguard the interests of Scheduled Castes and Scheduled Tribes in services under these institutions. The questions like application of reservation orders to posts filled by promotion at various levels, maintenance of roster system as a mode of effective reservation, provision of carry-forward of unfilled reservations at promotional level, etc. still remain unresolved and a lot of representations from the affected Scheduled Castes and Scheduled Tribe employees under these banks continue to be received. *It is, therefore, felt that the present set up under the Banking Division which is looking after these aspects have proved to be inadequate and rather in-effective. There is a need to strengthen and reorganise the set up to look after this work in the Banking Division so that it could effectively safeguard the interests of Scheduled Castes and Scheduled Tribes, both in the matter of their representation in services under Public Sector/ Nationalised Banks and allotment of adequate share of credit facilities to them under the scheme of differential rate of interest for weaker sections for developmental activities.*

3.82 The statistical information showing the representation of Scheduled Castes and Scheduled Tribes in services under various public sector/ Nationalised Banks, as on 1st January, 1980 now received from the Banking Division of the Department of Economic Affairs has been reproduced below. Figures in brackets indicate the percentages :—

Banking Sector	Category	Total	Scheduled Castes	Scheduled Tribes
1	2	3	4	5
14 Nationalised Banks.	Officers	68,020	2,032 (2.98)	392 (0.57)
	Clerks	1,60,792	19,478 (12.11)	3,341 (2.07)
	Subordinate Staff	65,806	13,807 (20.98)	2,029 (3.08)
State Bank of India (as on 30-9-1980).	Officers	35,093	730 (2.08)	169 (0.48)
	Clerks	75,516	10,366 (13.73)	2,260 (2.99)
	Subordinate Staff	36,564	7,363 (20.14)	949 (2.60)
Subsidiaries of State Bank of India.	Officers	8,213	238 (2.89)	31 (0.37)
	Clerks	24,273	2,634 (10 85)	397 (1.63)
	Subordinate Staff	11,057	1,990 (18.99)	251 (2.27)
Reserve Bank of India	Officers	5,737	190 (3.31)	24 (0.19)
	Clerks	16,757	1,855 (11 43)	831 (4.96)
	Subordinate Staff	7,230	1,470 (20.33)	309 (4.27)
Industrial Finance Corporation of India.	Officers	274	8 (2.92)	(0.00)
	Clerks	352	33 (9.38)	3 (0.85)
	Subordinate Staff	162	44 (27.16)	2 (1.23)

1	2	3	4	5
Industrial Development Bank of India	Officers	638	16 (2.51)	9 (1.10)
	Clerks	806	107 (13.28)	29 (3.60)
	Subordinate Staff	345	95 (27.54)	13 (3.77)
Industrial Reconstruction Corporation of India	Officers	79	5 (6.33)	1 (1.26)
	Clerks	51	7 (13.76)	.. (0 00)
	Subordinate Staff	38	10 (26.32)	1 (2.63)

Similar information in respect of six new banks nationalised during 1980 is still awaited from the concerned authorities. It would be seen from the table above that the percentages of representation of Scheduled Castes and Scheduled Tribes in officers grade in all the banking institutions is very poor. In the clerical staff while the representation of Scheduled Castes can be said to be satisfactory, though still below the projected level, representation of Scheduled Tribes which is far below even in the subordinate staff, needs to be accelerated.

3.83 As regards the backlog of reservations existing in the public sector and nationalised banks, it was suggested in the 1977-78 Report that it needed urgent attention of the Government. It was emphasised that unless a time bound programme was implemented by all the public sector/nationalised banks to clear the backlog the position was not likely to improve in the foreseeable future. According to a follow-up action report received from the Government, about clearing the backlog of reservations, the banks had been asked to intimate the vacancies reserved for Scheduled Castes and Scheduled Tribes, including the backlog, to the Banking Service Recruitment Boards which have taken over the recruitment of staff for the nationalised banks in officers and clerical cadres. The backlog calculated by the concerned authorities in different categories of posts as on 31st December, 1977 and 31st December, 1978 was as follows :—

	As on 31-12-1977		As on 31-12-1978	
	Scheduled Castes	Scheduled Tribes	Scheduled Castes	Scheduled Tribes
Officers . .	614	641	902	609
Clerks . .	2,344	4,077	3,248	4,674
Subordinate Staff	620	1,014	467	1,196

3.84 The Banking Service Recruitment Boards had earlier been asked by the Government to make efforts to liquidate the backlog intimated to them by the banks, if necessary, by holding special recruitment tests for Scheduled Castes and Scheduled Tribes. It was also impressed upon the Banking Service Recruitment Boards that if they were not in a position to meet the demand of the banks through normal recruitment, they might consider the desirability of further relaxing the qualifying standards for Scheduled Castes and Scheduled Tribes. The banks had also been advised to prepare a time-schedule for clearing the backlog for all categories of posts and accelerate in-service training facilities to Scheduled Castes and Scheduled Tribes, in order to bring them at par with other employees. Since any report of progress in this regard has not been made available, it is difficult to say at the moment whether any significant improvement in the situation has taken place.

3.85 It has come to the notice of the Commissioner that the Punjab National Bank is thinking of pre-recruitment training to Scheduled Caste/Scheduled Tribe candidates aspiring for a career in banking sector, at their six residential training centres, located at Delhi, Calcutta, Chandigarh, Jaipur, Kanpur and Hyderabad, with stipend and free boarding and lodging facilities. The intending candidates would be trained in the techniques of objective type tests being conducted by the Banking Service Recruitment Boards with Multiple Choice Answers in the areas of Reasoning, Numerical Ability, Quantitative Aptitude, English, Comprehension etc. *Such a training programme if adopted by other banking institutions or even arranged by the Banking Division of the Department of Economic Affairs, centrally, for both Officers and Clerical grades under the Public Sector and Nationalised Banks, can certainly improve the chances of Scheduled Caste/Scheduled Tribe candidates for selection thereby reducing the backlog of reservations in the banking sector which has large employment potential.* The authorities can avail of the expertise adopted by the All India/State level pre-examination centres already functioning in various parts of the country under the control of the Ministry of Home Affairs.

3.86 During the course of investigations into the representations received from various bank employees unions, it was observed that while selections for promotion to various officers grades in the banks are made on All India basis, the vacancy rosters to provide reservations for Scheduled Castes and Scheduled Tribes are generally maintained by the respective regional offices. It has been noted from the correspondence that while posting selected candidates, normally the position in the select list alone is taken into consideration and not the reservation aspect which has to be ensured at each level where reservations are implemented. *It is felt that the posting of Scheduled Castes and Scheduled Tribes from a combined select list should be guided by the number of vacancies reserved for them in each region.* Contrary to this it was noted in the case of promotions to the post of Accountants in Delhi Region under Punjab National Bank that in spite of the fact that some Scheduled Caste/Scheduled Tribe candidates had qualified from Delhi region for promotion to the officers grade, not a single Scheduled Caste/Scheduled Tribe had been posted in that region against the 60 vacancies filled in that grade. It was reported by the authorities that Scheduled Caste and Scheduled Tribe candidates were sent to other region due to non-availability of vacancies and due to their low position in the merit list. It was

further reported that the candidates who secured more marks could get their own region subject to the availability of vacancies. It is, however, felt that while nominating candidates from the panel prepared on All India basis, requisite number of Scheduled Caste and Scheduled Tribe qualified candidates had to be nominated against the vacancies reserved for them out of a total of 60 vacancies in Delhi region. It is not understood how the vacancies reserved for Scheduled Castes and Scheduled Tribes, in one region could be treated as filled by those candidates without actual posting in that region. *It was, therefore, suggested to the authorities that while nominating qualified candidates from the select lists prepared on All India basis, requisite number of Scheduled Caste and Scheduled Tribe candidates in the panel should be posted proportionally in each region by the management on the basis of the total vacancies and vacancies reserved for them in that region.* It is gratifying to note that the Punjab National Bank have agreed for utilisation of Scheduled Caste/Scheduled Tribe candidates in their own regions to the extent of 15 per cent and 7½ per cent reserved vacancies respectively, depending upon the availability of such candidates in each region in order of their position in the All India Merit List in all promotions made to the Junior Management Grade on All India basis.

(d) *University Services*

3.87 Information about the action taken/proposed to be taken by various Universities, on the basis of the guidelines issued by the University Grants Commission in 1975 with regard to reservation for Scheduled Castes and Scheduled Tribes in teaching posts under them, had been incorporated in the last Report. Majority of the universities from which information had been received, had accepted the guidelines. In order to have an idea about the actual representation of Scheduled Castes and Scheduled Tribes, in teaching posts under the various universities in the country, an effort had been made to collect statistical data. Available information has been summarised State-wise in the table below :—

S. No.	Name of State	No. of Universities in the States	Professors		Readers		Lecturers	
			Total	SC/ST	Total	SC/ST	Total	SC/ST
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	9	371	1	1036	5	1559	53
2.	Assam	2	28	..	84	..	199	5
3.	Bihar*	7	129	..	417	8	4,077	65
4.	Gujarat	11	341	3	751	15	999	7
5.	Haryana	3	68	..	160	..	470	1
6.	Himachal Pradesh	2	25	..	56	1	333	10
7.	Karnataka	5	342	4	608	3	1,304	21
8.	Kerala	4	98	1	224	2	342	6
9.	Madhya Pradesh	10	125	..	313	..	724	..
10.	Maharashtra	10	301	3	528	7	1,241	62
11.	Meghalaya	1	11	1	38	3	57	16
12.	Orissa	4	68	..	182	2	415	1
13.	Punjab	4	276	.	633	1	1,736	5
14.	Rajasthan	4	166	...	406	..	1,387	3
15.	Tamil Nadu	6	275	3	489	3	1,550	20
16.	Uttar Pradesh	19	694	4	1,320	1	2,840	13
17.	West Bengal	8	260		535	1	1,096	5
18.	Delhi	3	170	.	385	.	497	2
	TOTAL	112	2,748	20	8,165	52	20,826	185

*Excluding Patna University.

It would be seen from the table above that the representation of Scheduled Castes and Scheduled Tribes in various teaching grades is almost negligible. In the 112 Universities for which information has been received from the University Grants Commission there are only 20 Professors belonging to Scheduled Castes/Scheduled Tribes against the total of 2,748 which is just 0.7 per cent. In the case of Readers also, where there are 52 Scheduled Caste/Scheduled Tribe Readers against the total of 8,165 in the 112 Universities, the position (0.6 per cent) is no better. As regards the posts of Lecturers where 185 belong to Scheduled Caste/Scheduled Tribe against the total of 20,826 their percentage to total comes to 0.9 per cent, though somewhat better when compared to the posts of Professors and Readers, which is also disappointing. This position is not likely to improve in the near future since the guidelines issued by the University Grants Commission allow only preferential treatment to Scheduled Caste/Scheduled Tribe candidates on equal merit as compared to other available general candidates.

3.88 As regards the representation of Scheduled Castes and Scheduled Tribes in ministerial services under the Universities, information showing the representation of Scheduled Castes and Scheduled Tribes in Supervisory, Clerical and Subordinate services under the Universities has been received in respect of 42

Universities only, which has been compiled in the statement below :—

Grade	Total including Sch. Castes & Sch. Tribes	Sch. Castes	Percentage to total	Sch. Tribes	Percentage to total
1	2	3	4	5	6
Supervisory Staff	2,079	56	2.6	22	1.1
Clerical Staff	13,346	718	5.3	218	1.6
Subordinate Staff	21,257	3,703	17.4	564	2.7
TOTAL	36,682	4,477	12.2	804	2.2

Details of the figures University-wise may be seen in Appendix VI. It would be seen from the above figures that the representation of Scheduled Castes and Scheduled Tribes in the Supervisory and Clerical Cadres in the 42 Universities is just negligible. Even in the case of subordinate staff it is felt that the figures relating to Scheduled Castes also include Sweepers, but position in regard to representation of Scheduled Tribes is no better and deserves special consideration.

3.89 *It has time and again been emphasised in various Reports of the Commissioner for Scheduled Castes and Scheduled Tribes that due attention has not been paid to the question of reservation for Scheduled Castes and Scheduled Tribes in services under the Universities. It is rather disappointing that the Ministry of Education and the University Grants Commission have not taken the issue of reservation for Scheduled Castes and Scheduled Tribes seriously even at the level of ministerial services under these bodies.* The concerned authorities have been hesitant to issue clear cut directive to the Universities to implement the Government policy. In a number of cases of non-implementation of reservation orders especially in posts filled by promotion in the ministerial services under the Central Universities which are expected to follow the Government directive, the Ministry of Education have failed to ensure positive results. Instead of issuing clear directive to the Universities, as had been done by various Ministries/Departments in respect of their Public Sector Undertakings the Union Ministry of Education, or for that matter the University Grants Commission has been taking shelter under the University Grants Commission Act. As a result all these years the Scheduled Caste/Scheduled Tribe candidates are losing their reserved quota as is evident from the table above. *It is a matter of regret that the Ministry of Education had just been reporting to the Commissioner for Scheduled Castes and Scheduled Tribes the stand taken by various Universities without exerting the position to bring the Universities round to the point of accepting Government policy.*

3.90 According to information furnished, the Executive Council of Delhi University at its meeting held on 12-10-1979, observed that any provision for reservation at promotional level would be detrimental to the efficiency in the University. Accordingly, the Executive Council of the Delhi University resolved that the existing provision of reservation for candidates belonging to Scheduled Castes and Scheduled Tribes at the stage of initial recruitment was adequate and no further reservation be provided at promotional level. Since the above decision was against the legitimate interests of Scheduled Castes and Scheduled Tribes in terms of Government policy this was brought to the notice of the Ministry of Education as well as the University Grants Commission. *It was impressed upon the authorities concerned that it was obligatory on the part of the Central Universities to apply reservation to promotional posts under them. Moreover, the University of Delhi could not be an exception and the plea of efficiency of administration was not relevant, particularly in view of the fact that the Government of India, as also various Public Sector/Autonomous bodies are already implementing those provisions since long back.* Since it is always possible for the Departmental Promotion Committees to reject the candidates found unfit for promotion, it was felt that the stand taken by the University was not justified and the matter was required to be reconsidered. It was rather disappointing when the Ministry of Education, instead of persuading the authorities in the University to have the matter reconsidered, simply forwarded a copy of the resolution of the Executive Council of Delhi University, on the basis of which the matter had been taken up with them. *It seems obvious that the stand taken by the Delhi University and the manner in which the Ministry of Education has approached the issue with the University are contrary to the interests of the Scheduled Caste/Scheduled Tribe employees in terms of the reservation policy of the Government. The concerned authorities have to be persuaded to fall in line with the declared policy of the Government in this regard. It is to be appreciated that the matter cannot be allowed to linger on indefinitely. It is to be ensured that adequate representation as prescribed is given to Scheduled Caste/Scheduled Tribe persons at the earliest. It is, therefore, reiterated as recommended in the twenty-fourth Report, that the Ministry of Education should evolve uniform guidelines for all the Central and State Universities to implement the constitutional provision either on the pattern of the Central Government or the State Government, as the case may be. The relevant provision of the University Grants Commissions/University Acts, may also be suitably amended to achieve the objective of providing reservations for Scheduled Castes and Scheduled Tribes as allowed under the Constitutional provisions.*

(e) *Services under the High Courts*

3.91 While discussing the question of implementation of reservation in the appointment of Judges and other ministerial posts under the High Courts it was mentioned in the 1978-79 Report that some of the State Governments were still considering the question of providing reservation in their recruitment rules for judicial and ministerial posts. Many High Courts were also to decide the issue whether they should have reservation in appointment of High Court staff. In fact some of the State Judicial Departments are reluctant either to provide reservation for Scheduled Castes and Scheduled Tribes or even to amend their rules to make provision for the purpose. Accordingly, it was

recommended in that Report that immediate steps should be taken to ensure adequate reservation in accordance with the constitutional directive. The matter was subsequently also referred to the Department of Justice in the Union Ministry of Law, Justice and Company Affairs for necessary follow-up action with the State Governments. From the information made available by that Ministry it is noticed that the appointments of High Court Judges are made under the provision contained in Article 217 of the Constitution which does not provide for any reservation. Information regarding implementation of reservation orders in various judicial and ministerial services in the High Courts in so far as direct recruitment is concerned has been summed up as under :—

(i) *State Higher Judicial Services.*—The High Courts of Allahabad, Andhra Pradesh, Delhi, Gauhati, Kerala, Madras, Orissa, Punjab and Rajasthan have already applied reservation to Higher Judicial Services. The other seven High Courts which are still considering this question are Calcutta, Gujarat, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Patna and Sikkim. The remaining three High Courts *viz.* Bombay, Karnataka and Haryana have not agreed to the scheme of reservation.

(ii) *State Judicial Services.*—All the High Courts, excepting Bombay, Jammu & Kashmir, Madhya Pradesh, and Sikkim have already made applicable orders regarding reservation to State Judicial Services. Out of the above four High Courts while Bombay has not agreed to any reservation in these services, others are still considering this question.

(iii) *Ministerial/Class IV Posts.*—Reservation has been allowed by all the High Courts excepting Bombay, Madhya Pradesh and Sikkim. The last two High Courts are, however, considering this question.

As regards reservation in promotion to various services under High Courts, the information collected so far shows that while none of the High Courts have agreed to provide reservation for Scheduled Castes and Scheduled Tribes in their Higher Judicial and State Judicial Services, the High Courts of Andhra Pradesh, Calcutta, Delhi, Gujarat, Gauhati, Himachal Pradesh, Jammu & Kashmir, Karnataka and Patna have applied these orders to ministerial and other Class IV posts only. The question of reservation in promotional posts in Class I and II services is, however, under the consideration of the Gujarat High Court.

3.92 From the above review it is seen that the attitude of the various High Courts towards implementation of reservation orders to various services under them, particularly in relation to reservation in promotion, is rather regrettable. The stand of Bombay High Court which has rejected the question of reservation on the plea that suitable Scheduled Caste/Scheduled Tribe candidates are not readily available, is more objectionable. The observation of the Bombay High Court that "rules for reservation of posts always create complications when sufficient number of candidates are not available and the posts cannot be filled in, which normally give rise to the question whether the vacancies can be carried forward", is uncalled for in view of the fact that Maharashtra Government is already following the rules regarding reservation and carry-forward in various services under them. It is unfortunate that even after the successful implementation of reservation orders to various Central and State services, both in direct recruitment and promotional avenues, the High Courts are still sticking to the view put forth at various levels in early sixties about the concept of efficiency of administration. The implementation of reservation orders in posts filled by promotion in Public Sector Bodies and Banking sector has already exploded this myth and it is high time that the High Courts also joined hands in furthering this policy. *The recommendation made in the 24th Report that "the High Courts which have not accepted the principle of reservation or have not so far started giving effect to the reservation orders both at the time of initial recruitment and promotion in the ministerial, State Judicial and Higher Judicial Services, should do so without any further delay", is, therefore, reiterated.*

3.93 As regards recruitment to the Judicial Services and Ministerial posts under the High Court, an effort had been made to collect the data regarding the representation of Scheduled Castes and Scheduled Tribes in services, but the same has been received only in respect of 12 High Courts which is reproduced below :—

(a) *Judicial Services*

Name of State	State Higher Judicial Services			State Judicial Services		
	Total	Sch. Castes	Sch. Tribes	Total	Sch. Castes	Sch. Tribes
1	2	3	4	5	6	7
1. Assam .	8	..	1 (12.5)	118	5 (4.2)	5 (4.2)
2. Delhi .	30	1 (3.3)	..	88	21 (23.8)	1 (1.1)
3. Goa, Daman & Diu .	10	..	..	8	..	..
4. Gujarat .	61	..	..	230	6 (2.6)	..
5. Haryana	30	1 (3.5)	.	69	4 (5.8)	..
6. Himachal Pradesh .	11	1 (9 0)	..	32	3 (9.0)	2 (6.0)
7. Kerala .	27	1 (3 7)	..	222	11 (4.9)	..
8. Pondicherry	3	..	..	14	1 (7.2)	.
9. Punjab .	50	4 (8.0)	..	153	25 (16.3)	..
10. Rajasthan	83	1 (1.21)	.	310	34 (10.9)	6 (1.9)
11. Sikkim .	2	...	...	2	.	..
12. West Bengal	102	..	..	418	8 (1.9)	..
TOTAL	417	9	1	1664	118	14

In so far as High Court Judges are concerned, the information received from the Department of Justice shows that there were five Judges belonging to Scheduled Castes as on 19-4-1979, one each in the High Courts of Andhra Pradesh, Calcutta, Karnataka and two in the Madras High Court.

(b) *Ministerial posts under High Courts*

Name of State	Group 'A'			Group 'B'			Group 'C'		
	Total	Scheduled Castes	Scheduled Tribes	Total	Scheduled Castes	Scheduled Tribes	Total	Scheduled Castes	Scheduled Tribes
1	2	3	4	5	6	7	8	9	10	11
1. Assam	2	.	.	29	3 (10.3)		125	10 (8.0)	5 (4.0)
2. Delhi	1	.	..	..	..		305	10 (3.2)	1 (0.3)
3. Goa, Daman & Diu	1	.	..	..	..		39	1 (2.5)	..
4. Gujarat	18	..	..	34	4 (11.8)		201	21 (10.4)	5 (2.5)
5. Haryana	Not available			•	Not available		625	71 (11.2)	5 (0.1)
6. Himachal Pradesh	3	..	..	17	..	..	72	11 (15.0)	..
7. Kerala	..	..	..	29	..	..	2859	205 (7.2)	16 (0.6)
8. Pondicherry	9	..	..	8	1 (12.0)	..	134	8 (6.0)	..
9. Punjab	28	..	..	13	.	..	570	21 (3.7)	..
10. Rajasthan	Not available			Not available			286	22 (8.0)	2 (0.7)
11. Sikkim	..	..	..	5	1 (20.0)	..	32	2 (6.3)	16 (50.0)
12. West Bengal	5	..	..	40	..	..	478	12 (2.5)	..

Information in respect of the remaining High Courts is still awaited. The available figures give a poor picture of the efforts made by the High Courts to recruit adequate number of Scheduled Castes and Scheduled Tribes even in the case of direct recruitment. *It is, therefore, felt that the Union Ministry of Law, Justice and Company Affairs should take suitable steps immediately to persuade various High Courts and State Governments to fall in line in the matter of reservation in Judicial Services and ministerial posts under High Courts.*

(f) *Reservation for Scheduled Castes and Scheduled Tribes in Private Sector Enterprises*

3.94 The question of taking suitable steps by the private sector to contribute their mite in suitably assisting the Government to honour the social obligation imposed upon it under Article 46 of the Constitution, was discussed in Paragraphs 3.111 to 3.113 of the report for the year 1978-79, with reference to earlier reports as well. In the Eighth meeting of the High Power Committee held on 20th October, 1978 under the Chairmanship of the then Prime Minister, it was decided not to take statutory measures for providing reservation in private sector establishments. It was, however, agreed to ask the private sector to give an undertaking to introduce reservation for Scheduled Castes and Scheduled Tribes in services under them at the time of granting them licences or giving them assistance in other forms.

3.95 It would be re-called that after a similar decision to introduce reservation in services under the voluntary agencies, was taken in the meeting of the High Power Committee held on 9th April, 1974, the Government issued a directive to all the Ministries/Departments to include a suitable clause in the terms and conditions under which the voluntary agencies received grants-in-aid from the Government for providing reservation for Scheduled Castes and Scheduled Tribes in posts and services under them on the following lines :—

> "..... (Name of organisation/Agency) agrees to make reservation for Scheduled Castes and Scheduled Tribes in posts/services under its control on the lines indicated by the Government of India."

3.96 In response to the above directive, the Ministries/Departments were issued guidelines to put

a condition while sanctioning grants-in-aid to agencies where .

(a) the recepient body employs more than 20 persons on a regular basis and at least 50 per cent of its recurring expenditure is met from grants-in-aid from the Central Government, and

(b) the body is a registered society or a cooperative institution and is in receipt of a general purpose annual grant-in-aid of 2 lakhs or above from the Consolidated Fund of India

3 97 In pursuance of the decision of the High Power Committee, the matter was taken up both with the Ministry of Finance (Department of Economic Affairs, Banking Division) and the Department of Industrial Development for taking necessary action on the above lines Ministry of Finance informed that both the Reserve Bank of India and the Industrial Bank of India had expressed the view that it was not possible for them to impose the condition of reservation for Scheduled Castes and Scheduled Tribes on the private sector enterprises for the following reasons —

(a) Imposition of such a condition would involve the incorporation, in the loan agreement, of a clause to that effect It is doubtful whether credit institutions can legally bind the borrowers in this regard

(b) In case the reservation becomes a condition, it would become difficult to realise loan from a borrowing unit in the event of its failure to fulfil this condition

(c) It would be difficult for the banks/financial institutions to supervise the implementation of reservation in the services of private borrowing units as they are not supposed to interfere in their administration

3 98 The matter was also taken up with the Ministry of Industry (Department of Industrial Development) to consider whether it could impose conditions on the above lines while issuing/renewing licences to the industrial units That Department have now informed after consultation with the Ministry of Law that it is not possible legally to provide for reservation of posts for Scheduled Castes and Scheduled Tribes in the private sector industries All that the Government have done in the matter is to issue appeal to the private sector undertakings to introduce reservation for Scheduled Castes and Scheduled Tribes in services and posts under them Unfortunately the appeals issued by the Government to the private employers have not yielded any appreciable result so far

3 99 Article 46 of the Constitution of India has as one of the Directive Principles of the State Policy, enjoined on the State the special responsibility to promote, with special care, the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation The Government, in order to protect the weaker sections of the society from social injustice and all forms of exploitation have taken various statutory measures After the persuasive methods adopted by the Government failed to yield satisfactory results, the Government decided to take various legal and statutory measures Accordingly, various Acts were passed in order to protect the weaker sections of the people from social injustice and exploitation Such Acts as Payment of Wages Act, Employees State Insurance Act, Compensation Act, Factories Act, Employees Provident Funds Act, etc are applicable to the private employers and are mainly intended to ensure social justice to the workers in the private sector and to protect them from all forms of exploitation *It is, therefore, felt that the question of introducing reservation for Scheduled Castes and Scheduled Tribes in services and posts under the private sector should be re-considered and reviewed at the highest level and immediate steps should be taken to make statutory provisions for implementation of the Government reservation policy in the private sector establishments*

EMPLOYMENT AND TRAINING

(a) *Employment Exchanges*

3 100 Information showing the performance of various employment exchanges during the year 1979 by way of registrations made and placements effected in respect of Scheduled Caste/Scheduled Tribe employment-seekers, as received from the Directorate General of Employment and Training, has been given in Appendix VII A brief summary of the data for that period is given in the table below —

	Scheduled Castes	Scheduled Tribes
1	2	3
(*i*) Number of registrations made	7,43,696	1,92,786
(*ii*) Number of placements effected	66,074	21,460
(*iii*) Percentage of placements to registration	8 9	11 1
(*iv*) Number of reserved vacancies notified	66,373	30,825
(*v*) Number of reserved vacancies filled	31,180	9,344
(*vi*) Percentage of reserved vacancies filled	49 2	30 3
(*vii*) Number on the live register at the end of the year	16,61,081	4,08,123

It would be seen from the table above that only 8 9 per cent of Scheduled Castes and 11 1 per cent of the Scheduled Tribes registrants with the employment exchanges during 1979 could be placed against the vacancies referred to those agencies *It is unfortunate that the reserved vacancies notified to the employment exchanges during* 1979 *could be filled up to the extent of* 49 2 *per cent for Scheduled Castes and* 30 3 *per cent for Scheduled Tribes Thus is happening despite the fact that a large number of Scheduled Caste and*

Scheduled Tribe candidates including 6.49 *lakhs Scheduled Castes and* 1.20 *lakhs Scheduled Tribes in the educated groups in various disciplines, were on the live register at the end of* 1979.

3.101 One of the possible reasons for this situation can be luke-warm attitude of the authorities in the employment exchanges to nominate requisite number of candidates from Scheduled Castes and Scheduled Tribes. During the course of studies, the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes has been conducting into the causes of the low representation of Scheduled Castes and Scheduled Tribes in various Government offices, Public Sector Undertakings and the Banking Sector, it was observed that the appointing authorities, in a number of organisations were sore at the attitude of the local employment exchanges to nominate requisite number of Scheduled Caste/Scheduled Tribe candidates to fill up vacancies reserved for them in those organisations. According to the Government of India instructions, when the employment exchanges issue non-availability certificate, the reserved posts can be advertised to attract Scheduled Caste/Scheduled Tribe candidates from open market, but it has been alleged by some of the organisations that the employment exchanges usually delayed the matters when they were requested to nominate more Scheduled Caste/Scheduled Tribe candidates for better choice. At times, in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates, the Employment authorities even ignored the requests for issue of non-availability certificates, in the absence of which the authorities were unable to issue advertisements for those reserved vacancies. This results in the delay in the filling up of reserved vacancies which have to be kept vacant for unduly long periods. *It is felt that prompt action on the part of the Employment Exchanges to nominate Scheduled Caste/Scheduled Tribe candidates against the requisitions received for reserved vacancies and timely issuance of the non-availability certificates in the event of non-availability of Scheduled Caste/ Scheduled Tribe candidates, can help in the quick recruitment action.* The posts can be advertised for wider circulation in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates in the local employment exchanges. *It is, therefore, suggested that the Directorate General of Employment & Training should issue instructions to all the Employment Exchanges to clear the requisitions for reserved vacancies received by them, within* 3 *to* 4 *days and in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates with them, the non-availability certificates be issued in a week's time so that the reserved vacancies can be filled up either way expeditiously.*

(b) *Pre-examination Training Centres*

3.102 In addition to the eight existing All India Pre-examination training centres to provide intensive pre-examination training to the Scheduled Caste/ Scheduled Tribe candidates intending to appear for All India/Allied Services and Engineering Services Examinations, another centre at Delhi *i.e.* S. N. Das Gupta College had been sanctioned grant-in-aid for coaching Scheduled Caste/Scheduled Tribe candidates for Indian Economic and Statistical Services Examination, 1980. The statistical information collected from various all India Centres shows that against the sanctioned capacity of 340 seats in 7 Centres (information in respect of Madras Centre is awaited) only 268 seats had been utilised. Against the 174 Scheduled Caste and 94 Scheduled Tribe candidates who underwent training in these Centres for various All-India Services, 163 Scheduled Caste and 90 Scheduled Tribe candidates actually, appeared for the said examinations. Major portion of the drop outs that is 9 from Scheduled Castes, was from the Regional Engineering College, Trichirapalli, 2 from Scheduled Castes from Patiala and 2 from Scheduled Tribes from Shillong Centre. Out of 163 Scheduled Caste and 90 Scheduled Tribe candidates who appeared for various All-India Services from the above 7 centres, only 22 Scheduled Castes (8 for I.A.S. etc. and 14 for Engineering Services) and 16 Scheduled Tribe candidates (15 for I.A.S. etc., and one for Engineering Services) could be finally selected for appointment to those services. Centre-wise details in this regard may be seen at Appendix VIII. If we exclude the centres for Engineering Services the figures showing the number of successful Scheduled Caste candidates as compared to the total candidates who appeared *i.e.* 8 out of 125, is just 6.4 per cent which is rather very discouraging. *This figure is not commensurate with the expenditure being incurred by the Government on the scheme. The scheme needs to be reviewed in the light of the results shown by the private institutions financed by the Ministry of Home Affairs for training of Scheduled Caste/Scheduled Tribe candidates for these examinations,* particularly in view of the fact that in addition to the 4 Scheduled Caste and 5 Scheduled Tribe candidates who were finally selected after pre-examination training in Rau's study circle, 9 Scheduled Caste and 12 Scheduled Tribe candidates guided by this study circle, outside the Ministry of Home Affairs Scheme, had also been declared successful in Civil Services Examination, 1980.

3.103 As regards the pre-examination training centres at State level, the Coaching and Allied Schemes for pre-examination training to Scheduled Caste and Scheduled Tribe candidates preparing for various State Civil and Central Clerical services, continued during the year under report. In adidtion to the existing 15 centres in various States, Ministry of Home Affairs also sanctioned grant-in-aid for several new schemes for imparting training to Scheduled Caste/Scheduled Tribe candidates. A sum of Rs. 1.50 lakhs had been sanctioned to the Assam Government for the establishment of a State Civil Services Pre-examination Training Centre for Scheduled Castes and Scheduled Tribes during 1979-80. The Government of Kerala has been allowed grant-in-aid towards imparting pre-recruitment training to Scheduled Caste/Scheduled Tribe candidates for appointment as Magistrates/ Munsifs through Kerala Institute of Public Administration at its Regional Centre at Cochin. Government of India have also agreed in principle for the establishment of another State Civil Services Pre-examination Training Centre for Scheduled Caste and Scheduled Tribe candidates in Maharashtra, at Nasik under the aegis of the Nasik Zilla Matha Vidya Prasaran Samaj, Nasik.

Delhi Administration has also been allowed to run another such centre during the day. Initial steps for the establishment of four new State-level centres one each at Bhubaneswar (Orissa), Chandigarh (Punjab), Raipur (Madhya Pradesh) and Simla (Himachal Pradesh) have already been taken and grant-in-aid had been allowed to these. State Governments during 1979-80 to run those centres. But so far the concerned State Governments have not apprised us of the progress made about these Centres.

3.104 An effort had been made to collect statistical data about the achievements of various centres during the year under report but unfortunately such information has been received in respect of five centres only, which has been reproduced below :—

Sl. No.	Location of the Training Centre	State	Number of candidates who underwent training		Number of candidates who appeared in the examination		Number of trainees who were finally selected for appointment	
			S.C.	S.T.	S.C.	S.T.	S.C.	S.T.
1	2	3	4	5	6	7	8	9
1.	Ahmedabad	Gujarat	98	24	39	5	..	..
2.	Bangalore	Karnataka	66	13	54	10	1	1
3.	Jaipur	Rajasthan	36	40	35	39	..	1
4.	Lucknow	Uttar Pradesh	30	..	27	..	Not available (Result awaited)	
5.	Ranchi	Bihar	20	61	8	21	..	..

(c) *Pre-examination Training in Stenography*

3.105 A coaching scheme to prepare Scheduled Caste/Scheduled Tribe candidates for various competitive examinations/selection tests conducted by various recruiting agencies for the posts of Stenographers/ Clerks, is being implemented by the Ministry of Labour in collaboration with the Ministry of Home Affairs. According to the information collected from the Directorate of Employment and Training, the special coaching scheme had been introduced in Delhi and Ghaziabad as a pilot project, keeping in view the difficulty being faced by various Ministries/Departments/State Government/Public Sector undertakings in filling up the vacancies of Clerks/Stenographer reserved for Scheduled Castes and Scheduled Tribes. The training at present is being imparted to 500 boys and girls belonging to Scheduled Castes and Scheduled Tribes in 9 educational institutions, 8 in Delhi and one in Ghaziabad. Two more institutions in Delhi are also being associated with the implementation of this scheme for the sixth course to begin from early 1981. According to an assessment made in a meeting of the institutions concerned with the implementation of the coaching scheme and the representations of the various agencies concerned with the welfare of Scheduled Castes and Scheduled Tribes, about 60 per cent of the trainees succeed in getting employment in one or the other organisations. The concerned authorities in the institutions, had, however, not made any factual assessment of the impact of the scheme so far. *It would be necessary to ensure that the implementing authorities follow-up the matter with the authorities to find out the number of successful Scheduled Caste/Scheduled Tribe candidates, as in the case of other pre-examination training centres.* The Pre-examination training centre being run by the Delhi Administration which has been training Scheduled Caste/Scheduled Tribe candidates for many years now for various examinations conducted by the Staff Selection Commission & various Banking Recruitment Boards, may also be associated with this scheme, to ensure better impact. *It may further be suggested that while training the candidates, they should also be guided, as part of their training, to take up objective type of tests being conducted by various Banking Service Recruitment Boards for clerical appointments under the Nationalised and Public Sector Banks where there is large employment potential.*

(d) *Coaching-cum-Guidance centres*

3.106 The Coaching-cum-Guidance scheme, as mentioned in earlier reports, had been started to guide Scheduled Castes/Scheduled Tribes job-seekers for potential avenues of employment available in the country. Four such centres already set up at Delhi, Jabalpur, Kanpur and Madras continued to render guidance to the Scheduled Caste/Scheduled Tribe applicants when they approached the employment exchanges for registration of their names as well as when they were sponsored to employers against notified vacancies. The applicants are equipped with information about the job requirements and type of test interview they are likely to undergo when called by the employers. These centres also undertook follow-up action with the employers about placement against vacancies reserved for Scheduled Caste/Scheduled Tribe applicants. Six more coaching-cum-guidance centres for Scheduled Castes and Scheduled Tribes, on each at Hyderabad, Trivandrum, Jaipur, Surat, Ranchi and Calcutta has also been sanctioned funds to start functioning during the

financial year 1980-81 but information about the progress in this regard is not available. Statistical information showing the performance of the existing four centres up to December, 1979 since their inception, in various fields has been summarised below :—

Particulars	Jabalpur	Delhi	Kanpur	Madras
1	2	3	4	5
1. Registration/ Group Guidance	13,474	39,304	25,586	21,014
2. Pre-submission Guidance .	15,035	17,758	15,980	14,164
3. Individual Guidance and Information .	12,258	28,337	27,276	22,523
4. Counselling to parents . .	210	962	162	277
5. Placement .	913	3,569	1,548	3,581
6. Number of trainees attended Confidence Building Programme . .	7,927	8,432	3,925	5,115

(e) *Apprenticeship Training*

3.107 During the course of studies conducted by the teams of the Commissioner for Scheduled Castes and Scheduled Tribes, a common feature which came to the notice was that many organisations were not engaging enough candidates belonging to Schedued Castes and Scheduled Tribes under the Apprenticeship Training Scheme in accordance with the percentages reserved for them. Out of those Scheduled Caste and Scheduled Tribe candidates who were trained by them, a very insignificant number was absorbed by those organisations. It was, therefore, recommended in the Commisioner's Annual Report for the years 1975-76 and 1976-77 (para 3.71) that unless there was some guarantee that the candidates belonging to Scheduled Castes and Scheduled Tribes who had undergone training would be finally absorbed in the organisations where they are trained, very few persons belonging to these communities would be interested to join such programmes. It was also suggested that the apprenticeship training scheme should be suitably modified to ensure that all such trained personnel are provided employment.

3.108 This recommendation was reiterated in the Annual Report for the year 1978-79 (para 3.20). It seems the above suggestion was not given proper attention and the problem assumed serious proportions some time in April, 1980 when the trained apprentices of some organisations started hunger strike in front of the Labour Ministry. A memorandum was also submitted to the Prime Minister. One of the demands of these apprentices was that they should be given preference in the matter of employment against regular vacancies in the establishments. It is understood that the Prime Minister is reported to have expressed the view that these apprentices had a valid point and, therefore, there was no use of continuing the scheme if it did not lead to employment. The Prime Minister recommended that these apprentices should at least be given preference in employment in accordance with the policy of the Government.

3.109 The matter was discussed in the inter-Ministerial meeting held on 3rd April, 1980 in the Directorate General of Employment and Training under the Chairmanship of Additional Secretary, Ministry of Labour. In this meeting while dealing with the problem in general, the Chairman also pointed that every effort should be made to train more and more Scheduled Caste/Scheduled Tribe apprentices and they be provided jobs thereafter.

3.110 It was pointed out that the utilisation percentage of the apprenticeship training programme was 52.2 in the Central Sector and 78.2 in the State and Private Sector. The unsatisfactory engagement of Scheduled Caste and Scheduled Tribe apprentices was referred. It was explained that such a situation was not in consonance with the Government policy to uplift the lot of Scheduled Castes and Scheduled Tribes and other Backward Classes for whom reservation has been provided in the Apprenticeship Act.

3.111 In this meeting some members stated that sufficient number of candidates belonging to Scheduled Castes and Scheduled Tribes were not forthcoming for being engaged as apprentices. They were advised to approach the Principals of the Industrial Training Institutes, Regional Directors of Apprenticeship Training and local Employment Exchanges. It was also decided that all Ministries/Departments should direct their establishments to ensure that representation as prescribed be gievn to apprentices belonging to Scheduled Caste and Scheduled Tribe communities.

3.112 About the main issue relating to absorption of the apprentices, the Ministry of Labour issued instructions in April, 1980 that efforts should be made to prepare panels of the trained apprentices who should be given preference in appointment by giving due weightage for the training and experience they had gained. These instructions were followed by more specific guidelines requesting all Ministries/Departments to issue necessary administrative instructions to all the establishments under their control to fill up at least 50 per cent of the direct recruitment vacancies by trained apprentices. It is gratifying to note that after all a decision has now been taken on the need for absorption of trained apprentices.

3.113 *It would be appreciated if the Ministry of Labour issued further instructions to the effect that while considering the absorption of the trained apprentices to the extent of 50 per cent, efforts should be*

made to absorb all the candidates belonging to Scheduled Castes and Scheduled Tribes. This aspect would be in furtherance to the provisions made in the Constitution for the upliftment of the Scheduled Castes and Scheduled Tribes. It would also enable the organisations concerned to clear the backlog in the representation of the Scheduled Castes and Scheduled Tribes in their respective organisations. *It is hoped that the Ministry of Labour would consider this aspect in the light of above observations and issue suitable guidelines to all the Ministries/Departments of the Government of India at the earliest.*

(f) *Training/Scholarship Schemes*

3.114 Organisation of the Commissioner has been emphasizing a proper and speedy implementation of service safeguards provided in the Constitution through on-the-spot studies, discussions, correspondence e.c. In the process many responsible officers, particularly from the Public Sector Undertakings have been seeking advice from this organisation about the correct methodology to implement the reservation policy, although primary responsibility for such guidance and clarification rests with the Department of Personnel and Administrative Reforms which is the concerned Department. In the course of discussions besides giving suitable guidance to various authorities, suggestions are also given to them as to how best the backlog in the reserved vacancies existing in those organisations, can be made up as quickly as possible. As a part of this exercise, the Commissioner's office had made suggestions to some of the organisations to start pre-entry training course for training of Scheduled Castes and Scheduled Tribe candidates in the disciplines required by them to enable the reserved category candidates to come up and be able to fill the reserved vacancies.

3.115 The Delhi Transport Corporation which was not getting enough Scheduled Caste/Scheduled Tribe candidates possessing requisite license for the post of Drivers were advised to select suitable candidates from these communities and give them necessary training as also help them in securing the requisite license after completion of the training, whereafter they could be appointed as Drivers against the vacancies reserved for them.

3.116 The Minerals and Metals Trading Corporation whose officers frequently visited this organisation in their anxiety to improve the intake of Scheduled Castes and Scheduled Tribes in their services advertised a training/scholarship scheme exclusively for young Scheduled Castes/Scheduled Tribes by tarining them as Junior Assistant (Typist) and Stenographer. The Scheduled Caste and Scheduled Tribe candidates selected for the purpose were paid a stipend of Rs. 250 per month for a period of 5 months during which they were to be given training in typing. The candidates opting for tarining in Stenography were offered further training in Shorthand for a period of 5 months with a stipend of Rs. 300 per month. According to the information furnished by the Minerals and Metals Trading Corporation of India Ltd. there was encouraging response from the candidates belonging to Scheduled Castes and Scheduled Tribes. As many as 1994 candidates applied for training for the post of Junior Assistant of whom 1433 appeared in the test and 28 were finally selected for training (18 Scheduled Castes and 10 Scheduled Tribes). For training in Stenography, 321 candidates applied; 191 appeared in the test and 18 were finally selected for training (12 Scheduled Castes and 6 Scheduled Tribes). In the above training programme all the 28 candidates belonging to the reserved categories are undergoing training for the post of Junior Assistant and 13 candidates in Stenography. The information as to how many of these candidates, completed this training satisfactorily, would be available after March, 1981 and August, 1981 respectively. This is indeed a commendable step taken by Minerals and Metals Trading Corporation of India Ltd., and it is hoped that other organisations facing shortage of Scheduled Caste/Scheduled Tribe candidates would like to take similar steps to increase the intake of candidates belonging to these communities.

3.117 A yet another scheme for award of scholarship to Scheduled Caste and Scheduled Tribe undergraduate engineering students is understood to have been devised by the Engineers India Ltd. They pick up promising students in the first year of their engineering education in Civil, Electrical, Mechanical and Chemical Engineering disciplines. To begin with, 14 such awards were proposed for students persuing studies in equal number of premier engineering institutions in the country. The candidates were to be selected on the basis of their performance in the first year of the engineering education out of those students securing first three positions from amongst the Scheduled Caste and Scheduled Tribe candidates and duly recommended by an appropriate authority in the concerned institution. The value of the scholarship depends upon the existing level of "reasonable expenditure" but shall not exceed Rs. 400 per month. The duration of scholarship will be for the entire period of the programme less the first year subject to certain conditions and procedures as set out by the Engineers India Ltd. After successful completion of training, if a Scheduled Caste/Scheduled Tribe candidate is selected for employment in Engineers India Ltd. he will have the liability to serve the Company for a minimum period of 2 years. The scheme was to commence from the academic year 1980-81 and it is learnt that 12 Scheduled Caste/Scheduled Tribe candidates were selected by the Engineers India Ltd., during this year.

3.118 There is no doubt that such schemes are good and result oriented. The results achieved are yet to be known. The Commissioner for Scheduled Caste and Scheduled Tribe appreciates such schemes which are for promoting the educational and economic interests of the weaker sections of the Society particularly the Scheduled Castes and Scheduled Tribes.

PUBLIC SERVICE COMMISSION

(a) *Union Public Service Commission*

3.119 During the year 1979, the Union Public Service Commission continued to consist of nine Mem-

bers and out of whom two belonged to Scheduled Castes (including the Chairman) and one to Scheduled Tribes. However, during the year 1980, one Member belonging to Scheduled Castes retired on 22-4-1980 and this post remained vacant during that year.

(b) *Railway Service Commissions*

3.120 The latest information pertaining to the period from 1-1-1978 to 31-12-1980 received from Railway Board indicates that there were 8 Railway Service Commissions one each at Allahabad, Bombay, Bangalore, Calcutta, Gauhati, Madras, Muzaffarpur and Secundrabad. Each of these Commissions has one Chairman and one Member-Secretary. Out of the 8 posts of Chairmen, one was stated to be vacant during the period and of the seven Chairmen in position two belonged to Scheduled Castes (Bangalore and Gauhati). Of the 8 Member-Secretaries, 3 belonged to Scheduled Castes, one each in the Commissions at Bombay, Calcutta and Secundrabad and one belonged to Scheduled Tribe (Gauhati). It would thus be noticed that out of the total of 15 members, 5 belonged to Scheduled Castes including the Chairmen of the 2 Commissions at Bangalore and Gauhati and one to Scheduled Tribe.

(c) *State Service Commission*

3.121 Information as regards the members belonging to Scheduled Castes and Scheduled Tribes in the Public Service Commissions in various States during the year 1979 is given in the following table :—

Sl. No.	Name of the State	Total No. including Chairman	Whether Chairman belongs to SC or ST	Other Members belonging to	
				SCs	STs
1.	Andhra Pradesh	4	No	1	..
2.	Assam	3	No	..	..
3.	Bihar	9	No	1	1
4.	Gujarat	3	Yes (SC)	..	1
5.	Haryana	5	No	1	..
6.	Himachal Pradesh	2	No	..	..
7.	Jammu & Kashmir	5*	No	..	..
8.	Karnataka	7	Yes (SC)	..	..
9.	Kerala	7	No	1	..
10.	Madhya Pradesh	5	No	..	1
11.	Maharashtra	6	No	1	..
12.	Manipur	3	No	..	1
13.	Meghalaya	3	Yes (ST).	..	2
14.	Orissa	5	No	..	1
15.	Punjab	6	No	1	..
16.	Rajasthan	5 (One Vacant)	No	1	..
17.	Tamil Nadu	7	No	1	..
18.	Uttar Pradesh	9	No	2	..
19.	West Bengal	7	No	1	..
20.	Tripura	2	No	..	1
		103	SC—2. ST—1	11	8

*On the basis of previous year's information.

It would be seen from the above table that during the year 1979 there were in all 103 members in the Public Services Commissions of the above States. Out of these 11 belonged to Scheduled Castes and 8 to Scheduled Tribes besides the Chairmen of the Gujarat and Karnataka Service Commissions belonged to Scheduled Castes and that of Meghalaya belonged to Scheduled Tribes. Similar information for the year 1980 has so far been received only in respect of 8 States. It would be included in the next report when it is received from all the States.

Representation of Scheduled Castes and Scheduled Tribes in Services under the States/Union Territories

3.122 Collection of information regarding the total number of employees and the number of Scheduled Caste and Scheduled Tribe employees among them in various classes of posts in the services under the State Governments/Union Territories as on 1st January, each year from all the State Governments/Union Territories is a regular feature for incorporation in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes. For inclusion of this information in the Annual Report for the year 1979-80, all the State Governments and Union Territories were requested to furnish the information as obtaining on 1st January, 1980 by the end of May, 1980. As has been the experience in the past years, this time also, the said information regarding representation of Scheduled Castes and Scheduled Tribes in the States/Union Territories services as on 1-1-80 was not received from most of the State Governments even by the end of December, 1980. By the end of April, 1981, however, this information has been received from the States of Haryana, Himachal Pradesh, Maharashtra, Meghalaya, Punjab, Tripura and Uttar Pradesh and the Union Territories of Andaman and Nicobar Islands, Dadra and Nagar Haveli, Lakshadweep, Mizoram and Pondicherry which can be seen in Appendix IX. The information furnished by the State Governments of Himachal Pradesh, Maharashtra, Meghalaya and Uttar Pradesh is still incomplete. After inclusion of the latest available information in Appendix XVII of the last report for the year 1978-79, some more information was received for the earlier years from the Governments of Madhya Pradesh (as on 1-1-79), Tamil Nadu (as on 1-1-79 for 78 Departments out of 114 Departments), and West Bengal (as on 31-3-79), which alongwith the latest information received from the States/Union Territories mentioned above has also been included in the said Appendix. Similar information as on 1-1-1981 is yet to be received.

3.123 It is indeed regretable to note that this vital piece of information, which alone could indicate the efforts made towards providing adequate representation to Scheduled Castes/Scheduled Tribes in the services under various States. The State Governments are unable to supply even after more than a year after the close of the year for which is it required. It was recommended in the last report (para

3.110) that the machinery for implementation of service safeguards in the State/Union Territories Governments should be streamlined. It was also recommended in an earlier report for the year 1977-78 (para 3.116) that the Ministry of Home Affairs impress upon the State/Union Territory Governments the importance of compiling such statistics and making it available to the Commissioner and raise this issue at a conference of Chief Ministers. The Ministry was requested to take up the issue with the Chief Ministers in their Conference but the Ministry of Home Affairs also have not informed about the action taken in this regard. The Chief Ministers of all State Governments generally meet often more than once every year and it is not understood as to why the Home Ministry cannot include this item in the agenda for the Chief Ministers' conference in order to impress upon the highest executive authorities in the States the need for supplying this information at the close of each calendar year. *Ministry of Home Affairs is once again urged to act swiftly in this matter and ensure that information as on 1st January each year is furnished to the Commissioner for Scheduled Castes and Scheduled Tribes latest by 30th June,* so as to enable him to make assessment of the working of service safeguards in each period under review on the basis of up-to-date data furnished to him. Period of six months is adequate enough to collect this information from the various Departments and authorities.

3.124 From whatever information, though belated, made available to this organisation, it is observed that the State Governments concerned have still to go a long way in securing to Scheduled Castes and Scheduled Tribes, their due representation in their services in accordance with the quotas prescribed for them in the respective states. *It is therefore, recommended that all State governments should make concerted efforts in this regard including special recruitment drives to clear the backlog. Where there are constraints in regard to the availability of enough vacancies to the extent of the backlog, the State Governments could also think of creating some additional vacancies to be filled by the Scheduled Caste/Scheduled Tribe candidates.* In this connection, special reference needs to be made to the recent announcement (February, 1981) by the Chief Minister of Uttar Pradesh wherein he has assured that all vacancies reserved for Scheduled Castes and Scheduled Tribes would be filled by the respective category candidates only and the efforts to select these candidates would continue till those candidates are eventually available for appointment. *It is hoped that while the Uttar Pradesh Government would intimate the result of these efforts, other State Governments would also take similar steps in order to ensure adequate representation in their services of Scheduled Castes and Scheduled Tribes so as to achieve the goal of adequate representation of these communities as referred to in Article 16(4) of the Constitution.*

State Level Committees

3.125 In the report for the year 1977-78 it was recommended for the consideration of the Chief Ministers of the States that the State Level Committees are reconstituted from time to time in order to assess the performance of various Departments in the matter of implementation of service safeguards. It was suggested that these committees should meet quite frequently, at least twice a year, to review the representation of Scheduled Castes/Scheduled Tribes in their services and submit detailed reports to the Chief Minister with copy to the Commissioner for Scheduled Castes and Scheduled Tribes. It has, however been observed from the information received during the years under report that only in 6 States *viz.* Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Tamil Nadu there were State Level Committees headed by Chief Minister or Minister or Special Secretary to the Government. In the States of Himachal Pradesh and Punjab there is Vidhan Sabha Committee on the Welfare of Scheduled Castes and Scheduled Tribes. In Jammu and Kashmir, a Board has been constituted to oversee effective enforcement of reservation orders in favour of members of Scheduled Castes in services and there is a Legislature Committee in the State of Uttar Pradesh whose job is to see that the Scheduled Castes and Scheduled Tribes are adequately represented in State services. There are 4 States *viz:* Nagaland, Meghalaya, Manipur and West Bengal where there is no such Committee. Remaining States have not furnished the requisite information so far. It has further been noticed that in the States where these Committees have been constituted, most of the Committees except the Madhya Pradesh State Level Committee did not meet at all during the year 1979. Thus the very purpose of constituting such committee has been defeated. There are no such Committees in the Union Territories of Chandigarh, Goa, Daman and Diu, Pondicherry, Dadra and Nagar Haveli. The Administrations of Union Territories of Mizoram and Lakshadweep have stated that since these Union Territories are mainly inhabited by the Scheduled Tribes, the work relating to the implementation of reservation orders is attended to by the respective Administrations. In the Union Territory of Andaman and Nicobar Islands since no caste has been Scheduled no Committee has been constituted. The Union Territories of Delhi and Arunachal Pradesh have not furnished the requisite information.

3.126 *It is, therefore, reiterated that in every State/Union Territory there should be a State Level Committee preferably under the Chairmanship of the Chief Minister who alone can command respect from other Departments in the matter of recommendations made by the Committee. These Committees should also meet frequently to enquire into the representation of Scheduled Castes and Scheduled Tribes in State/Union Territory services and make suitable recommendations in this regard.*

Special Studies

3.127 Importance of on-the-spot studies into the working of service safeguards, *i.e.,* checking of rosters and other relevant records maintained by various

offices/organisations for giving proper effect to reservation orders etc. has been emphasised time and again in the earlier annual reports of the Commissioner for Scheduled Castes and Scheduled Tribes. It is a fact that these studies have helped to bring about an all-round improvement in the implementation of reservation orders and eventually led to increased intake of Scheduled Castes and Scheduled Tribes in the services of the organisations where such studies have been undertaken. It has, therefore, been reiterated that there is pressing need for strengthening the investigation machinery at the disposal of the Commissioner for Scheduled Castes and Scheduled Tribes. *In the last Report for the year* 1978-79 (*Para* 3.132), *a bare minimum requirement of ten inspecting teams each consisting of one Research Officer, two Investigators with supporting stenographic and clerical staff for the purpose was stressed. But it is unfortunate that the Government have not yet agreed to sanction additional inspecting teams for the purpose. It is hoped that the Government would realize the importance of this particular aspect of reservation and would initiate action to sanction additional staff as early as possible so that the inspecting teams start functioning in the year* 1981-82.

3.128 During the period under report, in fact upto June, 1981, with the limited staff in the organisation on-the-spot studies were completed in the following offices/organisations. Copies of detailed reports are at Appendices X to XLII.

(1) Directorate General of Posts and Telegraphs (Telecom), New Delhi. (Ministry of Communications)

(2) Bharat Heavy Electricals Ltd. (Ministry of Industry)
   (a) Projects Engineering Division, New Delhi.
   (b) Corporate Office, New Delhi.
   (c) Ranipur Unit, Hardwar,
   (d) Ramachandrapuram Unit, Hyderabad.

(3) National Council of Educational Research and Training, New Delhi. (Ministry of Education and Culture)

(4) Modern Bakeries Ltd. (Ministry of Agriculture)
   (a) New Delhi.
   (b) Ranchi.

(5) Regional Inspectorate of Schools, Meerut (U.P.).

(6) Indian Drugs and Pharmaceuticals Ltd. (Ministry of Chemicals and Fertilizers)
   (a) Central Office, Gurgaon.
   (b) Marketing Division, Gurgaon.
   (c) Plant at Gurgaon.
   (d) Antibiotics Unit, Virbhadra, Rishikesh.
   (e) Syntheitc Drugs Unit, Hyderabad.

(7) State Bank of India, New Delhi, (Ministry of Finance)

(8) National Buildings Organisation, New Delhi. (Ministry of Works and Housing)

(9) Delhi Development Authority, New Delhi. (Ministry of Works and Housing)

(10) Government of India Mint, Hyderabad. (Ministry of Finance)

(11) Electronics Corporation of India Ltd., Hyderabad. (Department of Atomic Energy)

(12) Education Department, Government of Andhra Pradesh.
   (a) Directorate of Adult Education, Hyderabad.
   (b) Directorate of Technical Education, Hyderabad.
   (c) Directorate of Higher Education, Hyderabad.
   (d) Directorate of School Education, Hyderabad.

(13) Office of the Labour Commissioner. Andhra Pradesh, Hyderabad.

(14) Social Welfare Department, Andhra Pradesh Hyderabad. (Review of general instructions rgarding reservation for Scheduled Castes and Scheduled Tribes in Andhra Pradesh)

(15) Heavy Engineering Corporation, Ranchi. (Ministry of Industry)

(16) Central Coal Fields Ltd., Ranchi, (Ministry of Energy)

(17) Central Mines Planning and Design Institutes, Ranchi. (Ministry of Energy)

(18) Trade Fair Authority of India. (Ministry of Commerce)

(19) Delhi State Co-operative Bank Ltd., New Delhi. (Delhi Administration)

(20) Handicrafts and Handlooms Export Corporation, New Delhi. (Ministry of Commerce)

1981

(21) Chitranjan Locomotive Works, Chitranjan. (Ministry of Railways)

(22) Directorate General of Inspection, Kanpur. (Ministry of Defence)

(23) Rajasthan State Mines and Minerals Ltd., Udaipur. (A Government of Rajasthan Undertaking)

(24) Hindustan Zinc Ltd., Udaipur. Ministry of Steel (Department of Mines)

(25) Instrumentation Ltd., Kota. (Ministry of Industry)

(26) Office of the Commissioner for Income Tax, Lucknow. (Ministry of Finance)

(27) U.P. State Electricity Board, Lucknow. (A U.P. Government Undertaking)

(28) Scooters India Ltd., Lucknow. (Ministry of Industry)

(29) Bharat Heavy Electricals Ltd., Tiruchirapalli. (Ministry of Industry)

(30) Bharat Heavy Electricals Ltd., Madras. (Ministry of Industry)

(31) Planning Commission, New Delhi.

(32) Indian Airlines, Headquarters, New Delhi. (Ministry of Tourism and Civil Aviation)

(33) Indian Council of Agricultural Research, New Delhi. (Ministry of Agriculture)

3.129 In the last Report (paragraphs 3.135 to 3.139), a reference was made to some instances of non-co-operation and reluctance on the part of some of the organisations which were selected for the purpose of these special studies in the implementation of reservation orders. While by and large, the study teams deputed by the Commissioner for Scheduled Castes and Scheduled Tribes do get the necessary co-operation in the conduct of the investigation, as per the provisions of Article 338(2) of the Constitution, some isolated cases occur where the authorities concerned do not realise the constitutional obligations of the Commissioner and overtly or covertly fail to extend the needed co-operation to the study teams sent by the Commissioner. Two recent instances are mentioned in the following paragraphs.

3.130 There were some complaints of non-implementation of reservation orders in the U.P. State Electricity Board, Lucknow. As the Commissioner for Scheduled Castes and Scheduled Tribes was not satisfied with the replies received from the concerned authorities, he decided to depute a study team to conduct a detailed study into the working of service safeguards in the Board in pursuance of the instructions issued by the Government of Uttar Pradesh from time to time and made applicable in the Services under that Board. The action for the purpose of the study was initiated sometime in July, 1980, but due to lack of response from the Board authorities, the study could not materialise in 1980. However, the matter was reviewed in January, 1981. This time also the response was not encouraging. The only communication received from the Board was to seek a copy of the communication sent to them in January, 1981. Eventually, the Commissioner decided to send the team to Lucknow to conduct the study in the U.P. State Electricity Board and two other organisations located in that city in late March, 1981. The team was surprised to notice that the information required as preliminary to such studies, was being collected when the team had actually arrived there on 23rd March, 1981. Further, the officer nominated to co-ordinate this work displayed utter lack of interest in the policy of implementation of reservation for Scheduled Castes and Scheduled Tribes and, therefore, obviously did not take proper steps for fixing up the study schedule in advance with the officers concerned in the Board responsible for implementation of reservation orders with the result that the study in the Board had to be postponed for two days. The position did not change even after two days whereafter due to lack of interest and response from the said officer, the team had to approach the Secretary of the Board. In the course of the study the team got the impression that most of the officers showed lack of knowledge about the existance of the roster system which is basic for proper implementation of reservation orders, the grant of travelling allowance to Scheduled Castes/Scheduled Tribe candidates called for interview/test, the concession in fees to the extent of one-fourth in favour of these communities, appointment of Liaison Officer in each Department for work relating to the representation of Scheduled Castes and Scheduled Tribes, procedure for dereservation of reserved vacancies in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates etc. etc. When the officers responsible for this work are not aware or clear about the instructions issued by the State Government, the fate of implementation thereof can be better imagined than described. Consequently the Scheduled Caste/Scheduled Tribe employees have suffered in the matter of promotion, fixation of seniority etc. etc. The attention of the Chief Minister has been drawn by the Commissioner for Scheduled Castes and Scheduled Tribes towards this state of affairs in the Board. *It is, therefore, strongly recommended that the Government of Uttar Pradesh should look into the affairs of this Board with reference to the implementation of service safeguards and instruct the Board to gear up its machinery to give proper effect to the reservation orders. The Government should also advise the Board to set up special Scheduled Caste/Scheduled Tribe Cell with adequate staff to deal with all matters relating to the representation of Scheduled Castes and Scheduled Tribes in the Board directly under a senior officer preferably, Secretary of the Board, who may be made specifically responsible for watching and ensuring scrupulous implementation of the reservation policy.* A lower level officer is not likely to get the needed co-operation and priority in obtaining the requisite information from other Heads of Departments.

3.131 In yet another instance, a study team of the Commissioner for Scheduled Castes and Scheduled Tribes was confronted with the similar situation when

it visited the Indian Council of Agricultural Research on 18th June, 1981. The Council which was informed about the visit of the Study Team in the last week of February was requested to furnish the preliminary information necessary for the purpose of study by the last week of March. In spite of the fact that visit of the study team was postponed from early April to 3rd week of June, 1981, the preliminary information was not made available. This information was made available to the study team on 18th June, in respect of three establishment sections separately and not in a consolidated form. The information in regard to the posts of Scientists, recruitment to which is made by the Agricultural Scientists Recruitment Board, and other technical posts, rosters in respect of which were maintained by the Personnel Division in the Council, was not collected at all.

3.132 On the day the study team visited that organisation, it was made to wait for hours to get access to records/documents needed for inspection by the team. The team was, therefore, left with very little time for actual investigation. This was in spite of the advance intimation sent to the Council and the date was fixed in consultation with them on telephone one week prior to the visit. The officers concerned displayed utter lack of interest and response as a result of which the Commissioner for Scheduled Castes and Scheduled Tribes had to call off the sutdy. The Commissioner has however, brought these lapses to the notice of the concerned Minister of State in the Ministry of Agriculture.

3.133 *Needless to mention that it is inherent in the very nature of the obligations enjoined upon the Commissioner by the Constitution in matters of investigations into the Constitutional safeguards that there will be adequate response by the authorities concerned in helping the Commissioner to discharge his Constitutional obligations and any indifference in this regard by the concerned officers of an establishment should be viewed seriously.*

Complaints Relating to the Denial of Justice to Scheduled Caste and Scheduled Tribe Employees in Service Matters.

3.134 It is a well known fact that during the past decade there have been a number of instructions providing more facilities/concessions to Scheduled Caste/Scheduled Tribe employees, with the result that the work relating to the implementation of reservation orders in Central/State Governments, Public Sector Undertakings, Banking Institutions etc. and for that matter number of representations has ever been on the increase. Moreover, with the better awareness among the Scheduled Caste/Scheduled Tribe employees in various offices and undertakings and also because of their reliance on the ombudsmanship of the Commissioner for Scheduled Caste/Scheduled Tribe and the efficacy of his organisation in getting many wrongs righted, there has been a phenomenal increase in the number of representations from them. The lifting of the restriction for approaching the Commissioner through proper channel in 1974 as per decision of the High Power Committee presided over by the Prime Minister (a step in the right direction) has also contributed to this increase. To have an idea of the load of work in the particular section dealing with service complaints, it may be mentioned that the number of receipts increased from 5850 at the end of 1967 to 18350 in 1976. It fluctuated during the subsequent years but never came down from the figure of 11630, The work load has thus increased manifold but without commensurate increase in the number of staff. *Perhaps no other office, either at the Centre or in the States, can be found to be working as chronically under-staffed as the Office of the Commissioner for Scheduled Castes and Scheduled Tribes.* Its strength remains at the level of 1967 when the maximum individual representation never crossed the figure of five thousand and odd. It is apparent that the 1967 based staff, in position at present is very much over-burdened and should not be expected to do full justice to the increased work load as promptly as the Commissioner would have desired. It is more so when one takes into account the inadequate response this office invariably gets from the appropriate authorities to whom these grievances are addressed for redressal. Usually more than one reminders are needed to elicit the requisite response.

3.135 After the formation of the Commission for Scheduled Castes and Scheduled Tribes in 1978 with staff many times more than that of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes and restoration to the Commission of the Regional offices of the Commissioner for Scheduled Caste/Scheduled Tribe which were taken away in 1967, it was expected that the work load of the office of the Commissioner would decrease considerably. This has not happened. Commissioner, still being the constitutional functionary, in the absence of the amendment of Article 338 to vest constitutional status on the Commission and consequent merger of this office with the Commission, continues to be burdened with the unusual load. *The spectacle, therefore is one of ever increasing load and shrinking strength.* It is true that the Regional Directors of the Commission are also designated as ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes but in actual practice the arrangement has turned out to be more a courtesy than any effective assistance to the Commissioner. *It was in this context that the Commissioner suggested in his previous Report that till such time as the amendment of Article* 338 *was effected, his administrative control ought to be extended to the Regional Offices in various States so as to enable him to discharge his onerous constitutional obligations with some credibility.*

3.136 A good deal of correspondence with the Ministry of Home Affairs over the years on the need of strengthening the whole organisation in general and the section dealing with complaints in particular, had yielded no tangible results. *In order to ensure speedy investigation and prompt disposal of cases received from Scheduled Caste and Scheduled Tribe employees, it is absolutely necessary that the question of inadequacy of staff is taken seriously and suitable steps are*

taken to ensure that appropriate staff is placed at the disposal of the Commissioner for Scheduled Castes and Scheduled Tribes.

3.137 Summaries of some of the important cases taken up with various administrative authorities for redressal of grievances of Scheduled Caste and Scheduled Tribe employees are given below :—

1. It was reported to the Commissioner for Scheduled Castes and Scheduled Tribes in March, 1980 that an apprentice driver belonging to Scheduled Caste who was appointed by Delhi Transport Corporation in June, 1975 was removed from service in October, 1977, consequent upon his involvement in a minor accident. He claimed that the accident occurred because one of the front tyres of the bus burst suddenly upon which he had no control. He was also exonerated by the court of law in February, 1980. The case was taken up with the Delhi Transport Corporation authorities who informed in May, 1980 that the record of the said driver was adverse and he was found irregular in attendance. There was, therefore, no question for his re-employment or re-instatement. It was further enquired in June, 1980 from Delhi Transport Corporation authorities, whether all such employees who had availed of more than 89 days leave during probation period, were removed from service. It was also pointed out to them, that had this condition been made known to the representationist, he might have not remained absent for so long. After a good deal of correspondence, it was learnt in October, 1980 that the Delhi Transport Corporation had since reviewed his case and an offer of re-appointment had been given to him subject to his being found medically fit.

2. An employee of Director General, Posts and Telegraphs belonging to Scheduled Tribe approached Commissioner for Scheduled Castes and Scheduled Tribes in March, 1979 to redress his grievances in connection with the denial of promotion to him against reserved quota and his supersession by general candidates in L.S.G. cadre. The request of the applicant for his promotion retrospectively was taken up with the Director General, Posts and Telegraphs who after careful consideration intimated that "the petitioner may be deemed to have been promoted to L.S.G. cadre alongwith the officials approved for promotion by the Departmental Promotion Committee held on 22-1-1976." It was further ordered that his seniority might be fixed at his due place and his pay in L.S.G. cadre might be fixed under relevant rules subject to non-payment of arrears.

3. A Scheduled Tribe widow represented to the Commissioner for Scheduled Castes and Scheduled Tribes in April, 1979 for her employment on compassionate grounds, in Public Works Department under the Delhi Administration. She alleged that in spite of an application submitted by her in December, 1978, no action had been taken for her appointment. The matter was taken up with the concerned authorities right in April, 1979 recommending for her appointment at the earliest. It was intimated by the concerned authorities in August, 1979 that widow's case was considered and she had since joined duty w.e.f. 8-6-1979 and the Government quarter which was allotted to her husband transferred to her name also.

4. A Scheduled Caste lady complained to the Commissioner for Scheduled Castes and Scheduled Tribes in April, 1976 against the non-payment of her salary for the months of August, October & November, 1975 by the Education Department of the Municipal Corporation of Delhi. Subsequently, she raised further issues of recording of adverse remarks in her C.R., non-confirmation in the post of Assistant Teacher and grant of selection grade. The case was taken up with the concerned authorities. After a protracted correspondence, it was intimated by the concerned authorities in June, 1978 that she has been paid the arrear of her salary and the case of adverse remarks in her C.R. and warning issued were settled. It was further stated in October, 1978 that the teacher has been confirmed in the post of Assistant Teacher and her case of promotion to the selection grade also settled.

5. A Scheduled Caste widow r/o Ahmedabad sent a representation in the month of December, 1978 requesting employment for her son. She had stated that her husband who was employed as Boiler Maker in Western Railway died in harness. On receipt of the representation, the matter was taken up with the General Manager, Western Railway, Bombay who informed this office that the request of the widow had been acceded to and her son selected as Trains Clerk in the scale of Rs. 260—400.

6. In September, 1978 a Scheduled Caste lady hailing from 24-Parganas District in West Bengal submitted a representation to the Commissioner for Scheduled Castes and Scheduled Tribes that her husband a Class IV employee of R.M.S. Division, Calcutta died in January, 1972. She alleged that after death of her husband, she had approached the authorities concerned to get the job for her son but has failed miserabley in that regard. On receipt of this representation, the matter was taken up with the Post Master General, West Bengal Circle, Calcutta requesting to let us know the circumstances under which the employment to

the son of the deceased could not be provided. In response to our letter we were informed that the number of vacancies for appointment of dependents of personnel who died in harness had been restricted to 3% of the vacancies arising in a year of the respective cadre under the orders of the Government. The authorities concerned at Calcutta were again asked to send us a copy of such orders as referred to above and on receipt of which it was noticed that the orders were issued in the second half of 1978 whereas the official concerned died in 1972. It was also noticed that though 3% of the vacancies in the respective cadres were restricted to sons/daughters of the deceased employee, the request of the representationist was not considered against such vacancy irrespective of the fact that it fell on the reserved point. Keeping in view the above spirit of the orders the matter was taken up again with the authorities concerned who informed us that the son of the deceased employee had been appointed in May, 1979 as Postman in South Calcutta, West Bengal Division.

7. A representation from an ex-jeep Driver, who belongs to the Scheduled Caste, Central Cattle Breeding Farm, Suratgarh, Rajasthan was received in this organisation in January, 1980. He had stated therein that his services were terminated by the authorities concerned w.e.f. 4-6-1979 without assigning any reason. He had also appealed to the Ministry of Agriculture & Irrigation in the month of June, 1979 against this unilateral order and in response to it, his request was acceded to by the Ministry as an affiliating authority and quashed the termination orders of the applicant. But it was rather unfortunate that the Director-in-charge of the Central Cattle Breeding Farm did not comply with the orders issued by the Ministry. On receipt of this representation, the matter was taken up both with the Ministry of Agriculture & Irrigation and the Director-in-charge of the Central Cattle Breeding Farm. According to a reply received from the Ministry of Agriculture & Irrigation, the Director-in-charge of the farm had been asked to take back the applicant on duty.

8. A Lower Division Clerk working in the Ministry of Information & Broadcasting approached the Commissioner in November, 1979 with a complaint that his Annual Confidential Report for the year 1978 was spoiled by his superior officer deliberately. It was further stated by him that the officer who incorporated adverse entries in his C.R. had never done so previously although he was working under the same officer since 1972. The matter was taken up with the Ministry of Information & Broadcasting who after reconsidering the case informed this office in March, 1980 that adverse entries in the confidential report were improved so that he may not lose his chance for confirmation, promotion etc.

9. A Lower Division Clerk working in Regional Office, Directorate of Field Publicity, Chandigarh, who belonged to the Scheduled Caste, represented to the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1979 that he was ignored at the time of promotion to the posts of U.D.C. despite there being a vacancy reserved for Scheduled Caste. The case was taken up with the concerned office who informed this office in March, 1980 that the Lower Division Clerk concerned had since been promoted to the post of Upper Division Clerk.

10. One Lower Division Clerk belonging to Scheduled Caste and working under the Director General, All India Radio approached the Office of the Commissioner for Scheduled Castes and Scheduled Tribes in June, 1978 that his case of confirmation was badly delayed, which had rendered him junior to many of his colleagues appointed at a later date. The case was taken up with the Ministry of Information & Broadcasting who informed in April, 1979 that his case was under consideration in consultation with the Department of Personnel & Administrative Reforms. It was only in the month of March, 1980 that the Ministry informed this office that seniority of the concerned empoyee had been refixed retrospectively with effect from 1-5-1967 and he was also granted proforma promotion in Upper Division grade w.e.f. 23-7-1979.

11. Hindustan Organic Chemicals Scheduled Castes and Scheduled Tribes Employees' Welfare Association, Rasayani represented to the Commissioner regarding alleged denial of promotion to a Scheduled Caste person against the reserved post of Office Superintendent Grade II. The case was taken up with the concerned authorities who in the first instance informed that the minimum prescribed experience in the lower post is 3 years for general candidates and 2 years for Scheduled Caste/Scheduled Tribe candidates for promotion. They stated that they promoted a Scheduled Caste person as Office Assistant by allowing relaxation in experience. This, however, aroused a great deal of opposition from the employees belonging to general category against granting of relaxation and thereby giving promotion to a Scheduled Caste person. As a result, they cancelled the test and interview proposed to be held in November, 1979. The matter was again taken up with the authorities and the Scheduled Caste person

concerned was promoted to the post of Office Assistant Grade (C) by granting relaxation in standards of experience and interview.

12. A representation was received in November, 1977 from a Head Constable belonging to the Scheduled Caste working with Delhi Armed Police requesting the Commissioner for Scheduled Castes and Scheduled Tribes to intervene in the matter of his transfer near to his native place. The matter was taken up with the Delhi Police who informed that the Head Constables were drawn from Delhi Armed Police according to their seniority against available vacancies in Delhi Police. Therefore, Head Constable concerned was to be transferred out of Delhi Armed Police on his turn only. This information was conveyed to the Head Constable concerned in May, 1978. Subsequently a letter was received from Delhi Armed Police requesting for a copy of the application submitted by the Head Constable concerned to them as the same was required in connection with a departmental enquiry contemplated against him for approaching the organisation of Commissioner for Scheduled Castes and Scheduled Tribes. A copy of d.o. letter written from this office in the case was made available to Delhi Police authorities as desired. In June, 1978 it was learnt that the Head Constable was being dealt with departmentally for violating departmental rules for approaching Commissioner for Scheduled Castes and Scheduled Tribes direct to ventilate his grievances. Delhi Police authorities were informed about the powers and responsibilities of the Commissioner for Scheduled Castes and Scheduled Tribes. In the meantime Head Constable concerned had denied having sent any representation to this office in the matter. Delhi Police authorities, however, informed that a policy decision was being sought from the Ministry of Home Affairs in the matter. In November, 1978 it was learnt that departmental enquiry against the Head Constable had been kept pending till a decision was received from the Ministry of Home Affairs. After persistent correspondence, it was intimated in April, 1980 that the departmental enquiry against the Head Constable concerned has been dropped and he had also been transferred from Delhi Armed Police.

13. A Personal Assistant who belonged to the Scheduled Caste and was working in Rural Electrification Corporation represented to the Commissioner for Scheduled Castes and Scheduled Tribes in December, 1979 that he was facing tremendous hardship at Rural Electrification Corporation, Regional Office, Chandigarh. Therefore he should be transferred to Head Office at Delhi, so that he can live with his family. The matter was taken up with the Chairman, Rural Electrification Corporation, who considered his request favourably and an intimation was sent to this office in January, 1980 that orders for his transfer had already been issued which were to be executed as soon as his substitute joined at Chandigarh. This was communicated to the representationist who again complained in February, 1980 that the orders were yet to be executed. The matter was again taken up and it was learnt in May, 1980 that the concerned person had since joined duties at New Delhi.

14. A Junior Engineer who belonged to the Scheduled Caste and was working in Central Public Works Department represented to the Commissioner for Scheduled Castes and Scheduled Tribes in April, 1979 that he had been superseded in the matter of promotion by one of his juniors. The matter was taken up with the Director General of Works who informed in March, 1980 that the concerned Junior Engineer has since been promoted as Assistant Engineer in Novermer, 1979.

15. An Assistant Grade II working in District Office, Food Corporation of India, Nalgonda, Andhra Pradesh represented to the Commissioner for Scheduled Castes and Scheduled Tribes in December, 1979 that he was facing great hardship by being at Nalgonda which was far away from his home town, Kottayam, Kerala. He requested that he should be transferred to his home town. The case was taken up with the Chairman, Food Corporation of India for sympathetic consideration who in March, 1980 informed that the request of the person concerned had been acceded to and he had been transferred to Kerala.

16. A Divisional Accountant working in the Accounts Office, Central Ground Water Division No. 1, Ahmedabad represented to the Commissioner for Scheduled Castes and Scheduled Tribes in December, 1976 that he was being transferred unwillingly to the Ministry of Agriculture and Irrigation, New Delhi. He stated in his representation that since he was well settled in Gujarat his transfer at that stage to any other place will cause him a good deal of hardship more so when his family members were suffering from many chronic ailments. The matter was taken up with the Ministry of Agriculture & Irrigation, New Delhi. In May, 1977 Ministry of Agriculture & Irrigation informed the Commissioner that the case for retention of the concerned employee was under consideration in consultation with the Ministry of Finance. Ultimately after several reminders it was learnt in the month of November, 1977 that the request of the

concerned person had been acceded to and Accountant General, Ahmedabad had been advised to take necessary action to take him under his charge on transfer from Central Ground Water Board so that the concerned employee remains at Ahmedabad. He was not, however, released for a long time, the matter was taken up 'de novo' with the Central Ground Water Board authorities and after a protracted correspondence with that office and also with the Department of Agriculture, it was intimated in June, 1979 that the matter was vigorously pursued to provide a substitute to Central Ground Water Board so that the concerned employee is released to join office of Accountant General, Ahmedabad. The substitute could not be provided for a long time and the issue continued to be pending. It was intimated only in February, 1980 that a substitute had been provided and the concerned employee will be relieved shortly. The compliance report has since been received only in April, 1980 indicating that the concerned employee had actually been relieved to join Accountant General, Ahmedabad.

17. An Office Superintendent in Central Public Works Department represented to the Commissioner for Scheduled Castes and Scheduled Tribes in June, 1979 that he was unjustly reverted to a lower post of Head Clerk consequent upon his overstayal on leave. Moreover he was being harassed by withholding his leave salary and transfer outside Calcutta, even though he was already 55 years old. The matter was taken up with the Director General of works, who informed in January, 1980 that the concerned employee had since been reinstated as Office Superintendent and had been posted at Calcutta itself. However, the penalty imposed upon him of reduction in rank was modified as reduction in pay.

18. A Scheduled Caste employee of India Security Press, Nasik represented to the Commissioner for Scheduled Castes and Scheduled Tribes in January, 1976 that he was working in Guillotine Section as Class I Cutter since October, 1958 but was not being considered for promotion. It was also alleged that four other workers belonging to general category also working as Class I Cutters from periods ranging from 1968 to 1972 had superseded him in promotion to higher grade while he was ignored all the time. In the same month of January, 1976 another employee belonging to Scheduled Caste approached the Commissioner that he was also working in the same Section as Senior Cutter for a long time but he was too superseded by a general category candidate. Nearabout this time eight Assistant Cutters belonging to Scheduled Castes and working in the above mentioned section complained to this office that some employees not directly in line of promotion had been promoted while their claims were ignored. Since the situation was considered as very grave the issues were immediately taken up with the India Security Press, Nasik in February, 1976 who informed in March, 1976 that the two individuals in Guillotine Section voluntarily withdrew their candidature for higher grade and did not participate in the Trade Test, on the basis of which promotions were to be made. About the other cases, the India Security Press authorities informed that the persons who were mentioned as Junior by the eight Assistant Cutters in their representation were actually senior to them by virtue of their former service in Binder Section of the India Security Press which was closed in 1968-69. Since the reply was silent about the reserved quota prescribed in the promotions, statistical details of these promotions/appointments were called for in May, 1976 but India Security Press authorities did not reply despite repeated reminders. It was only in February, 1980 that the India Security Press authorities informed this office that there were five candidates belonging to Scheduled Caste and one to Scheduled Tribe in 11 promotions from 1-8-1975 in the grade of Guillotine Cutters. Similarly against 18 promotions effected from 1-8-1975 in the grade of Assistant Guillotine Cutter, 4 and 1 candidates belonged to Scheduled Castes and Scheduled Tribes respectively. In the same month it was also learnt that India Security Press authorities had meanwhile promoted and upgraded all the complaints who represented in the month of January, 1976.

19. An Assistant Education Officer in Central Hindi Directorate represented to the Commissioner for Scheduled Castes and Scheduled Tribes in May, 1979 that he was not considered for promotion as Assistant Director in Central Hindi Directorate. Out of 4 posts none was filled by a candidate belonging to Scheduled Caste though he was fully satisfying the eligibility conditions laid down for the same. The matter was taken up with the Ministry of Education and Social Welfare who informed in the same month that the concerned person was not within the zone of consideration. There was no other Scheduled Caste candidate also in the zone of consideration. It was also intimated that the Departmental Promotion Committee recommended dereservation of one post reserved for Scheduled Caste and a general category candidate was recommended instead. When this information was conveyed to the representationist, he came out with the fact that Departmental Promotion Committee did not exercise its

jurisdiction properly, as they were fully competent to extend the eligibility zone so that eligibility of a Scheduled Caste candidate could be considered for promotion. The matter was taken up 'de novo' with the Deputy Secretary concerned in the Department pointing out to him that while the recruitment rules can be framed differently for different disciplines, the persons belonging to particular discipline for promotion to vacancies in other disciplines could also be considered if they fulfil other conditions required for promotion. It was suggested that for the group of languages, linguistics and humanities group (to which representationist belonged) only such persons who fulfil the experience requiremeents of that group are to be brought within the zone of consideration and selections made accordingly. Department of Personnel & Administrative Reforms were also advised to defer their approval to the proposal of dereservation until the issue was settled. The case lingered on and it was learnt in April, 1979 that the matter was re-examined in consultation with Union Public Service Commission, who had suggested further review of the panel of promotions to the post of Asstt. Directors. The matter continued to be pursued and it was intimated in August, 1979 that the representationist was considered alongwith other officers and given promotion.

20. A Senior Engineering Assistant working in All India Radio, Teju, Arunachal Pradesh who belonged to Scheduled Tribe represented to this office in May, 1979 that his seniority in the grade had been fixed wrongly which resulted in the loss of pay and other incidental benefits to him. The matter was taken up with the Director General, All India Radio who informed this office in May, 1980 that the case of the person concerned was considered by them and it was decided to grant notional promotion to him from the earlier date. His seniority had also been antedated and pay fixed under F.R. 27.

21. Two Engineering Assistants, belonging to the Scheduled Castes, working in All India Radio represented to this office in September, 1978 that their claims for promotion against reserved quota were being ignored by the authorities. The matter was taken up with the Director General, All India Radio in the same month and after a protracted correspondence it was intimated that they had already prepared a panel for promotion taking into account the reserved quota. The names of the concerned persons were, however, at the bottom of *inter se* seniority list and, therefore, they were awaiting their promotion. In May, 1980 all the remaining Engineering Assistants in the panel had been promoted as Senior Engineering Assistants

22. A widow belonging to Scheduled Caste approached the Commissioner for Scheduled Castes and Scheduled Tribes in May, 1979 that her husband who was working as Helper in Department of Atomic Energy had expired and she was facing great financial difficulties because of non-payment of pension and suitable employment assistance to her son. The matter was taken up with the Atomic Minerals Division for sympathetic consideration. That office informed in March, 1980 that the relevant papers were being sent to the Sr. Administrative and Accounts Officer, Atomic Minerals Division, Hyderabad for further necessary action. When the matter was taken up with that office, it was learnt in May, 1980 that the family of the deceased had already been paid the amount of death-cum-retirement gratuity and other terminal benefits. The reason for delay in payment was stated to be the late submission of documents by the widow of the deceased. Regarding the case of employment to her son it was intimated that her son was already working in one of the field units of the Division as daily rated labourer. This information was conveyed to the representationist. In response to the communication, it was stated that her son had worked on daily wages only for 20 days, that too in July, 1979 and the Atomic Minerals Division had furnished wrong information. To sort out the matter personal contact was established with the Administrative Officer, Atomic Minerals Division, New Delhi. As a result thereof the son of the deceased employee was appointed in Atomic Minerals Division on regular basis.

23. A retired Superintendent, Central Excise, who belonged to the Scheduled Caste requested the Commissioner for Scheduled Castes and Scheduled Tribes in February, 1980 that a portion of his dearness allowance has not been treated as his pay for the purpose of pensionary benefits only because he failed to opt for the same in time due to the fact that he was on leave during the period when the options were called for. The matter was taken up with the Ministry of Finance, who informed this office in May, 1980 that the person concerned has since been allowed pensionary benefits in terms of revised option given by him.

24. A UDC working in Madras Central Electricity Division, Central Public Works Department belonging to Scheduled Caste represented to this office in January, 1979 that his seniority in the grade of UDCs has been fixed wrongly which has resulted in denial of promotion to him. The matter was taken up with the Central Public Works Department who informed in February, 1979 that it was not

possible for them to restore his seniority to a date prior to 27-11-1972 *i.e.* when the orders for reservation in promotion on the basis of seniority-cum-fitness were issued. The issue was taken up again with the authorities pointing out that fixation of seniority has to be viewed differently from promotion and the issue was to be re-examined keeping that fact in view. After some correspondence it was intimated in December, 1979 that the Director General of Works had ordered Superintending Engineer concerned that the action to fix the seniority of the complainant should have been taken up immediately after his promotion to the grade of UDC *i.e.* 2-6-1971 and his pay should, therefore, be notionally fixed without any benefit of arrears. As a result the Superintending Engineer took decision to revise the seniority of the concerned UDC and he was placed above his juniors who were promoted ahead of him.

25. A Deputy National Savings Commissioner belonging to Scheduled Caste represented to this office in November, 1976 that his claim for sponsorship to management training programme at Bangkok was ignored despite clear instructions of Department of Personnel and Administrative Reforms in the matter. When the matter was taken up with the Ministry of Finance, Department of Economic Affairs it was intimated that since the concerned officer happened to be seniormost officer in the National Savings Organisation and was performing the duties of National Savings Commissioner he could not be spared for attending the seminar. Soon after another representation was received from the officer that although he had put in 16 years of Class I service in National Savings Organisation, 9 years more than the requirement laid down in the recruitment rules for promotion, he was not being considered for promotion as Joint National Savings Commissioner. The matter was taken up again with the Ministry of Finance, Department of Economic Affairs who informed that the officer concerned was yet to complete the period of probation of two years in the post of Dy. National Savings Commissioner. Therefore, he could not be considered for promotion. On receipt of this information, it was brought to the notice of the Department of Economic Affairs that although the officer concerned did not complete stipulated probation period, the duration of shortfall was small to warrant relaxation. It was further pointed out to them that he could be promoted at least on *ad hoc* basis pending successful completion of probation. In March, 1978 the officer concerned himself pointed out that there had been instances of relaxation on this ground in the past. Ultimately, in May, 1978 the case was brought to the notice of the Minister of State for Finance who assured consideration of representationist's claims for promotion as soon as he completed three years service as Dy. National Savings Commissioner. After a protracted correspondence, it was learnt in May, 1980 that the representationist had already been promoted as Joint National Savings Commissioner on *ad hoc* basis and the question of filling up the post on regular basis was to be considered after the amendment of recruitment rules.

26. A Lecturer belonging to the Scheduled Caste who was working in Heavy Vehicles Factory, Madras represented to the Commissioner for Scheduled Castes and Scheduled Tribes in January, 1979 that he was removed from service in an unjustified manner without conducting proper enquiry and without looking into the gravity of the charges levelled against him. A report was called for from the Department of Defence Production in this regard who considered his request sympathetically and reinstated him in service w.e.f. 4-12-1979 (FN) after reducing the penalty from removal from service to that of reduction of pay to the minimum of pay scale for a period of 3 years.

27. A Deputy Office Superintendent belonging to the Scheduled Caste and working in Kurnool Division of Central Excise represented to the Commissioner for Scheduled Castes and Scheduled Tribes in April, 1979 that although he had successfully completed required years of service for promotion as Office Superintendent he was not being considered for promotion against one of the reserved vacancies out of 5 being filled by the Central Excise Collectorate. The matter was taken up with the Central Board of Excise & Customs who informed in February, 1980 that the person concerned had been promoted as Office Superintendent.

28. An Assistant Chemist, belonging to the Scheduled Caste, working in Solvent Extraction Plant, Food Corporation of India, Sembanarkoil represented to the Commissioner for Scheduled Castes and Scheduled Tribes that although he had completed 3 years of service and had become eligible for promotion as Chemist, his case was not considered favourably by Zonal Manager, Food Corporation of India, Madras. A report was called for from the authorities who informed after a month or so that the concerned employee had been promoted as Chemist and posted in Tamil Nadu itself.

29. A Barkandaz, belonging to the Scheduled Caste, working in Drought Area Study Division, Central Water Commission, Pune

represented to the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1979 that he was facing great hardship during his stay at Pune, a place away from his native town. He had requested that he may be transferred to Miraj which happened to be his home town. The matter was taken up with the Central Water Commission, who considered the request of the person concerned sympathetically and posted him to Miraj.

30. A Technical Assistant working in the Directorate of Economics & Statistics represented to the Commissioner for Scheduled Castes and Scheduled Tribes in January, 1979 that he was superseded in the matter of promotion as Technical Assistant by general category candiddates. He had also alleged that no reservation was provided for Scheduled Castes & Scheduled Tribes in these promotions. The matter was taken up with the Directorate of Economics & Statistics in the Department of Agriculture who intimated after a full year that the representationist had been promoted as Technical Assistant against a reserved post.

31. An employee, belonging to the Scheduled Caste, working in the Food Corporation of India, Balasore approached the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1979 that he was facing difficulties in getting House Building Advance sanctioned to him by the Food Corporation of India. The matter was taken up with the Food Corporation of India management who informed in March, 1980 that necessary sanction for House Building Advance had already been accorded on completion of all the formalities required.

32. A Deputy Manager belonging to the Scheduled Caste and working in the Food Corporation of India, Regional Office, Chandigarh represented to the Commissioner for Scheduled Castes and Scheduled Tribes in February, 1979 that orders were being issued to terminate his services after he had served Food Corporation of India for full two years. The matter was taken up with the Food Corporation India, Head Office who informed in March, 1979 that the initial period of probation was not found to be satisfactory. It did not even improve in the extended period of probation. On receiving this information copies of annual C. Rs. of the representationist were called for to verify whether his performance actually warranted termination of his services. As a last resort the matter was taken up with the Chairman, Food Corporation of India. The matter lingered on and it was learnt only in March, 1980 that representationist had been reinstated in service of the Food Corporation of India as Deputy Manager.

33. An Executive Engineer belonging to Scheduled Caste working in Public Works Department, State Government of Punjab represented to the Commissioner for Scheduled Castes and Scheduled Tribes in July, 1977 alleging that he was denied promotion against a reserved post of Superintending Engineer w.e.f. 4th July, 1977 while a general candidate was given promotion on *ad hoc* basis against that post. The matter was taken up with the concerned department in August, 1977 and subsequently followed up regularly. As there was no response from the concerned department, the matter was brought to the notice of the Chief Minister of Punjab in May, 1978 who in turn informed the Commissioner for Scheduled Castes and Scheduled Tribes in December, 1978 that the concerned officer was promoted as Superintending Engineer *vide* State Government Order dated 8-12-1978. The Officer concerned was not satisfied with this and again represented to the Commissioner for his promotion to give effect from back date *i.e.* 4-7-1977. This matter was taken up with the State Government in February, 1979 who informed in June, 1979 that the request of the Officer was carefully considered but rejected.

34. A Technical Assistant working in National Building Organisation, who belonged to Scheduled Castes brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes in May, 1979, that his claim for promotion to the post of Assistant Director had been side-tracked due to wrong dereservation of the post reserved for a Scheduled Caste candidate. He claimed that when the post in question was filled up he had become eligible for promotion and as such he should not have been ignored, more so when he was fulfilling all the required conditions for promotion to the post. A report was called for from the National Building Organisation, who informed in March 1980 that the case was referred to the Ministry for their perusal and decision. The matter continued to remain pending and in the meantime the issue was referred to the Department of Personnel and Administrative Reforms for clarification. Ultimately it was learned in October 1980 that the claim of the person concerned was examined by the Department of Personnel and Administrative Reforms and he had been promoted as Assistant Director with effect from 13-10-1980.

35. A representation was received from the Palika Karamchari Ekta Congress (Regd.) in October, 1974 stating that against a reserved post of Chief Sanitary Inspector, NDMC promoted an employee who did not belong to a Scheduled Caste and who had not pro-

duced any certificate in support of his claim to belong to the Scheduled Caste at any stage of his official career. The matter was taken up for facts of the case with the NDMC, who had claimed that the employee concerned belonged to the Scheduled Caste as per the verbal statement of one of the Members of NDMC, belonging to the Scheduled Caste. As a result thereof his case was considered for promotion and he was promoted against the reserved vacancy even though his service record was not clean. The point which we had made for the consideration of the NDMC was that according to existing rules unless a person produced a Caste/Tribe certificate on the prescribed form from a competent authority in support of his claim, he could not be considered as belonging to the Scheduled Caste/Scheduled Tribe merely on the basis of a statement of a member of NDMC and that too a verbal one. In the circumstances the promotion made against a reserved post would not be deemed to be in accordance with the rules. The matter remained under correspondence till October, 1977 with the NDMC authorities who did not agree to our point of view. The case was, therefore, brought to the notice of Department of Personnel and Administrative Reforms in November, 1977 with a request to clarify the position as per rules. The Department referred the matter to the NDMC authorities for clarification on the points raised by this office. As there was no response, we were obliged to write to the Ministry of Home Affairs (SC & BCD Division) in July, 1978. That Division passed on the papers to the Ministry of Home Affairs. Delhi Section which had also received a communication in the meantime from the Department of Personnel and Administrative Reforms in the matter. Ministry of Home Affairs referred the case to the Ministry of Works & Housing for clarification in spite of the fact that it was pointed out by us that the matter had once been taken up with that Ministry who had replied that in such matters they were not the competent authority. However, in June, 1978 the Ministry of Works & Housing replied, sending a copy of a Parliament Question answered by the Minister in the Ministry of Home Affairs. In answer to part (b) of the question, it had been stated that "there is no objection to Government servants being allowed prospective benefits admissible to a member of Scheduled Caste who puts in claims of belonging to Scheduled Caste, after having rendered service for some years, provided he can give a satisfactory explanation for not making such a claim at the time of his appointment and can, further produce adequate documentary evidence to proving the genuineness of his belated claim." Even after bringing this aspect to the notice of the Ministry of Home Affairs, the matter remained pending in that Ministry from January, 1978 onwards. At one stage it was suggested that the long pending matter might be disposed of through discussion but the Ministry of Home Affairs, (SC & BCD) did not take notice of this approach from the office of the Commissioner for Scheduled Castes and Scheduled Tribes. We were, however, informed in January, 1981 that the opinion of the Ministry of Law had been obtained in the matter according to which a candidate belonging to Scheduled Caste/Scheduled Tribe could be given service benefits as Scheduled Caste/Scheduled Tribe from the date he put his claim. Thus, after so many years, an important point pressed by this office was conceded that a person who had not claimed any benefit/concession on the basis of a Scheduled Caste certificate during his service period, could not be considered to belong to the Scheduled Caste, until he had put his claim to belong to that category. It is worth mentioning here that for this clarification the matter had been pending with the Department of Personnel and Administrative Reforms and the Ministry of Home Affairs from November, 1977. The NDMC authorities were, therefore, asked to review the position in the light of the clarification given by the Ministry of Home Affairs but strangely enough the NDMC have declined to take the remedial action on the plea that the Chief Sanitary Inspector the aggrieved party had since been promoted as A.M.O. (Non-Tech.) and he had requested that his representation may be filed. In this connection it may be stated that the person concerned might have been promoted in the normal manner. But if his promotion is conditional upon his withdrawing the long-standing complaint, it amounts to circumventing the process of natural justice. Besides the Commissioner for Scheduled Castes and Scheduled Tribes, who has pursued this case as a matter of principle, cannot rest contented and convinced that the aggrieved party has been provided with the benefit of promotion, the matter should not be pursued to its logical conclusion of administering the natural justice. The NDMC are being advised to review the case to give seniority to the concerned person in the grade of Chief Sanitary Inspector, from the due date with monetary benefits as also to take suitable action against the Officers who have misguided their senior officers and unnecessarily lingered on the matter.

CHAPTER 4

ECONOMIC DEVELOPMENT

Expenditure on Development Plans for Backward Classes

From the beginning of the First Five Year Plan, provision for various welfare schemes for the Scheduled Castes and Scheduled Tribes, has been made under the Backward Classes Sectors of the Central and State plans. Information regarding the expenditure incurred on development plans for the backward classes in the Central and State Sectors from the First Five Year Plan to the year 1980-81 is given below :

(Rs. in crores)

S. No.	Plan	Scheduled Castes	Scheduled Tribes	Other Backward communities	Voluntary Organisations	Total
1	2	3	4	5	6	7
1.	First Plan	7.08	19.83	3.13	..	30.04
2.	Second Plan	27.48	42.92	8.14	0.87	79.41
3.	Third Plan	37.78	51.05	9.82	1.75	100.40
4.	1966-69	26.47	34.54	6.75	0.74	68.50
5.	Fourth Plan	61.12	80.89	22.23	2.00	166.34
6.	Fifth Plan (1974-79)	220.07	76.12	24.90	2.46	323.55*
7	1979-80	54.24	19.35	1.21	0.79	75.59@
8.	Sixth Plan Outlay (1980-85) @@	N.A.	N.A.	N.A.	N.A.	951.00**
9.	1980-81 (Ant. Exp.)	N.A.	N.A.	N.A.	N.A.	135.08

**Excluding Rs. 9.30 crores spent on Direction and Administration.

*Excluding Rs. 1.53 crores spent on Direction and Administration.

@Excluding Rs. 0.72 crore spent on Direction and Administration.

@@Does not include special Central Assistance of Rs. 470 crores for Tribal Sub-Plans and Rs. 600 crores for Special Central Assistance for Scheduled Castes.

4.2 The Programmes for the development of the Scheduled Castes and Scheduled Tribes in the Backward Classes Sector were conceived as a supplement to the total development effort under general sectors of development. In practice, however, these programmes substituted the benefits available to the Scheduled Castes and Scheduled Tribes under the normal development schemes, resulting in a much lower investment for their development, than was envisaged.

4.3 In the Fifth Plan, for the first time, a strategy of earmarking funds from the general sectors for the development of Scheduled Tribes was evolved. The allocations under the Backward Classes Sector were to continue as supplementary programmes. In the guidelines to the State Governments, the modalities of quantifying funds from identifiable programme were issued. Separate Sub-Plans were formulated covering 63 per cent of the tribal population in the country, in 16 States and 2 Union Territories during the Fifth Plan period. In the Sixth Plan, some further areas of tribal population will be covered by tribal Sub-Plans by identifying tribal pockets of 50 per cent concentration in a population of 10,000 in contiguous areas. The coverage of tribal population is thus likely to go up to 75 per cent. In the Sub-Plans, the funds quantified from the State Plans were to be pooled with investments from the Central Ministries and Special Assistance. For the Sixth Plan, an amount of Rs. 470 crores has been provided as Special Central Assistance for tribal sub-plans.

4.4 From the year 1978-79, the State Governments were asked to quantity funds from general sectors for the Special component Plans for Scheduled Castes, on the lines of the tribal sub-plans. Such plans were formulated in 18 States by 1980-81, to enable 50 per cent Scheduled Caste families to cross the poverty line within a short period. The funds quantified from the Special Component Plans for Scheduled Castes were to be pooled with the Special Central Assistance. Amounts of Rs. 5 crores and Rs. 100 crores were provided as Special Central Assistance during the years 1979-80 and 1980-81 respectively. An amount of Rs. 600 crores has been provided for this purpose in the Sixth Plan.

CENTRALLY SPONSORED SCHEMES

4.5 In the Central Sector, schemes, like award of post-matric scholarships to Scheduled Caste/Tribes students, prematric scholarships to children of these engaged in unclean occupations, book banks for Scheduled Caste/Tribe medical and Engineering students, girls' hostels, coaching and allied schemes, research and training, machinery for implementation of the Protection of Civil Rights Act, aid to voluntary organisations, financial assistance for Development Corporations for Scheduled Caste and Scheduled Tribes have been taken up. Besides, Special Central Assistance for the tribal sub-plans as well as Special Component Plans for Scheduled Castes is also being provided. The expenditure incurred during the Fifth Plan period, 1978-79, 1979-80, the outlay made for the

Sixth Plan period and anticipated expenditure during 1980-81 under the Central Sector may be seen in the table below :—

(Rs. in crores)

S. No.	Programme	Expenditure incurred during Fifth Plan 1974-78	Expenditure incurred during 1978-79	Expenditure during 1979-80	Sixth Five Year Plan Outlay 1980—85	Anticipated Expenditure during 1980-81
1	2	3	4	5	6	7
1.	Post-matric Scholarships for Scheduled Castes and Scheduled Tribes.	73.05	21.84	7.56	130.00	20.00
2.	**Pre-matric Scholarships for children of those engaged in unclean occupations.	..	0.12	0.07	8.00	0.31
3.	**Book Banks for Scheduled Caste/ Scheduled Tribe Medical and Engineering students.	..	0.49	0.10	3.00	0.30
4.	**Girls Hostels.	1.46	0.50	1.43	13.00	1.45
5.	**Coaching and Allied Schemes.	0.94	0.29	0.22	3.50	0.50
6.	**Research and Training.	..	..	..	4.00	0.45
7.	**Machinery for implementation of the Protection of Civil Rights Act.	0.18	0.45	0.36	6.00	2.00
8.	Aid to Voluntary Organisations.	1.82	0.63	0.79	7.50	1.25
9.	**Scheduled Castes Development Corporations.	..	0.50	12.24	65.00	12.00
	GRAND TOTAL	77.45	24.82	22.77	240.00	38.26
	Special Central Assistance for Special Component Plans for Scheduled Castes.	..	..	5.00	600.00	100.00@
	Special Central Assistance for Tribal Sub-Plans.	119.31	70.00	70.00	470.00	70.00@

**Indicates the schemes for which financing is done on a sharing basis between the Centre and the States from the year 1979-80.

@Amounts released by the Govt. of India.

Post-matric scholarships for Scheduled Castes and Scheduled Tribes

4.6 The Centrally Sponsored Scheme of Post-matric Scholarships to Scheduled Caste and Scheduled Tribe students is one of the most important schemes under the Central Sector, to encourage higher education among the students belonging to these communities During the year 1979-80, 5 lakh Scheduled Caste/ Tribe students benefited from the scheme. The target fixed for the Sixth Plan period is 35 lakhs Scheduled Caste and Scheduled Tribe students while for the year 1980-81 a target of 5.57 lakh students was fixed.

Pre-matric scholarships to children of these engaged in unclean occupations

4.7 Under this scheme, financial assistance is provided to the State Governments for the award of 1,000 scholarships to the children of the families engaged in the so-called 'unclean' occupations, at the rate of Rs. 100 per month, in classes VI to X for meeting the expenditure on tuition fees, boarding and lodging, books, equipments and other incidental charges. An additional allowance, of Rs. 45 per month is given to cover expenditure for uniforms, clothing, etc.

Book banks for Scheduled Castes and Scheduled Tribes

4.8 Under this scheme, book banks are established in the medical/engineering colleges in the country to provide text-books prescribed for medical and engineering courses to Scheduled Caste and Schduled Tribe students who can not afford to purchase these costly books.

Girls hostels

4.9 The scheme of girls hostels was initiated during the Third Plan period. Initially, the scheme provided for construction and expansion of hostel buildings for girls. During the Fifth Five Year Plan, the scope of the scheme was expanded to incorporate provision for ancillary facilities and assistance for non-recurring items.

Coaching and allied schemes

4.10 This scheme was initiated in the Third Plan period with the main object of improving the representation of Scheduled Caste/Tribe candidates in various government services, public sector undertakings, banks, etc. There are separate pre-examination training centres for preparing these candidates for all-India services, State Civil Services and for Engineering Services. An expenditure of Rs. 94 lakhs was reported to have been incurred on the scheme during the Fifth Plan period.

Machinery for the implementation of the Protection of the Civil Rights Act

4.11 In this scheme, grants-in-aid are given to the State Governments for the proper and effective implementation of the Protection of Civil Rights Act, Section 15A of which enjoins upon the Central and State

Government to undertake specific measures for ensuring that the rights arising from the abolition of untouchability are made available and are availed of by the persons subject to any disability arising out of untouchability. An amount of Rs. 18 lakhs was spent during the Fifth Plan period under the scheme.

Central Assistance for Scheduled Castes Development Corporations

4.12 Under this scheme which was introduced in 1978-79, Central assistance is given to the State Government for investment in the share capitals of Scheduled Castes Development Corporations, so that the Government of India's assistance bears the ratio of 49:51 to the investment made in the Corporations by the State Governments. So far, 17 State Governments/ Union Territory Administrations with larger populations of Scheduled Castes have set up Scheduled Castes Development Corporations. An amount of Rs. 65 crores has been provided under the scheme for the Sixth Plan period.

Aid to Voluntary Organisations

4.13 Under the Central Scheme 'Aid to Voluntary Organisations', grants-in-aid are disbursed by the Union Ministry of Home Affairs to the non-official voluntary organisations of an all-India Character dealing with programmes/schemes for the benefit of the Scheduled Castes and Scheduled Tribes. The aim of the scheme is to improve the educational and socio-economic conditions of the Scheduled Castes/Tribes through voluntary efforts.

STATE SECTORS SCHEMES

Expenditure incurred on the Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes

4.14 Available information regarding the overall expenditure incurred during the years 1978-79 to 1979—81, is given in the table below :—

(Rs. in lakhs)

S. No.	Category	Expenditure incurred during 1978-79	1979-80	1980-81
1	2	3	4	5
1.	Scheduled Castes . .	3676.71	3094.79	N.A.
2.	Scheduled Tribes . .	2290.59	1678.26	N.A.
3.	Other Backward Classes	1620.68	735.69	N.A.
	TOTAL . .	7587.98	5508.74	9681.94

Available State-wise information regarding the expenditure incurred and physical targets achieved in respect of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, etc., during the years 1978-79 and 1979-80 may be seen in Statement Nos. 1 and 2, at Appendix XLIII.

Special Component Plans for Scheduled Castes

4.15 The Scheduled Castes comprise 15.5 per cent of the country's population but their proportion@ among the poverty groups is much larger. It is estimated that about 52% of all the Scheduled Caste workers are agricultural labourers, 28 per cent are cultivators, mostly small and marginal farmers, share croppers, tenants etc. almost all primary leather workers belong to the Scheduled Castes; in the Western region almost all weavers and in the Eastern region almost all fishermen belong to these communities. These-called 'unclean' occupations like scavenging, sweeping, flaying, tanning etc., are almost entirely manned by Scheduled Caste persons. These categories who are among the poorest of all those who live below the poverty line, account for almost all the Scheduled Castes in the country. It is also estimated that about two-thirds of the bonded labourers in the country belong to the Scheduled Castes. However, unlike the Scheduled Tribes who are concentrated in certain areas, the Scheduled Castes live alongwith the rest of the population in all the villages in most parts of the country. The Area Development approach is not, therefore, relevant in the case of the Scheduled Castes.

Developmental strategy for Scheduled Castes in retrospect

4.16 Under the successive Five Year Plans, funds for the implementation of the various programmes for the Scheduled Castes were allocated mainly under the Backward Classes Sector. But these allocations were quite inadequate as compared to the population of the target groups among these communities. From the Fifth Plan onwards, the strategy for the development of Scheduled Castes was to provide the major thrust to development through schemes under the general sectors. These were to be supplemented by programmes under the Backward Classes Sector. Some State Governments attempted to quantify provisions from general sectors for the Scheduled Castes. However, by the end of the Fifth Plan, it became apparent that attempts to quantify financial and physical benefits to Scheduled Castes had not achieved the desired results. It was also noticed that general sectors of Development were not allocating funds for the betterment of the Scheduled Castes to the desired extent and they were mostly regarded as the responsibility of the backward classes sector, in this connection it was repeatedly pointed out in Commissioner's earlier Reports that the provisions made in the Backward Classes Sector were intended to supplement and not to supplant the General Sector Programmes. It was, therefore, suggested that the earmarking of funds for the development of the Scheduled Castes from the General Sector should be built into the procedures for the operation of various schemes both at the Central and State levels, at the time of formulating the schemes. As already pointed

@The distribution of Scheduled Caste families in different occupational categories as well as the population of identified occupations of Scheduled Castes, the names of communities and the States/Union Territories where they are found, may be seen at Appendices XLIV and XLV.

out in the previous Report, it was, however, unfortunate that serious efforts were never made by most of the authorities concerned to actually carry out this decision with the result that by and large, inadequate programmes taken up under the Backward Classes Sector, were the only avenues for their development and they continued to be deprived of the benefits of programmes under the general sectors of development.

4.17 Realising the need for Special Development planning for these communities, the Government of India asked the State Governments concerned to prepare Special Component Plans for them, for the first time for the year 1979-80. In these plans, the existing schemes in each Sector of development which could directly benefit the Scheduled Caste families were to be identified, earmarking provisions from the Sectoral plans in proportion to the Scheduled Castes population in the target groups, providing institutional credit and marketing facilities and extending adequate social amenities to Scheduled Caste families particularly, to those below the poverty line. There were to be two aspects of the Special Component Plans, *viz.*, direct help through family and individual oriented programmes aimed at the economic development of the Scheduled Castes, the objective being to provide income-generating assets and skills to the Scheduled Caste families, so that they ceased to be dependent on their exploiters and oppressors for their livelihood. The second aspect was, to help the Scheduled Castes through the provision of services and other facilities. Here, habitation-oriented schemes like provision of drinking water, drainage, health services, house-sites and housing, electricity, etc., and programme for extending facilities like education, vocational guidance, etc., were to be included. The programmes in order to be really effective were supposed to meet the total requirements of the families and tackle all the specific problems faced by them. Thus, if a scheme for land development was taken up, it was not to end merely with the allotment of land and its levelling but provision had also to be made for irrigation facilities wherever water resources existed and for making arrangements for lifting the water and for imparting the capability for taking up the cultivation of suitable crops. Similarly, for dairying programmes, the selection of the area with reference to chilling plants/dairies and urban and industrial centres, supply of milch animals with reasonable yields, arrangements for fodder, provision of health services, programmes for upgrading the stock through artificial insemination, etc., were also to be ensured. This was to be achieved by preparing composite programmes with all linkages and inputs directed at them, in terms of their various occupational categories. Attention had, particularly to be focused on the landless agricultural labourers who formed the largest occupational category amongst the Scheduled Castes, cultivators specially marginal and sub-marginal, as also share croppers, leather workers and other artisans like weavers and craftsmen in a variety of cottage and village industries. The various programmes in the Special Component Plans were to be geared towards improving the income of these occupational categories

4.18 18 State Governments/Union Territory Administrations *viz., Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh, West Bengal* and *Pondicherry*, submitted their Special Component Plans for 1979-80, to the Government of India, an analysis of some of which was given in Commissioner's 1978-79 Report. All the above State Governments/Union Territory Administrations as well as the Government of *Tamil Nadu* also submitted their Special Component Plans for 1980-81* in the early months of 1980.

4.19 It was, however, observed that most of the Special Component Plans were mere segregations of outlays under the various sectors of development. The total outlays earmarked for Scheduled Castes were far below the proportions of Scheduled Caste populations in the States concerned. Thus the main objective to give a positive thrust to their development by converting the maximum number of Scheduled Caste families was not fulfilled. Exercises for apportioning funds were not attempted in a number of sectors. It was also noticed that most of the States had not taken into account all the schemes which could benefit the Scheduled Castes. The schemes which were selected did not have necessary linkages with marketing and State Agencies like various Development Corporations. Credit needs were also wanting. There were no linkages with the State Agencies, like the various Development Corporations.

Special Component Plans and the non-divisible sectors

4.20 It was observed that a number of States were not able to earmark outlays from the General Sectors in proportion to the Scheduled Caste populations in the States concerned, thus finding it difficult to formulate optimal Special Component Plans. According to the State Governments, the reason for such a state of affairs is that the bulk of their plan allocations are for sectors which are non-divisible, *viz.*, power, communications, irrigation, etc., leaving too little in the divisible sectors from which their Special Component plans have to be drawn. As a result, their Special Component Plants do not reflect the effort-based optimality. Such states may not be allocated their due share in the allocations of the Special Central Assistance to be made on the effort based criteria, even though these states may be deserving these allocations on account of their large Scheduled Castes populations and poverty. *Some way has, therefore, to be found to solve this problem to enable the States concerned to get a fair share in the allocation of Special Central Assistance on effort-based criteria. A method should be evolved to earmark funds from the non-divisible sectors for the Special Component Plans. For that purpose, programmes/schemes and outlays suitable for the development of Scheduled Castes can be identified in these sectors.* For example, in the programme for rural electrification in the power sector the first charge should be

*The State-wise outlays earmarked for the Special Component Plans for Scheduled Castes for 1980-81, as submitted by them before April, 1980, may be seen at Appendix XLVI.

(i) energisation of the irrigation wells belonging to Scheduled Caste cultivators; (ii) energisation of wells as part of a massive new well-sinking programme covering lands belonging to Scheduled Caste cultivators; (iii) electrification of all the Scheduled Caste habitations left out in the villages where electricity has been provided; (iv) electrification of Scheduled Caste habitations simultaneously with electrification of new villages from 1980-81 onwards. If this approach and some other possible innovations are adopted, the power sector will be found to be capable of yielding substantial allocations for the Special Component Plant. Similarly, possibilities can be found in the other major non-divisible sectors also by adoping the approach of looking at these sectors from the perspective of the needs of the Scheduled Castes. *It is, therefore, desirable. that the State Governments concerned should adopt this need-based approach to earmark proportional outlays from the so-called non-divisible sectors and optimise the Special Component Plans by raising the outlays earmarked for the Special Component Plans in proportion to the Scheduled Castes population in the States concerned.*"

4.21 The matter was given an active consideration by the Government of India and the Prime Minister suggested a number of improvements in the Special Component Plans in her letter dated 12th March, 1980 to the Chief Ministers/Governors of the States concerned. The letter highlighted the following points:—

(i) In preparation of Special Component Plans, it would be necessary to take up programmes of sufficient magnitude, so as to enable at least 50 per cent of Scheduled Castes to cross the poverty line within the next 5 years. In this regard State Governments were asked to determine the total number of Scheduled Castes families who would need to be brought under different programmes. The Special Component Plans already prepeared by State Governments were required to be reviewed, to take up programmes which aimed at achieving the above objective. The on-going programmes were also required to be reviewed for necessary modifications/ adaptations to meet the needs of Scheduled Castes under each occupational category. For this purpose an assessment of the total requirements of each occupational group has to be made and viable schemes* formulated. The Special Component Plans were initially to be in two parts *viz.*, (a) the existing schemes in the sectoral plans and (b) new schemes suited to the needs of the Scheduled Castes. Since Special Central Assistance had also been made available, it was stressed upon the State Governments that need-based schemes should be drawn up and built into the Special Component Plans with particular stress on family oriented programmes.

(ii) Formulation and implementation of Special Component Plans for Scheduled Castes would depend largely on the efforts of the different departments of the States in-charge of sectoral programmes. These departments had to play an active role not only in earmarking outlays from existing schemes but also in modifying or formulating new schemes suited to the needs of the Scheduled Castes, fixing targets keeping in view the overall problems these people encountered in even availing the benefits of development.

(iii) It was also stressed that a suitable personnel policy should be evolved for effective implementation of the Special Component Plans. Senior officers were required to be made responsible for plan implementation and monitoring of programmes in each sector of development. For this purpose it was also suggested to impart training to these officers. At the field level also, the personnel concerned like the Block Development Officers and other Extension workers were required to be given few days' orientation courses in order to acquaint them with problems and programmes of the Scheduled Castes.

(iv) The schemes under the Central and Centrally Sponsored Programme relating to the development of Scheduled Castes were to be taken full advantage of and matching funds wherever necessary were to be provided for their implementation.

Meeting held by the Planning Commission to discuss the strategy for Special Component Plans

4.22 The Planning Commission also held a meeting with the representatives of the States, Union Territories, Central Ministries and other Agencies concerned to which the Commissioner for Scheduled Castes and Scheduled Tribes was also invited, to discuss the strategy for the preparation and implementation of the Special Component Plans, in April, 1980. The following observations/recommendations were made in the meeting :—

(i) The Special Central Assistance for Scheduled Castes would be administered on lines similar to the Tribal Sub-plan, which implied the gap filler approach. Unconventional and innovative programmes, acceleration of existing programmes, etc., should be special charge on the Special Central Assistance. The major portion of funds for the development of Scheduled Castes must come from State Plans and financing institutions. These were required to be pooled in a package. The Special Central Assistance was to have the function of a catalytic agent, which could have a multiplier effect.

*An illustrative list of possible programmes in important sectors for different occupational categories of Scheduled Castes annexed to the Prime Minister's letter, may be seen at Appendix XLVII.

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(ii) Development of human resources should be given priority as also efforts made to provide opportunities for the Scheduled Castes to be self-reliant. This would involve giving education and skills for professions which the Scheduled Castes can easily take up such as, animal husbandry, fisheries, horticulture forestry, etc. Steps should be taken for imparting formal and non-formal education to this end.

(iii) There was an urgent need for organising a group of promoters for the activities relevant to the development of Scheduled Castes. These promoters could be drawn from amongst Scheduled Castes and they could be entrusted with the management of Scheduled Caste Corporations and also with monitoring the programmes for Scheduled Castes and Scheduled Tribes.

(iv) The curricula at the school level should be relevant to the Scheduled Castes' occupations. The Scheduled Caste artisans should be covered under such a programme. It was necessary to provide proper awareness among the Scheduled Castes of the programmes being implemented for them and the policies being followed by the Government for their benefit.

(v) A great drawback in the existing system of education which adversely affected the weaker sections was that pre-school education was being left to the community which the Scheduled Castes were unable to give to their children. Other sections of the society were able to send their children to public schools, starting formal education at the age of 4 or even less, whereas the Scheduled Caste/Tribe children being dependent on Government-run institutions had to enrol their children after the age of 6 years and in this process they lost 2 to 3 years of initiation to formal schooling. This restriction of about 6 years should be waived for the Scheduled Caste/Tribe children.

(vi) The major assistance provided by Government to Scheduled Caste students was in favour of higher education. The commitment of State Governments for the post-matric scholarships was so heavy that they were unable to provide funds for pre-matric education. The Scheduled Castes dropped out at the age of 7—10 in large numbers So it was necessary to provide an effective programme of assistance at every level.

(vii) To encourage Scheduled Caste students to go in for engineering and medical courses, talented children from these communities should be picked up and provided *bursaries* so that they could go to good school.

(viii) The main reason for the poor enrolment of Scheduled Caste girls in schools was the dependence of mothers on their daughters for household chores and for looking after the younger children. In order to relieve girls of such duties, facilities like creches for small children should be provided and schools should be located in harijan *bastis* so that the time spent in walking to and from the school could be saved.

(ix) Vocational training institutes should be located in areas where the Scheduled Caste/Tribe people could take their full advantage. Labour welfare programmes as taken up in large industries should be extended to industries giving employment to the Scheduled Castes and the Scheduled Tribes, such as mining, leather industries, etc. These programmes should be of a compact nature providing housing, medical, educational and recreational facilities for the workers.

(x) Since enough land was not available for cultivation the water bodies which were still lying unused should be used for fish-farming. The available water areas could be allotted to Scheduled Castes and Scheduled Tribes who could be helped under the scheme being implemented by the Union Department of fisheries under which training was given to fish farmers and implements were provided to them. By providing proper input facilities, regulating production and marketing, the income generated through fish farming could be increased appreciably. Banks could also be involved for financing the programme with the water areas made acceptable as security.

(xi) The Scheduled Castes Corporations should extend their activities to the Integrated Rural Development Blocks also, since these were the blocks having Scheduled Castes concentration. The Corporations should be able to fill up the gaps in the Integrated Rural Development programme; the latter could in that case pay greater attention to infrastructure.

(xii) The State Governments should formulate schemes to encourage the cooperatives having majority of Scheduled Caste/Tribe members to utilise the funds provided by the National Cooperative Development Corporation for the development of Scheduled Castes/Tribes and which were not being utilised by the State Governments.

(xiii) In the case of Commercial Banks, the main problem continued to be the hesitancy on the part of the Bank Managers to disburse loans to the weaker sections because of the poor recovery. The Reserve Bank of India would be issuing instructions soon to the effect that in case of the *bona fide* mistakes no penalty

should be imposed on the bank officers. It was suggested that there should be proper monitoring at the district level in respect of the programmes in relation to disbursement and recovery of loans by banks.

(xiv) In regard to provision of drinking water, it was suggested that villages having large concentration of Scheduled Castes should be identified and wherever water sources were created conditions should be laid down to ensure drinking water to this group of people.

(xv) In order to make the Scheduled Castes, development really successful, a more efficient monitoring system should be devised. It should have financial as well as social audit parameters. It should show whether the income of the Scheduled Castes was increasing, whether there was reduction in unemployment and under-employment, etc. The monitoring frame should cover employment-wage-income aspect. Monitoring and quantitative evaluation was required at the District and Block levels in addition to Central and State levels. This should be done as part of the Special Component Plans. Concurrent and continuous monitoring should be used as a means of identification of constraints and their timely removal. For the purpose of identification and removal of constraints in time, empowered bodies should be developed both in the States as well as at the Centre. It should meet frequently, at least once in 3 months. At the State level, it should consist of the Secretary of the Department concerned with the Scheduled Castes development, Secretaries of other departments concerned, science and technological organisations etc.

(xvi) The State representatives were requested to review their Special Component Plans for Scheduled Castes for 1980-81, in the light of the Prime Minister's letter dt. 12-3-80. These Plans were to be discussed by the Planning Commission and the Ministry of Home Affairs with the State Governments.

4.23 The Union Ministry of Home Affairs also addressed all the State Governments/ Union Territories Administrations concerned in May 1980 to revise their Special Component Plans for 1980-81. While revising their Special Component Plans they were asked to keep in view certain aspects given at appendix XLVIII.

Revised Special Component Plans for Scheduled Castes

4.24 In pursuance of the Planning Commission's as well as the Ministry of Home Affairs' request to the State Governments concerned for the revision of their Special Component Plans in the light of the Prime Minister's letter dated 12-3-80, a number of State Governments have since reviewed their plans and have submitted their revised Special Component Plans to the Government of India. The State-wise details of the revised outlays earmarked for Special Component Plans, for the years 1979-80 and 1980-81 may be seen in the table given below :—

(Rs. in Crores)

Name of State	% of Scheduled Caste population	1979-80			1980-81		
		Total Plan outlay	Special Component for Sch. Castes	%age	Total plan outlay	Special Component for Sch. Castes	%age
1	2	3	4	5	6	7	8
Andhra Pradesh	13.37	450.83	30.94	6.86	501.00	73.77	14.68
Assam	6.24	155.00	2.16	1.39	198.00	2.75	1.38
Bihar	14.88	376.52	10.02	2.66	476.00	47.40	9.95
Gujarat	7.08	392.00	9.06	2.31	524.63	27.59	5.1
Haryana	18.89	219.76	5.77	2.62	250.12	30 59	12.23
Himachal Pradesh	23.34	78.77	3.81	4.83	86.00	7.00	8.13
Karnataka	14.60	322.69	46.00	14.25	384.00	61 11	15 91
Kerala	9.38	217.61	9.01	4.14	240.00	19.42	8 09
Madhya Pradesh	13.81	477.19	15.04	3.15	536.00	26.15	4.87
Maharashtra	12.78	788.81	30.34	3.84	882.90	33.65	3.81
Manipur	1.53	32.00	0.40	1.25	37.00	0.45	1.21
Orissa	15.07	209.98	4.64	2.20	250.16	18.77	7.5
Punjab	24.71	258.97	5.94	2.29	300.00	28.86	9.62
Rajasthan	16.36	277.95	7.44	2.67	333.86	53.76	16.10
Tamil Nadu	17.81	331.85	Not prepared	..	431.73	81.43	18.86
Tripura	12.39	29.80	1.30	4.36	39.81	2.66	6.68
Uttar Pradesh	21.62	757.24	27.68	3.65	850.00	119.00	14.00
West Bengal	20 09	470.75	29.80	6.33	575.10	41.80	7.28
Pondicherry	15.46	11.31	1.19	10.52	13.50	2.17	16.08
TOTAL		5859.03	240.54	4.10	6913.06	661.22	9.56

4.25 It would be seen from the above table that some State Governments like *Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Punjab, Rajasthan, Uttar Pradesh,* and *Pondicherry* have earmarked sizeable outlays for their special component plans for 1980-81 as compared to those earmarked during 1979-80. Similarly, a comparison of the revised outlays made for the Special Component Plans for 1980-81 with the outlays made earlier in the unrevised Special Component Plans prepared by various State Governments, indicates that a number of States have increased the outlays earmarked for the Special Component Plans. For example, the Government of *Andhra Pradesh* increased the percentage of Special Component to the total plan outlay, from 10.41 to 14.68. Similarly, the Government of *Bihar* increased this percentage from 4.73 to 9.95. In the case of *Haryana,* it was increased from 3.19 to 12.23, per cent, in *Karnataka,* it was increased from 8.06 to 15.91 per cent, in *Kerala* from 4.26 to 8.09 per cent, in *Orissa* from 4.33 to 7.5 per cent, in *Punjab* from 2.81 to 9.62 per cent, in *Rajasthan* from 5.67 to 16.10 per cent, in *Tamil Nadu* from 6.31 to 18.86 per cent, in *Uttar Pradesh* from 5.17 to 14.00 per cent, in *West Bengal* from 5.18 to 7.28 per cent and in *Pondicherry* from 12.44 to 16.08 per cent. It is understood that the amounts earmarked for the Special Component Plans are still being revised upwards by some States in consultation with the Ministry of Home Affairs, and the Planning Commission. The upward revision of the outlays earmarked for Special Component Plans is being made, firstly in pursuance of the Government of India's suggestions that the Special Component Plans should be at least in proportion to the percentage of Scheduled Castes populations in the States concerned. The second reason for the upward revision of these plans is the State Governments' desire to get the maximum share out of the allocation of Rs. 50 crores from Special Central Assistance for 1980-81, to be made on effort-based criteria. In this connection the State Governments were also guided by the following guidelines laid down by the Government of India for the quantification of outlays for different sectors in the State plans :—

(a) Wherever 51% of the beneficiaries in any group-benefitting scheme are from the Scheduled Castes and not less than 51% of the benefits go to the Scheduled Castes, the entire outlay may be shown in the Special Component Plan.

(b) Community investments in infrastructures located in the Scheduled Caste *basties/ mohallas* may be included in the Special Component Plan.

(c) Proportion of the investments by the State Governments to different State Corporations and Apex bodies corresponding to the proportion of flow of benefits to the Scheduled Castes from such bodies may be included in the Special Component Plan.

(d) In respect of tapping the so-called "indivisible sectors" like major irrigation, power and urban development, methods of earmarking outlays under special programmes like extension of irrigation facilities in the fields of the Scheduled Castes, extension of electric connections to Harijan basties and wells belonging to Scheduled Castes and improvement of slums may be devised.

4.26 A perusal of the revised Special Component Plans prepared by some State Governments reveals that the upward revision of allocations for Special Component Plans has been made generally in Agriculture, Animal Husbandry, Cooperation, Power, Education, Rural Water Supply, Urban Development, etc. sectors.

Progress of implementation of Special Component Plans

4.27 While the desire of the State Governments to increase the allocations for Special Component Plans is commendable, it is yet to be seen whether the benefit of the outlays earmarked for the Scheduled Castes, will actually accrue to beneficiaries belonging to these communities. All the State Governments concerned were requested to intimate the progress made in the implementation of their Special Component Plans for 1979-80. The requisite information is awaited from all the State Governments/Union Territory Administrations. The Government of *Bihar* have indicated in their Special Component Plan for 1980-81 that while information about the actual financial expenditure and physical achievements with regard to the implementation of the Special Component Plan for 1979-80 is still being collected, some idea of the progress made in this regard during that year may be had from the following :—

(i) In crop Husbandry Sector, in such programmes as manures and fertilizers, commercial crops extension and farmers' training demonstration etc., a sum of Rs. 47.18 lakhs was spent on Scheduled Castes.

(ii) In Drought Prone Area Programme, although Rs. 57.60 lakhs were earmarked, eventually only an amount of Rs. 15.00 lakhs was spent to the benefit of 36,512 Scheduled Caste beneficiaries. The majority of beneficiaries numbering 32,646 were in the agricultural programme of Drought Prone Area Programme. In Animal Husbandry and Minor Irrigation Programmes, 2660 and 480 Scheduled Castes were respectively benefited.

(iii) In the case of Rural Water Supply, a sum of Rs. 64.90 lakhs was spent on construction of 423 wells and 2,400 tube-wells for the Harijan beneficiaries. This was achieved as against the Special Component Outlay of Rs. 82.00 lakhs. Besides, under accelerated Rural Water Supply Schemes another Rs. 22.00 lakhs were spent in completing 1800 tube-wells and 220 drill tube-wells.

(iv) In urban Housing Sector, Scheduled Castes of different income groups were allotted 120 houses at a cost of Rs. 37.00 lakhs.

(v) In cooperative sector, actual expenditure was Rs. 4.11 lakhs as against the earmarked Special Component of Rs. 31.80 lakhs.

4.28 It would thus be seen that the progress in the implementation of various programmes in the Special Component Plan of the State has been far from satisfactory. In the absence of the information about the progress of implementation of Special Component Plans in other States, it is not possible to assess the progress of implementation thereof. Although outlays had been earmarked for the Special Component Plans, it appears that not much was done to implement the various schemes included in these plans. *Mere allocation of increased funds for the Special Component Plan is not enough, unless serious efforts are made to implement the various programmes under the Special Component Plan and unless it is also ensured that the benefits of the various programmes actually reach the Scheduled Caste beneficiaries.* The States should exhibit more vigilance and seriousness in taking up urgent steps towards actual implementation of various schemes under the special component plans and to ensure that benefits do reach the Scheduled Caste beneficiaries in ample measure.

Identification of target groups

4.29 As already mentioned elsewhere in this chapter, while formulating Special Component Plans, the target group approach has to be adopted after taking into account the occupational categories, in which there are large numbers of Scheduled Castes. Besides the landless agricultural labourers and cultivators, the Scheduled Castes can be broadly grouped into the following categories, for their economic development :—

(1) *Traditional artisans*

(a) *Leather workers* : They constitute the largest category among the traditional artisans. Their activities cover flaying, tanning, and manufacturing of footwear and other finished goods. Almost all the leather workers in the country belong to the Scheduled Castes. In any programme of industrial development in the leather sector, the development of these leather workers and the advancement of their interests, should therefore, be kept in view.

(b) *Weavers* : Most of the weavers in *Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab* and *Rajasthan,* belong to the Scheduled Castes. About half of the weavers in *Madhya Pradesh* are Scheduled Castes. The development of handlooms should be taken up intensively in these States, in order to help the Scheduled Caste weavers to cross the poverty line. In other States also where, though the Scheduled Caste weavers are sizeable in number, but constitute only limited percentage of the total number of weavers in those states, it should be ensured that Scheduled Caste weavers get due share of benefits from various handloom development programmes.

(c) *Other artisans* : A large number of artisans in some other cottage and village industries also belong to the Scheduled Castes. They are engaged mostly in the manufacture of products based on cane and bamboo, palm and other leaves, grass, reeds and fibres. The income of these artisans is very low as compared to the skill and labour involved in their occupations. These artisan families should be kept in view while framing any programmes for industrial development.

(2) *Fisherman*

In *West Bengal, Assam* and *Tripura,* almost all the fishermen belong to Scheduled Castes. In many other States also, there are sizeable number of Scheduled Caste fishermen, though their percentage to the total number of fishermen in those States are small. Any programme for the development of fisheries, specially in the Eastern States mentioned above, should lay special emphasis to the development of these fishermen and the advancement of their interests.

(3) *Civic sanitation workers*

Almost all the workers who are engaged in cleaning of dry latrines, largely in the urban areas and other sanitation work like sweeping, belong to the Scheduled Castes. Although, these workers are performing a very essential health service function, yet their working conditions are extremely bad, besides the social stigma attached to these occupations. These workers, therefore, deserve special attention in any programme for the economic development of the Scheduled Castes.

(4) *Traditional 'dais'*

Most of them belong to the Scheduled Castes in North India. However, the wages paid to them for their work are quite inadequate. They should, also, therefore, be given special attention in the programmes for the development of Scheduled Castes.

4.30 The above mentioned specific target groups in the States concerned should be identified by the respective State Governments, and the Scheduled Caste families in each target group should be listed for framing meaningful programmes for them in the Special Component Plans. *It should be ensured that while doing so, no Scheduled Caste family below the poverty line is left out.*

Special Central Assistance for Scheduled Castes

4.31 As in the case of tribal sub-plan, the Government of India initiated a scheme of providing special Central Assistance for the Scheduled Castes, during 1979-80. This Special Central Assistance was conceived as an additive to each State Plan with reference to the totality of the programmes for the development of the Scheduled Castes. It was not to be on the schematic pattern for specific schemes, but was to be an additionality with a multiplier effect, and was expected to go a long way in helping to make the various programmes and schemes of State Governments for the development of the Scheduled Castes more meaningful, comprehensive and need-based. It was also expected to help in filling the gaps which the Central and State Plans were not in a position to fill. The intention was to provide the required thrust to programmes relevant for the development of the Scheduled Castes, particularly in core sectors like animal husbandry, agriculture, village and cottage industries, etc. The apportionment of the Special Central Assistance among the States was to be related to the efforts of the States for the development of Scheduled Castes as reflected in their Special Component Plans and their implementation and was also to depend on the Scheduled Castes population and backwardness.

4.32 A State's 'effort' in the Special Component Plan for the allocation of the Special Central Assistance was to be measured by the following four criteria :—

(i) The percentage of the Scheduled Caste families in the State covered by composite economic development programmes in the plan to enable them to cross the poverty line ;

(ii) The percentage of the Special Component Plan to annual plan as compared to the Scheduled Castes population percentage in the State ;

(iii) Programmes for relatively weaker and more exploited groups among the Scheduled Castes, *viz.*, civic sanitation workers like sweepers and scavengers, bonded labourers, etc.;

(iv) The performance in the implementation of the Special Component Plan with reference to the (i) to (iii) above.

4.33 These 'effort'-based criteria were imaginatively and thoughtfully devised so that the Special Component Plans of the States supplemented and strengthened by the Special Central Assistance fulfilled the objectives of these instrumentalities, *viz.*, reaching the Scheduled Castes and tangibly helping them to bring about development, especially economic development of the Scheduled Caste families and groups.

4.34 50 per cent of the Special Central Assistance was to be allocated to a State on the criterion of 'need' which was to be measured by the population of Scheduled Castes in the State and its relative backwardness. The remaining 50 per cent was to be allocated on the 'effort'-based criteria mentioned above. In the case of the Special Central Assistance released to States on the criterion of 'need', the share of the States was to be a fixed amount but the share of allocations to be released on the 'effort'-based criteria was to be variable and was to depend on the relative optimality of the Special Component Plans prepared by various State Governments.

4.35 During 1979-80 an amount of Rs. 5 crores was released to State Governments concerned as Special Central Assistance for Scheduled Castes. The allocations made to various States from this amount may be seen in the Table given at Appendix XLIX. An outlay of Rs. 600 crores was made for providing Special Central Assistance to the States concerned, during the Sixth Plan period. During 1980-81, Special Central Assistance of Rs. 100 crores was approved by the Government of India. Out of this amount, Rs. 50 crores was to be allocated on 'need'-based criteria, *viz.*, population and relative backwardness of the States. The remaining 50 per cent of the Special Central Assistance, *viz.*, Rs. 50 crores, was to be allocated among the States concerned on the basis of criteria related to their efforts for the development of Scheduled Castes in the following manner :—

(i) An amount of Rs. 25 crores was to be distributed on the basis of the percentage of Scheduled Caste families in various States covered by composite economic development programmes in the plans to enable them to cross the poverty line ;

(ii) An amount of Rs. 10 crores was to be distributed on the basis of the percentage of Special Component Plan to the annual Plan as compared to the percentage of the Scheduled Castes population in the respective States ;

(iii) An amount of Rs. 10 crores was to be distributed on the basis of programmes for relatively weaker and more exploited groups among the Scheduled Castes like civic sanitation workers (Sweepers and Scavengers), nomadic and Vimukta Jati communities of Scheduled Castes ;

(iv) An amount of Rs. 5 crores was to be distributed on the basis of the performance of the various States in the implementation of the Special Component Plans with reference to (i) to (iii) above.

State-wise amounts of Special Central Assistance released by the Central Government in 1980-81

4.36 State-wise amounts of Special Central Assistance released by the Union Ministry of Home Affairs in five instalments during the year 1980-81, on the basis of the criteria of population and backwardness as well as 'effort'-based criteria, are given in the table below :—

(Rs. in lakhs)

S. No.	State	Special Central Assistance released during 1980-81 on the basis of		
		Population and back-wardness criteria	'Effort'-based criteria	Total
1	2	3	4	5
1.	Andhra Pradesh	335.00	399.00	734.00
2.	Assam	54.00	43.00	97.00
3.	Bihar	523.00	490.00	1013.00
4.	Gujarat	105.00	115.00	220.00
5.	Haryana	102.00	128.00	230.00
6.	Himachal Pradesh	45.00	41.00	86.00
7.	Karnataka	242.00	325.00	567.00
8.	Kerala	115.00	147.00	262.00
9.	Madhya Pradesh	344.00	278.00	622.00
10.	Maharashtra	349.00	296.00	645.00
11.	Manipur	1.00	3.00	4.00
12.	Orissa	196.00	163.00	359.00
13.	Punjab	178.00	199.00	377.00
14.	Rajasthan	247.00	281.00	528.00
15.	Tamil Nadu	422.00	534.00	956.00
16.	Tripura	12.00	9.00	21.00
17.	Uttar Pradesh	1163.00	1043.00	2206.00
18.	West Bengal	503.00	500.00	1003.00
19.	Pondicherry	3.00	..	3.00
20.	Delhi	34.00	..	34.00
	TOTAL	4,973.00	4,994.00	9,967.00

It would be seen from the above table that the highest allocation of Special Central Assistance during the year 1980-81, was made to *Uttar Pradesh* (Rs. 2206 lakhs), followed by *Bihar* (Rs. 1013 lakhs), *West Bengal* (Rs. 1003 lakhs), *Tamil Nadu* (Rs. 956 lakhs) and *Andhra Pradesh* (Rs. 734 lakhs).

Special Component Plans in Central Sector

4.37 Like the State Governments, the Central Ministries and Departments were also required to formulate Special Component Plans in their respective sectors. For this purpose, apart from earmarking allocations from the existing Central and Centrally Sponsored schemes, each Ministry was required to take note of the needs of the Scheduled Castes in their respective sectors and design appropriate new Centrally Sponsored Schemes to catalise the efforts of the States. This also required re-orientation of the existing Central Schemes, taking into consideration the needs and special problems of the Scheduled Castes. These flows were to constitute as the Special Component Plans of each Central Ministry/Department. The most important Ministries from the point of view of the developmental needs of the Scheduled Castes are Ministries/Departments of Agriculture, Rural Reconstruction, Commerce, Industrial Development, Labour, Education, Health, Housing and Banking. Some other Ministries are indirectly concerned with the employment opportunities created and in the market for goods and services which they provide. These are the Ministries of Heavy Industries, Mines, Coal, Defence, etc.

According to the information available in this office Special Component Plans have not so far been finalised by any Central Ministry. It may be pointed out that Special Component Plans of the various Ministries can go a long way in enabling the Scheduled Castes to reap the benefits of various developmental programmes in areas like Agricultural land ceiling, rural indebtedness, bonded labour, agricultural wages, handloom development and apprenticeship schemes. *It is, therefore, desirable that the Central Ministries concerned should take early action to finalise their Special Component Plans for Scheduled Castes.*

Institutional credit

4.38 Various family oriented schemes in the Special Component Plans require a large flow of institutional credit. But the Scheduled Castes are unable to avail themselves of this finance to a significant extent because most of them do not have any assets or have negligible assets. *The Banks should therefore, be required to see that credit is advanced to Scheduled Caste persons against sound and viable schemes. The practice of asking for third party surety should be completely given up in the case of Scheduled Caste beneficiaries and the only security to be insisted upon should be that of the asset created with the credit. A similar approach should also be followed in respect of cooperative institutions dealing with short, medium and long term credit. It is also desirable that close liaison of Banks and cooperatives with the Development Departments and agencies working in the field and Scheduled Castes Development Corporations should be maintained.*

Implementation in the field

4.39 The success of the Special Component Plans depends on the efficiency with which these are implemented at the field level. Since the District is the basic unit for the implementation of developmental programmes the District Collector/Deputy Commissioner has been assigned a special responsibility for implementing these programmes. He is to be assisted by a Senior Officer of the rank of Additional Collector with the sole function of coordination and organisation of the programmes relating to the development of Scheduled Castes. Unless the responsibilities at the District level are clearly defined it may not be possible to achieve the effective implementation of these programmes. It has, however, been observed that the implementation of various programmes under the Special Component Plans has not been started in right earnest so far. For example, it was noticed by a Study Team of the Commissioner's Organisation during a visit to Cooch-Behar District of *West Bengal* in May 1980 that the progress of implementation of the Special Component Plan for Scheduled Castes, in the district was not encouraging. Unless implementation at the field level is done with zeal, it may not be possible to achieve the objectives for which the Special Component Plans have been formulated. *It is, therefore, desirable that the State Governments concerned should take necessary action to ensure that the implementation of various developmental programmes for Scheduled Castes is paid special attention by the District authorities concerned.*

4.40 *For the success of the various developmental programmes for the Scheduled Castes it is also necessary that arrangements for concurrent monitoring and evaluation should be made at all levels—the block, the district, the State and the Centre. In respect of composite schemes the Department which has been charged with the overall responsibilities should be made responsible for monitoring and evaluation as well as for necessary correctional measures.*

Separate budget minor heads/sub-heads for the special component plans for Scheduled Castes

4.41 The Government of India have already advised the State Governments and Central Ministries concerned to provide separate budget minor heads/sub-heads for the Special Component Plans for the Scheduled Castes. The objective is not only to ensure that funds for the Special Component Plans are not easily diverted but also to enable effective monitoring of expenditure under these plans. It is learnt that some State Govérnments have already opened such separate budgetary heads. The matter has also been taken up by the Union Ministry of Home Affairs with the Ministry of Finance as well as the Comptroller and Auditor General of India. *It is desirable that the State Governments concerned which have not so far provided separate budgetary heads for the Special Component Plans, should take early action to do so, now.*

Personnel Policy

4.42 *For the implementation of the various developmental schemes for Scheduled Castes, officers with integrity and seal to work for the welfare of these communities should be posted in the field. They should be suitably compensated for postings at disadvantaged places by paying them adequate special allowances. Frequent transfers of these officers should be avoided and an officer should be allowed to complete a tenure of at least five years at a place before his transfer to another place, in order to enable him to make use of the experience gained by him at that place.*

Integrated Rural Development Programme

4.43 National income as well as per capita income have been growing ever since the launching of the Five Year Plans, but the living conditions of the poorer sections of the population still continue to remain very unsatisfactory. Rural poverty and unemployment continue to be serious problems, among the poor in the rural areas of the country. The Scheduled Castes and the Scheduled Tribes constitute the predominant majority among the poor in the rural areas. It has been realised that isolated and uncoordinated efforts through mere provision of subsidies and inputs to the poorer sections might not generate sufficient additional income to enable the participants to cross the poverty line unless a comprehensive plan of development of the area based on optimum utilisation of local resources is formulated. Recognising the urgency of having a programme aimed at the target groups consisting of small and marginal farmers, share croppers, agricultural labourers, rural artisans and Scheduled Caste/Scheduled Tribe persons the Integrated Rural Development Programme was initiated by the Union Ministry of Rural Development (now Rural Reconstruction) in 1978-79 in 2,000 blocks out of the 3,000 blocks covered by the Small Farmers' Development Agency, Drought Prone Area Programme and Command Area Development Programme. Every year 300 blocks outside the above mentioned Special programme areas were to be taken up. Thus, the programme was scheduled to cover 2,900 blocks by the end of 1980-81. This programme was to be on the lines of the Small Farmers' Development Agencies and envisaged integration of the methodology and approach of the three programmes of Small Farmers' Development Agencies, Drought Prone Area Programme and Command Area Development.

4.44 From the 2nd October, 1980, the Gandhi Jayanti Day, the Integrated Rural Development Programme has been extended to all the 5,004 Development Blocks in the country. This decision was taken by the Government in consonance with the objective of the Prime Minister's 20-Point Economic Programme. The Integrated Rural Development Programme involves the identification of families of the target groups in each block, preparation of plans for assisting these families, arranging credit support for financing the plans, monitoring the progress of implementation of the schemes and follow-up action

to ensure that the beneficiaries derive truly lasting benefits whereby they cross the poverty line. The target is to assist, on an average, 600 families in each block every year and to assist at least 3,000 families in each block under the programme during the Sixth Plan period. By and large, the schemes already included in the on-going Integrated Rural Development Programme will continue to be implemented under the new Programme. The aim of the programme will be to identify and provide assistance to the families below the poverty line, so as to enable them to increase their incomes through a comprehensive plan of Integrated Rural Development. The Programme will aim at a comprehensive development on family basis instead of conferring benefit in an isolated and sporadic manner. A 'cluster approach' will be adopted. A significant increase in the income of these families is to be brought about through generating opportunities of employment for them and also by giving them productive assets and resources. The twin objectives of raising income and generating employment are to be achieved through investment in agriculture and ancillary occupations, cottage and small scale industries and in practically any viable economic activity which suits the beneficiary families.

4.45 The Government have decided that at the district level there will be one Rural Development Agency, a society registered for this purpose on the Small Farmers' Development Agency pattern. Wherever such societies already exist, these could be entrusted with additional functions. Where no such agencies exist, the State Governments have been asked to take very expeditious action to create such agencies and to post suitable personnel. The Small Farmers' Development Agencies and Integrated Rural Development Programme have been merged and the Integrated Rural Development Programme shall be implemented by the District Level Rural Development Agency. Though Drought Prone Area Programme and other Rural Development Programme will retain their separate identity yet the implementation of these programmes also will be entrusted to one and the same District Level Agency implementing the Integrated Rural Development Programme.

Implementation of the programme

4.46 According to available information, 2,600 blocks had been covered by the various schemes under the Integrated Rural Development Programme since the inception of the scheme upto the end of 1979-80. The State-wise total number of blocks, number of blocks selected under Integrated Rural Development Programme from the three Special Programme areas and the number of blocks selected from non-Special Programme Areas during 1978-79 as well 1979-80 may be seen in the statement at Appendix L. It would be seen from the above mentioned statement that out of the total number of 5,004 blocks in the country, 2,600 blocks had been covered under the Programme till the end of 1979-80. The Central share allocated, expenditure incurred and the amount of loan disbursed through cooperatives as well as commercial banks under the programme, during 1978-79 and 1979-80 may be seen in the Table given below :—

(Rs. in lakhs)

			1978-79	1979-80
(1)	Central share of allocation		10,368.00	8,430.00
(2)	Amount Released		7,045.00	5,384.87
(3)	*Expenditure incurred		3,266.73	2,766.90
	*Loans Disbursed.			
	(*i*) Through Cooperatives	(*a*) Total	5,460.11	2,106.92
		(*b*) Share of SC/ST		401.03
	(*ii*) Through Commercial Banks	(*a*) Total		2,506.01
		(*b*) Share of SC/ST		542.38

*Figures are upto January 1980.

Benefits to the Scheduled Castes/Tribes

4.47 When the programme was started in 1978-79 it was provided that Blocks having more than 20 per cent Scheduled Caste population should be accorded priority for inclusion under the programme. The bulk of the blocks with more than 20 per cent population were to be taken up during 1978-79 and the remaining blocks were expected to be covered in about two years. There are 1,423 blocks in the country with 20 per cent and above Scheduled Caste population. The State-wise number of blocks having 20 per cent to 50 per cent and above Scheduled Caste population was given in the previous Report. It was also laid down that at least 20 per cent of the families selected for providing assistance under the programme in each block should be from the Scheduled Castes. It was further emphasised that at least 20 per cent other subsidies and credit mobilised under the programme should also go to the Scheduled Caste beneficiaries. It is understood that the target of beneficiaries belonging to Scheduled Castes and Scheduled Tribes has been recently raised from 20 per cent to 30 per cent of the total number of beneficiaries. Similarly, the percentages of credit and subsidies expected to flow to Scheduled Caste/Scheduled Tribe beneficiaries was also raised to at least 30 per cent.

4.48 The investment by the beneficiaries under the programme is to be financed by a subsidy provided by the State Governments and through loans to be given by cooperative societies and Commercial banking institutions. Small and marginal farmers are eligible for subsidy at the rate of 25 per cent and 33-1/3 per cent of the cost of the schemes, respectively. Agricultural labourers are also entitled to a subsidy of 33-1/3 per cent of the cost of the scheme. Tribal beneficiaries are entitled to a subsidy of 50 per cent of the cost of the scheme. A tribal family could receive a maximum of Rs. 5,000 by way of subsidy. In respect of other categories, the ceiling on subsidy is Rs. 3,000 per family.

4.49 The total number of beneficiaries under the various schemes in the Programme as well as the number of Scheduled Caste/Scheduled Tribe

beneficiaries in those schemes upto the year 1979-80 may be seen in the table below :—

1.	Agriculture	(*a*) Total	4,59,138**
		(*b*) SC/ST	80,401
2.	Irrigation	(*a*) Total	75,844
		(*b*) SC/ST	10,343
3.	Forestry & Pasture	(*a*) Total	9,694
		(*b*) SC/ST	3,117
4.	Animal Husbandry	(*a*) Total	1,19,252
		(*b*) SC/ST	26,933
5.	Fishery	(*a*) Total	6,495
		(*b*) SC/ST	1,197
6.	Sericulture	(*a*) Total	2,216
		(*b*) SC/ST	903
7.	Bee-keeping	(*a*) Total	435
		(*b*) SC/ST	103
8.	Village Industries	(*a*) Total	9,169
		(*b*) SC/ST	..
9.	Tertiary Sector	(*a*) Total	11,506
		(*b*) SC/ST	2,562
10.	Others	(*a*) Total	19,587
		(*b*) SC/ST	1,261
	TOTAL	6,24,288@	7,27,025*
	SC/ST	N.A.	1,36,461@@

**Figures are upto January 1980.

@Sector-wise break-up not available.

*Includes 13,689 beneficiaries for which sector-wise break-up is not available.

@@Includes 8,162 beneficiaries for which sector-wise break-up is not available.

It would be seen from the above table that the Scheduled Caste/Scheduled Tribe beneficiaries constitute about 20 per cent of the total number of beneficiaries under the Programme. In this connection it may, however, be pointed out that the Scheduled Castes and Scheduled Tribes constitute the predominant majority among the target groups in the Programme. It is not, therefore, enough that only 20 per cent of the benefits under the programme should accrue to these communities. *It is desirable that various State Governments/Union Territory Administrations should ensure that the proportion of Scheduled Caste and Scheduled Tribe beneficiaries correspond at least to the percentage of Scheduled Caste and Scheduled Tribe population among the target groups. Unless this is done, the Scheduled Caste and Scheduled Tribe persons will not get their due share from various schemes being implemented under the Integrated Rural Development Programme.*

Relaxation of norms in favour of the Scheduled Castes

4.50 The economic condition of most of the Scheduled Castes is very poor and inspite of earmarking outlays for these communities they may not be in a position to derive actual benefits to the desired extent from various schemes. For example, the average land holding of the Scheduled Caste persons being very small they may not be eligible to get even a small irrigation well. Similarly, the members of these communities generally have lands just on the margin, the development of which requires a much larger investment with a smaller return. In their case the quantum of subsidy may have to be liberalised They may also be deprived of the benefits of various programmes because of their inability to produce sureties. It may, therefore, be necessary to change the structure of such schemes with reference to the economic conditions of the members of the Scheduled Castes. It was recommended in the previous Report that the norms laid down for eligibility to various programmes, should, therefore, be relaxed in favour of the Scheduled Castes to enable them to derive benefits of the programme. In this connection, the Government of *Haryana* have increased the rate of subsidy for phosphate fertiliser and intensification of green manuring to 50 per cent in the case of Scheduled Caste cultivators. Similarly, in the case of the schemes for popularisation of Bee-keeping, integrated Sugarcane Development, Dry Land Farming in Hissar and Mahindergarh districts, setting up *gobar* gas plants and development of metallic bins, the rate of subsidy was increased to 35 per cent for Scheduled Castes. In some other schemes like distribution of pesticides, eradication of plant diseases and weed control, the subsidy was raised to 100 per cent. The action taken by the State Government is commendable. It is recommended that other State Governments/Union Territory Administrations should also take similar action to increase the rates of subsidies for Scheduled Caste beneficiaries.

Observations in the fields

4.51 A study team deputed by the Commissioner for Scheduled Castes and Scheduled Tribes visited Mathabangha II, C.D. Block in Cooch Behar district of *West Bengal* on the 21st May, 1980, to *inter alia*, study the working of various schemes being implemented in the Block under the Integrated Rural Development Programme. The Block had about 58 per cent Scheduled Caste population. The Block Development Officer of the Block with whom the implementation of the various schemes was discussed in detail, informed that 50 per cent of the cost of the community schemes would be recovered from the subsidy component and 50 per cent from the loan component which were to be arranged from the Central

Bank of India, Mathabangha. The cost of all the schemes under the Integrated Rural Development Programme in the Block was Rs. 10 lakhs, out of which Rs. 5 lakhs consisted of the subsidy component and Rs. 5 lakhs of the loan component. Out of the subsidy portion of Rs. 5 lakhs, an amount of Rs. 3.75 lakhs had been received by the Block about one year back and the remaining amount was to be received when the schemes would be implemented. The amount had been kept in the personal ledger account of the Block and the question of its lapsing did not, therefore, arise. The Study Team stressed upon the Block Development Officer that while selecting beneficiaries under the various schemes covered by the programme it should be ensured that the percentage of Scheduled Caste beneficiaries should be at least in proportion to the percentage of the Scheduled Caste population in the Block. It was also stressed upon him that if the percentage of Scheduled Castes among the target groups under the schemes was more than the percentage of Scheduled Castes population in the Block, the percentage of Scheduled Caste beneficiaries should be increased accordingly. The Block Development Officer informed that the Scheduled Castes were receiving benefit from the various schemes according to the percentage of the Scheduled Castes population in the Block. The following schemes under the Integrated Rural Development Programme had been approved by the Panchayat Samity of the Block.

	Scheme	Subsidy portion	Loan portion
		(Rs.)	(Rs.)
1.	Community Irrigation Scheme—10 Nos. Shellow tubewells . .	1,12,000	1,12,000
2.	Agro Service Centres—6 Nos. .	82,950	82,950
3.	Handloom Centres—2 Nos. . .	98,425	98,425
4.	Purchase of Agricultural implements	32,500	32,500
5.	Purchase of bullocks . . .	25,000	25,000
6.	Fishery Schemes—4 Nos. . .	1,10,000	1,10,000
7.	Individual Schemes like *dhiki* loans	33,000	67,000

4.52 The above schemes had not yet been started. In all the beneficiary-oriented schemes, in the case of small farmers, the subsidy portion was to be 25 per cent and loan portion was to be 75 per cent while in the case of marginal farmers, the subsidy portion was to be 33.33 per cent and the loan portion was to be 66.6 per cent. *The State Government should ensure that the Scheduled Castes and Scheduled Tribes actually derive benefits from the various schemes under the programme at least in proportion to the percentage of their population in the target groups*

Scheduled Castes Development Corporations

4.53 Simply earmarking the outlays in the general sectors for the benefit of the Scheduled Castes, as envisaged in the concept of Special Component Plans, may not be sufficient in creating the necessary impact on the economy of the Scheduled Castes, because the norms in majority of the schemes in the general sectors of development do not suit the Scheduled Caste persons, the majority of whom belong to the poorest sections of population. The main factors which inhibit implementation of schemes undertaken for the benefit of the Scheduled Castes are (a) meagre flow of institutional credit to the Scheduled Castes on account of their inability to arrange margin money and to provide guarantee to avail of institutional finance, (b) lack of integration or coordination among the different agencies and organisations who are implementing the different schemes for the benefit of the Scheduled Castes and (c) non-availability of inputs like raw materials, improved technical knowledge or skills for increasing the productivity of the traditional crafts among the Scheduled Castes and lack of marketing facilities to ensure remunerative price for the finished products of the Scheduled Caste artisans and craftsmen. This called for the need for an organisation which could intervene at crucial points and wherever any impediments occurred, this agency could come forward with suitable assistance as a guarantor, promoter and by providing missing inputs by way of contribution to margin/seed money and making other advances through the institutions concerned. With this end in view, Scheduled Castes Development Corporations have been set up in 18 States/Union Territories, viz., *Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Punjab, Orissa, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Himachal Pradesh* and *Chandigarh.* The idea of utilising Scheduled Castes Development Corporations to serve such a function was mooted after taking into consideration the working of such corporations which had already been set up in some of the States like *Andhra Pradesh, Kerala, Punjab, Uttar Pradesh* and *Haryana.*

4.54 Each Scheduled Castes Development Corporation was to have branches at the district level and could also be further extended suitably according to needs. The District branch is to be headed by the Collector with the representatives of the Departments concerned and financing institutions as its members. The Corporations are to operate through sectoral authorities and other organisations providing necessary back up for the programme.

Special Central Assistance for Scheduled Castes Development Corporations

4.55 The Government of India has decided to provide Special Central Assistance for the Corporations under a Centrally Sponsored Scheme. The assistance is intended to contribute towards the equity capital of the corporations which is shared between the Centre and the States on 49 : 51 basis. A provision of Rs. 12 crores has been made for central assistance during 1980-81 and for the Sixth Plan period, an outlay of Rs. 65 crores has been made. State-wise information about the amounts contributed by the State

Governments, the Central assistance released by the Central Government, during the years 1978-79 and 1979-80 as well as the number of beneficiaries, may be seen in the table below :—

Name of State in which Sch. Caste Development Corporation is established	Year in which established	Amount contributed by State Government		Central Assistance released		No. of beneficiaries
		1978-79	1979-80	1978-79	1979-80	
1	2	3	4	5	6	7
Andhra Pradesh	1974	298.00	210 00	9 25	466.00	2,00,000
Assam	1975	9.00	12.00	..	20.00	2,450
Bihar	1978	108.00	60.00	9 25	152.40	74,700
Gujarat	1975	11.25	50.00	.	59.00	30.000
Haryana	1971	51.00	30.00	9.25	25.75	4,000
Karnataka	1975	3.00	25.00	3 00	23.50	16.000
Kerala	1972	25.00	25.00	3 00	45.20	17,000
Maharashtra	1978	5.00	36 00	1 00	32.60	48.925
Madhya Pradesh	1978	51.00	50.00	9 25	88 00	50,000
Punjab	1971	..	51.00	:	49 00	20,000
Orissa	1979	..	20 00	:	37.60	17,950
Rajasthan	1980	..	10.00	.	9 80	53,000 (1980-81)
Tripura	1979	..	5.00	..	4.95	1,000
Uttar Pradesh	1975	115.00	50.00	8.00	130.00	24,000
West Bengal	1976	42 00	..	3 00	37.00	10,140
Himachal Pradesh	1980	.	45 00	.	43.00	10,425 (1980 81)
TOTAL		718.25	679.00	50 00	1223 80	5,80,190

Functions of the Scheduled Caste Development Corporations

4.56 The Corporations are required, *inter alia*, to perform the following important functions :—

(i) To mobilize at the State level sufficient finance for the Scheduled Castes, both from the Commercial Banking Sector and the Cooperative Sector. While dealing with nationalised banks, the Corporations have to ensure maximum lending at the Differential Rate of Interest.

(ii) Formulation of suitable and viable family-oriented schemes for the Scheduled Castes in different areas and occupational groups in the States.

(iii) The experience gained by the Small Farmers' Development Agency/Drought Prone Area Programme/Integrated Rural Development which also adopted a family-oriented target group approach, is to be made use of. It has to be ensured that location-specificity is incorporated within the scheme to meet the particular environment of each area and the parameters of the market are kept in view.

(iv) The Corporations are to concentrate on the selected few schemes and ensure that these are taken up in a big way and implemented successfully. For each scheme the total picture has to be kept in view, right from making available raw material to marketing of products.

(v) The Corporations are required to adapt a cluster-*cum*-saturation approach, in which, keeping in view the opportunities available and the potential, the coverage in a group of villages is first to be completed and the programme is to be extended to other areas/villages in a phased manner. Taking up programmes/schemes in a scattered manner merely to increase area coverage has to be avoided.

(vi) To maximise coverage, suitable and effective linkages are to be established at the field level with the existing District and Block level machinery. The Corporations are also expected to work out their administrative organisations, especially in the Districts and at the State level.

(vii) While working out their programmes, the Corporations have to take into full account the on-going programmes both under State Plans and Central and Centrally Sponsored Schemes and to see that the Scheduled Castes get benefits adequately wherever possible.

(viii) The Corporations are not required to take up programmes all by themselves. The Corporation is envisaged to play a catalytic role

to provide missing financial and non-financial inputs. For that purpose necessary linkages with various credit and marketing institutions as well as technological departments have to be established.

(ix) It has to be ensured that officers with the right attitude and with the requisite level of experience are placed in charge of the Corporation. These officers have also to be provided necessary orientation training and it is also to be ensured that they are provided the necessary length of tenure and other facilities to enable them to deliver the goods.

4.57 Available information about the functioning of the Development Corporations established in different States is given below :—

(i) *The Andhra Pradesh Scheduled Castes Financial Corporation*

The Corporation was established in 1974. The State Government have been providing money to the Corporation towards share capital contribution, to enable it to give margin money to the beneficiaries to the extent of 20 per cent. A sum of Rs. 50 lakhs was provided for this purpose for the year 1979-80. An amount of Rs. 75 lakhs was proposed to be provided under this scheme for share capital to the Corporation for the year 1980-81. During the years 1978-79 and 1979-80, amounts of Rs. 9.25 lakhs and 466 lakhs were released as Central assistance to the Corporation. The Corporation had covered about 2.04 lakh beneficiaries up to the end of September 1979. A scheme of subsidy to the Corporation for providing loans to Scheduled Caste beneficiaries at subsidised rate of interest, was proposed during the year 1979-80 and a provision of Rs. 15 lakhs was made for the same. During the year 1980-81 an amount of Rs. 15 lakhs was proposed under the scheme.

(ii) *Assam State Development Corporation for Scheduled Castes Limited, Gauhati*

The Corporation was established in June 1975 with an authorised share capital of Rs. 1 crore. It was incorporated under the Companies Act 1956, as a Private Limited Company. Initially, the entire share capital was subscribed by the State Government but subsequently the Government of India subscribed to about 49 per cent of the share capital. The Corporation aims at uplifting the economic condition of the Scheduled Caste families. Till early 1979, no branch office of the Corporation was started in the districts and it was functioning from its head office in Gauhati with a limited staff. Since then 8 branch offices have been established at Gauhati, Nowgong, Silchar, Tezpur, Jorhat, Dibrugarh, Dhubri and North Lakhimpur. 5 more branches are proposed to be started shortly. Upto the end of 1978, the Corporation was simply helping the Scheduled Caste families in obtaining loan from the commercial banks under the Differencial Rate of Interest Scheme. Since then, the Corporation started giving seed money loans upto 20 per cent while 75 per cent of the total cost of the scheme was given as loan by the banks. The rest of the 5 per cent had to be contributed by the beneficiary himself. Since July 1980 the seed money loan given by the Corporation has been increased to 25 per cent and beneficiary is no longer required to contribute anything. The Corporation has taken up 33 schemes for the development of the Scheduled Castes, *viz.*, basket making, carpentry, fish boat making, cane and bamboo works, weaving, tailoring, blacksmithy, goat keeping, dairy, fishery, poultry, piggery, etc. The Corporation has taken shape only recently and information about their progress during the years under report was not available.

(iii) *Bihar State Scheduled Castes Cooperative Development Corporation*

The Corporation was registered under the Bihar and Orissa Cooperative Societies Act, 1935 in September 1978. Its authorised share capital was Rs. 100 lakhs which was subsequently raised to Rs. 500 lakhs. Till 1980-81, the Corporation had submitted shares for Rs. 359.65 lakhs including Central assistance of Rs. 161.65 lakhs. Originally, besides the State Government, its membership was limited to cooperatives only. Later, the area was widened and other registered institutions of Scheduled Castes and individual members were brought within its fold. District branches had been started in all the districts headed by District Executive officers. District Committees have also been constituted which have been headed by the Collectors. Besides, different district heads, 2 Bank representatives, all Harijan legislators of the District and 2 social workers are members. Upto the end of 1980-81, the progress made by the Corporation was as follows :—

(*a*)	No. of loan applications processed/ referred to Banks	4165
(*b*)	No. of cases in which loan was sanctioned	1115
(*c*)	No. of cases actually financed .	909
(*d*)	Amount of loans disbursed by Banks	Rs. 20.23 lakhs
(*e*)	Amount of margin money loan .	Rs. 6.78 lakhs

(iv) *The Gujarat Scheduled Castes Economic Development Corporation*

The Corporation was established in 1975, after registration under Companies Act. The

objective of the Corporation was to identify the problems of socio-economic backwardness of the Scheduled Castes and to plan and promote the economic welfare activities either directly or through Panchayat Cooperative banks, Government departments or social organisations. During 1979-80, the State Government contributed Rs. 50 lakhs to the Corporation while an amount of Rs. 59 lakhs was released by Central Government as Central assistance. The Corporation gave considerable importance to the organisation of milk collection cooperatives among the Scheduled Castes. The Corporation advances 25 per cent margin money to the Scheduled Caste members of these Societies for the purchase of milk cattle and the rest of the money is arranged through the banks. The Corporation does not have to do any accounting work for making recoveries from members which is looked after by the cooperative Societies themselves. The product, *viz.*, milk has assured purchase by the Dairy Corporation and there is no exploitation by a private contractor. *It is desirable that Scheduled Caste Development Corporations in other States should also take up similar schemes for assisting in the formation of Cooperative Societies of Scheduled Castes, in the case of which the sale of the ends product by an Apex Cooperative Body is assured.* It was proposed to expand the activities of the Corporation during the year 1981-82 and the Sixth Plan period. It was proposed to cover 2 lakh Scheduled Caste families under the economic welfare programmes so as to enable them to cross the poverty line. During the year 1980-81 about 40,000 families were expected to be benefited by the various schemes of the Corporation. For the Sixth Plan period, an outlay of Rs. 281 lakhs had been proposed while for the year 1981-82 an outlay of Rs. 112 lakhs had been proposed for the purpose.

(v) *Haryana Harijan Kalyan Nigam, Chandigarh*

The Nigam has been advancing loans to the Scheduled Castes to enable them to start their independent ventures in various fields like dairy farming, shoe-making, piggery, poultry, etc. The Nigam also set up 3 production-*cum*-training centres in the State for providing direct employment to 150 persons, most of whom belong to Scheduled Castes and for providing training to 300 Scheduled Caste youths. During the year 1978-79 and 1979-80, the State Government contributed Rs. 51 lakhs and Rs. 30 lakhs to the Nigam respectively. During these 2 years, amounts of Rs. 9.25 lakhs and Rs. 25.75 lakhs were released to the Nigam as Central assistance respectively. About 4,000 Scheduled Caste beneficiaries were expected to be benefited by the Nigam during 1979-80. During the year 1980-81, the Nigam was to give financial assistance to 5,000 Scheduled Caste families in the form of margin money at the rate of Rs. 1,500 per person. The Nigam was also to arrange loans of Rs. 4,500 per person from the nationalised banks.

(vi) *Himachal Pradesh Scheduled Castes Development Corporation, Simla*

The Corporation was established in 1980 with an authorised capital of Rs. 5 crores. It proposed to extend margin money/seed capital assistance of 25 per cent of different economically, viable and bankable schemes to be taken up by Scheduled Caste persons, envisaging non-recurring expenditure up to Rs. 6,000 which was proposed to be increased to Rs. 10,000. The rest of 75 per cent loan would be raised by the beneficiaries from financial institutions. In order to mobilize sufficient finance for the Scheduled Caste at the State level from various banks, close liaison was to be maintained by perpetual monitoring and periodical meetings with regional/area managers of the Lead Banks. The State Government contributed Rs. 45 lakhs towards share money of the Corporation and the Central Government released Rs. 43 lakhs as its corresponding share capital investment. Suitable schemes having family orientation in the core sectors of agriculture, animal husbandry, fisheries, horticulture, cottage, village and small scale industries etc., had been chalked out and were proposed to be taken up during the year 1980-81. To establish effective linkages with various sectoral departments and financial institutions at the field level, 10 offices of branch managers at 10 out of 12 district headquarters were proposed to be set up. Since the Corporation came into existence recently, much spade work still remained to be done. The Corporation is in favour of decentralising the loan sanctioning powers to the district level, upto Rs. 1,500 in each case with the Deputy Commissioners who are the chairmen of the District Level Coordination Committees.

(vii) *Karnataka Scheduled Castes and Tribes Development Corporation Limited, Bangalore*

The Corporation was established in 1975 with an authorised capital of Rs. 1 crore, under the Companies Act 1956, to ameliorate the socio-economic conditions of the Scheduled Castes and Scheduled Tribes. During 1979-80 an amount of Rs. 23.50 lakhs was given as Central assistance and the State Government contributed Rs. 7 lakhs to the Corporation. 4,078 persons were benefited by the Economic Development programmes adopted by the Corporation during 1979-80. An expenditure of Rs. 80 11 lakhs was

incurred on various schemes which were taken up by the Corporation during that year, out of which the Banks contributed Rs. 60.61 lakhs, *i.e.*, 75 per cent of the cost of different schemes and the Corporation Rs. 19.50 lakhs towards 25 per cent margin money loans. The scheme-wise break-up of the expenditure and the number of beneficiaries are given below :—

S. No.	Item	Amount (Rs. in lakhs)	Number of beneficiaries
1	2	3	4
1.	Agriculture	6 66	356
2.	Sericulture	0.34	17
3.	Dairy	41.00	1523
4.	Sheep/goat rearing	17.00	1095
5.	Piggery	1.50	126
6.	Bullocks & Crrts	9.00	502
7.	Different crafts and Trades	4.61	459
		80.11	4078

District level committees under the chairmanship of the Deputy Commissioners have been constituted for the implementation of margin money loan programme with officials and non-officials as member. It is also proposed to constitute committees at Taluka level. The schemes implemented by the Taluka Level Committees will be reviewed at the District level. A scheme of giving benefit to 10,000 borrowers during 1980-81 in collaboration with the banks for productive purposes is under the consideration of the Corporation. It also proposes to sanction loans to the extent of Rs. 200 lakhs for this scheme.

(viii) *Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes, Trichur*

The Corporation was established in the year 1972. Till the end of March, 1980, the State Government contributed a sum of Rs. 126 lakhs as share capital, while the Government of India have contributed Rs. 3 lakhs. The Corporation, since its inception, has been carrying on many programmes for the benefit of Scheduled Caste and Tribe persons, like mini industrial loans, housing programmes, small business loans, agricultural land purchase loans, etc. Till the end of March, 1980, no steps were taken by the Corporation to mobilise finance from the Commercial Banks and Cooperative Sector. Since then, the Corporation has approached the commercial banks but their attitude has not been encouraging as they are of the view that they can advance any amount to the Corporation on proper guarantee by the State Government but it may not be possible for them to oblige a large number of Scheduled Caste persons coming forward for financial assistance. The matter was being pursued by the Corporation with the Banks.

(ix) *Orissa Scheduled Castes Finance Cooperative Corporation Limited, Bhubaneswar*

The Corporation started functioning in August, 1979 with a view to planning, promoting, undertaking and assisting programmes of agricultural development, animal husbandry, marketing, processing, supply and storage of agricultural produce, small scale industries, village industries, cottage industries, trade business or any other activity which will enable the members of the Scheduled Castes to earn a better living and help them to improve their standard of living. During the year 1979-80 the State Government contributed Rs. 20 lakhs to the corporation while the Government of India provided a Central assistance of Rs. 37.60 lakhs. In different meetings with the banks, procedures of financing, format of loan application forms and recovery of margin money etc., were finalised. The action programme of the Corporation for 2 years *viz.*, 1979-80 and 1980-81 was prepared according to which a target was fixed to cover 17950 Scheduled Caste beneficiaries who would be advanced margin money of Rs. 153.44 lakhs attracting institutional finance to the extent of about Rs. 7 crores under different schemes of agricultural development, animal husbandry, fisheries, small and cottage industries, vocational trade and small business, etc. The activities of the Corporation will be concentrated in 157 blocks having 15 per cent or above Scheduled Castes population. It was proposed to establish 7 branches of the Corporation in the district of Cuttack, Puri, Balasore, Ganjam, Sambhalpur, Dhenkanal and Koraput.

The Corporation feels that the Integrated Rural Development Blocks should also be brought within the ambit of its operation because out of the total Scheduled Castes population of 33 lakhs in the State, nearly 20 lakhs reside in the Integrated Rural Development Blocks. It also feels that though a number of schemes have been envisaged under the Integrated Rural Development Programme to benefit the Scheduled Castes, the impact of the scheme has not been perceptible, because the financial provision to provide assistance under the Integrated Rural Development Programme has not been adequate to meet the needs of the Scheduled Caste families. At the State level, the Commissioner-cum-Secretary, Tribal and Rural Welfare has been

nominated as Chairman of the Corporation. A Senior Indian Administrative Service Officer has been appointed as the Managing Director of the Corporation. At the district level in the 7 districts mentioned above, the work of the Corporation will be managed by a full-time Officer of the Corporation designated as Branch Manager in the rank of a Deputy Collector. In the 6 other districts namely, Sundergarh, Keonjhar, Mayurbhanj, Boudkhondmal, Bolangir and Kalahandi, the Corporation will depend on the field staff of the Welfare Department.

(x) *The Punjab Scheduled Castes Land Development and Finance Corporation, Chandigarh*

The Corporation was established in 1971 under the provisions of the Punjab Scheduled Castes Land Development and Finance Corporation Act, 1970, for the economic uplift of the Scheduled Castes by the way of planning, promoting and undertaking programmes of agricultural development, marketing, processing, supply and storage of agricultural produce and by financing various other projects of business and trade. Originally, the State Government provided a capital of Rs. 5 crores which was later increased to Rs. 10 crores. The Corporation has since stepped up its efforts to raise funds from the financial institutions under the Differential Rate of Interest Scheme. During the year 1979-80, loans amounting to Rs. 4.05 crores were raised, against loans amounting to Rs. 0.25 crore raised during the year 1978-79. From the year 1979, the Corporation has started providing seed money loans to the beneficiaries to the extent of 25 per cent of the cost of the scheme, balance of 75 per cent being provided by the financing institutions. For that purpose, the Corporation has made arrangements with some banks throughout the State to provide loan facilities under Bank-tie-up arrangement. The Corporation has so far been able to provide a sum of Rs. 15.31 lakhs through the banks to 359 families while an amount of Rs. 3.83 lakhs has also been provided by the Corporation. The Corporation has identified 57 trades/vocations for advancing loans, like agriculture, small scale industries, housing, transport, sewing machines and rickshaws etc. The Corporation has a field office at each district headquarter under a Field Officer.

(xi) *Rajasthan State Scheduled Castes Development Corporation, Limited, Jaipur*

The Corporation was established on 28-3-1980. During the year 1979-80, the State Government contributed an amount of Rs. 23 lakhs to the Corporation and an amount of Rs. 9.80 lakhs was received from the Central Government as Central assistance.

According to the working plans of the Corporation an amount of Rs. 25.25 lakhs was allotted to all the 26 Central Cooperative Banks in the districts for sanctioning Rs. 250 to each family of Scheduled Caste agriculturists in rural areas as loan for the share capital of cooperative organisations. This was expected to benefit 10,000 families. An amount of Rs. 20 lakhs was allotted to the Rajasthan Financial Corporation for providing margin money at the rate of 20 per cent of the cost of a Project but not exceeding Rs. 5,000. The Rajasthan Financial Corporation was to charge 5 per cent interest from the beneficiaries on the loan, of which 4 per cent was to be credited to the account of the Scheduled Castes Development Corporation and 1 per cent to be retained by the Rajasthan Financial Corporation towards managerial expenditure. This was expected to benefit 400 families. An amount of Rs. 1,38,600 was sanctioned to each of the 3 training centres, namely, Rajasthan Rajya Sangh Udhyog Nigam, Jaipur, Rajasthan Hathkargha Preyojana Board, Jaipur and Rajasthan Rajya Bunkar Sahakar Sangh, Jaipur, for organising training programmes. This programme was expected to benefit 90 families during the year 1980-81. It was decided by the Corporation that for the construction of houses for the Scheduled Castes, funds should be borrowed from Nationalised banks at differential rate of interest and the construction of houses for these communities taken up with the Rajasthan Cooperative Housing Finance Society. The matter was being negotiated by the Corporation with the regional offices of the various banks.

(xii) *Uttar Pradesh Scheduled Castes Finance and Development Corporation, Lucknow*

The Corporation was established in 1975 with a share capital of Rs. 37.39 lakhs. The State Government later increased the share capital of the Corporation so as to provide 51% against 49% contribution by the Central Government. The Government of India released Central Assistance of Rs. 8 lakhs and Rs. 130 lakhs to the Corporation during 1978-79 and 1979-80 respectively. 24,000 Scheduled Caste persons were reported to have benefited from various schemes of the Corporation, so far. The Corporation mainly provides subsidy to Scheduled Caste persons in agriculture and cottage industries. It prepared a scheme during 1980-81 for arranging loans of the order of Rs. 1,444 lakhs to commercial banks and other financial institutions, out of which Rs. 450 lakhs would be given by the Corporation as margin money. The number of beneficiaries under the scheme was expected to be 30,000. Upto the end of the year 1979-80 the Corporation disbursed grants for industrial and agricultural development and

self-employment schemes to 14,251 Scheduled Caste persons. Loans under the Differential Rate of Interest Schemes and margin money loan schemes were disbursed to 1624 and 125 entrepreneurs respectively.

(xiii) *West Bengal Scheduled Castes Development and Finance Corporation, Calcutta*

The Corporation was set up by an enactment, *viz.*, West Bengal Act XXXIX of 1976, mainly to undertake the work of the economic welfare of the Scheduled Caste persons through industrial and commercial activities. It was reconstituted in September, 1977. Though the Corporation was established in 1976, yet it could actually start functioning only in 1979. The functions of the Corporation include promoting training programmes for increasing the skills and efficiency in different traditional occupations, promoting entrepreneurship by sponsoring self employment programmes, providing necessary infrastructure and arranging supply of necessary inputs at reasonable prices in different trades and crafts, promoting employment and income generating programmes in areas like agricultural development, marketing, processing, supply and storage of agricultural produce small scale industries, building construction, transport etc., providing financial assistance by way of grant of subsidies and loans in cash or kind and attracting matching assistance from various financing institutions and raising resources in the prescribed manner for financing this programme. In the period from May, 1979 when the Corporation actually started working to June, 1979, the Corporation prepared its guidelines for financing its economic development projects, took preliminary action for execution of schemes and cleared cases worth Rs. 46,700 covering 29 beneficiaries of Murshidabad and Howrah districts. The State Government made its contribution of Rs. 39 lakhs to the Corporation's share capital in April, 1977. In March, 1979, the State Government contributed another Rs. 42 lakhs and the Government of India made contribution of Rs. 3 lakhs to its share capital. Thus, the total share capital of the Corporation as on 1st April, 1979 was Rs. 84 lakhs. The Government of India was expected to release the remaining part of its contribution to the share capital on the receipt of the programme of the Corporation. According to the guidelines of the Central Government the programme of the Corporation was to be confined to non-Integrated Rural Development Blocks in the first instance. However, as at the State level a policy decision had been taken to implement only community schemes under Integrated Rural Development Programmes and because the Corporation had already entered into commitments in Integrated Rural Development areas by inviting applications from such areas, the entire Scheduled Castes population of the State had been kept in view by the Corporation while preparing programmes of development. At the field level, the Corporation was in favour of optimum utilisation of the existing departmental machinery by channelising its schemes through district/regional/sub-divisional offices of the Scheduled Castes and Tribes Welfare Department. The Project Officers for sub-plan were also to be utilised as far as practicable for monitoring and execution of Corporation's schemes at the district level. Depending on the work-load, the district offices could be strengthened by the appointment of one Inspector.

The programme for 1979-80 envisaged investment of Rs. 216.32 lakhs including administrative cost of Rs. 3.6 lakhs, in different sectors of development. Of this amount, Rs. 88.59 lakhs was expected to be provided by financing institutions and agencies like SFDA/MFAL, CADP and from State Plan schemes. The balance amount of Rs. 127.73 lakhs was to be financed by the Corporation from its own resources. The investment was expected to generate employment or additional income for 10,140 Scheduled Caste families. The number of Scheduled Caste families within the poverty line in the State being 12 lakhs, the present investment was to cover slightly less than 1 per cent of such families. According to the Corporation despite series of meetings with representatives of lead banks the response so far from banks for financing projects of poverty group families belonging to the Scheduled Castes had been very poor and disappointing. As a result, the Corporation had to take a policy decision to go for direct lending not exceeding Rs. 3,000 in each case where the bank concerned did not clear the case or took unduly long time to investigate and arrive at final decision. For example, the Additional District Magistrate, Hooghly forwarded 98 applications for financial assistance sponsored by the Corporation to different banks in that district in March, 1979. But till June, 1979 not a single case had been cleared by the banks. *The Reserve Bank of India should, therefore, look into the matter and issue necessary instructions to the Commercial Banks concerned for relaxation of their security norms for extending bank finance to the Projects sponsored by the Corporation.*

Steps to mobilise finance

4.58 All the Scheduled Caste Development Corporations were requested to give their comments about certain aspects of their working during the year under report. The requisite information was, however, received only from few Corporations. Regarding the

steps taken to mobilise finance for the Scheduled Castes at the State level both from the Commercial Banking Sector and the Cooperative Sector, the Karnataka Scheduled Castes and Scheduled Tribes Development Corporation Limited, Bangalore informed that it had come to an understanding with all the nationalised Banks for the implementation of margin money loan programme for the economic development of Scheduled Castes and Scheduled Tribes. The Corporation has been empowered by the State Government to sanction 25 per cent margin money loan against 75 per cent Bank loan. The Corporation sanctions 25 per cent margin money loan after receipt of proposals from Banks. During 1979-80, loans amounting to Rs. 80.11 lakhs were sanctioned to 4078 Scheduled Caste/Scheduled Tribe persons in collaboration with banks for taking up various productive ventures for their economic development, out of which an amount of Rs. 60.61 lakhs was sanctioned by the banks towards 75 per cent of loans and the corporation had sanctioned Rs. 19.50 lakhs towards 25 per cent margin money loan. The Corporation felt that the limit of loan available from Scheduled Caste Development Corporation should be increased from Rs. 6,000 to Rs. 10,000 per scheme. The Himachal Pradesh Scheduled Castes Development Corporation, Simla informed that it proposed to extend margin money assistance of 25 per cent in respect of economically, viable and bankable schemes envisaging total non-recurring expenditure of Rs. 6,000 for a scheme which was proposed to be enhanced to Rs. 10,000. The rest of 75 per cent loan would be raised by the beneficiaries from financial institutions. Close liaison was proposed to be maintained by the Corporation with the banks through perpetual monitoring and periodical exchange of views with the Regional/Area managers of the lead banks. *The proposal of the Himachal Pradesh Scheduled Caste Development Corporation in increasing the limit of margin money available to Scheduled Caste beneficiaries in respect of each scheme, from Rs.* 6,000 *to Rs.* 10,000 *is commendable. All the other Scheduled Caste Development Corporations and State Governments concerned should also consider the desirability of taking similar action in the matter.* The Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes Ltd., Trichur informed that the Corporation was playing the role of a financial institution itself and till the end of March, 1980, no steps had been taken for linkages with the financial institutions. Discussions were held by the Corporation with the Nationalised Banks, on the lines of the guidelines issued by the Government of India. However, the Banks were of the view that it might not be possible for them to oblige a large number of Scheduled Castes coming forward for financial assistance, since the banks had only skeleton staff to issue the loan and to watch the recovery, though they were prepared to advance any amount of money to the Corporation, on proper guarantee by the State Government. According to the guidelines issued to the Corporation they are not required to act as direct financing institutions but only as catalytic agents by providing margin money guarantees, etc., so as to induce the institutional agencies to step up the flow of credit to the Scheduled Caste beneficiaries for the implementation of different bankable scheme. *The attitude of the nationalised banks in the State in expressing their inability to give loans to the Scheduled Caste persons is perhaps not in consonance with the instructions issued by the Reserve Bank of India to the nationalised Banks in this regard. The Reserve Bank of India should, therefore, look into the matter and instruct the commercial Banks in Kerala as well as other States concerned to provide necessary credit to the Scheduled Caste/Scheduled Tribe beneficiaries against viable schemes forwarded by the State Development Corporation for Scheduled Castes.* The Orissa Scheduled Caste Finance Cooperative Corporation Ltd., Bhubaneswar informed that they had held meetings with the Bankers, in which procedures of financing, format of loan application forms and recovery of margin money etc., had been finalised. The Central Bank in the Cooperative Sector had already procured loan application from the eligible Scheduled Castes for financing under various schemes. The Punjab Scheduled Castes Land Development and Finance Corporation, Chandigarh informed that arrangement had been made with some of the leading banks throughout the State, to provide loan facilities to the eligible Scheduled Caste persons in certain districts of the State and special teams were deputed to expedite and finalise such cases. The Corporation had so far, provided an amount of Rs. 15.31 lakhs in this regard, through the banks to 359 families out of which an amount of Rs. 3.83 lakhs had been provided by the Corporation as seed money. In *Bihar,* the State Scheduled Castes Cooperative Development Corporation Ltd. had made efforts to mobilise credit from commercial banks. Three banks, namely, Central Bank of India, Punjab National Bank and Canara Bank had agreed to work on these lines. The State Bank of India which had shown reluctance was being persuaded to fall in line, while other banks were also likely to agree to follow these lines. 292 loan applications had been sanctioned by the Banks amounting to Rs. 4.61 lakhs including margin money share of the Corporation. The Assam State Development Corporation for Scheduled Castes Ltd., Gauhati had established linkages with the commerical Banks and response from the Banks was encouraging. A total amount of Rs. 3 lakhs was sanctioned by the Banks while the Corporation sanctioned an amount of Rs. 0.50 lakh as seed money.

Contribution of matching grants by State Governments against Central Assistance

4.59 Regarding the contribution of matching grants by the State Governments as share capital of the Corporations against the Central assistance received from the Central Government, the Government of *Karnataka* contributed an amount of Rs. 3 lakhs against the central assistance of Rs. 3 lakhs during 1978-79. During 1979-80, however, the contribution of the State Government was only Rs. 7 lakhs against the central assistance of Rs. 23.50 lakhs. The Government of *Himachal Pradesh* contributed an amount of Rs. 45 lakhs towards share money of the State Corporation against the release of Rs. 43 lakhs by the Central Government as Central Assistance, during

1979-80. The Government of *Kerala* had contributed an amount of Rs. 126.00 lakhs to the share capital of the State Corporation against the Central Government's contribution of Rs. 3 lakhs, upto the end of March, 1980. The Government of *Orissa* had contributed Rs. 20.00 lakhs to the share capital of the State Corporation against the central assistance of Rs. 37.60 lakhs during 1979-80. The Government of *Bihar* had contributed Rs. 168 lakhs to the paid up capital of the State Corporation during 1978-79 and 1979-80 while the central assistance during these years was Rs. 9.25 lakhs and 152.40 lakhs respectively.

Delegation of powers

4.60 So far as the delegation of powers of the Corporation to officers working at the district level is concerned, the Corporation in *Karnataka* informed that the State Government had constituted District Committees, consisting of officials and non-officials as members, under the Chairmanship of the Deputy Commissioners. It was also proposed to have committees at the Taluk level for the implementation of margin money loan programme in collaboration with the Banks. The District Committees will review the progress achieved in the implementation of various schemes by the Taluk level Committees. The Corporation proposed to take up the question of delegation of administrative, executive and financial powers to District level officers at a later stage, when all the formalities and procedures were established. The State Corporation, Himachal Pradesh was in favour of decentralising the loan sanctioning powers to the Deputy Commissioner who was the Chairman of the District Level Coordination Committee, and proposed to vest in him powers of sanctioning margin money loans upto Rs. 1,500. The State Corporation in *Kerala* had delegated the prayer to grant instalments under Housing Scheme to the Regional Managers. The State Corporation in *Punjab* was considering a proposal to decentralise the powers to sanction loans to the district level. *It is desirable that the Corporations which have not so far delegated powers to the District level officers, should do so early in order to avoid delays in the sanction of loans to beneficiaries for different schemes.*

Financial assistance from National Cooperative Development Corporation for Cooperatives of Scheduled Castes

4.61 The National Cooperative Development Corporation was established in March, 1963, under the National Cooperative Development Corporation Act, 1962. However, initially its activities were mainly confined to the general communities. In December, 1976 the Corporation introduced the scheme to promote and finance cooperative societies having a minimum of 50 per cent Scheduled Caste members. The purpose of providing assistance to the cooperatives is to enable them to expand and diversify their activities for providing better facilities for marketing and processing of agricultural produce, supply of agricultural production requisites and distribution of consumers' articles In addition to agricultural produce and foodstuffs, the National Cooperative Development Corporation's Act also covers a number of notified* commodities. Fishery, dairy, weavers and poultry cooperatives, of which majority of members generally belong to the Scheduled Castes can also avail financial assistance from the Corporation for the expansion of their activities. The specific purposes for which the Corporation provides financial assistance to the cooperatives are given below :—

(i) Share capital to State Level Scheduled Castes Cooperative Development Corporations/ Federations, for marketing of agricultural produce, distribution of agricultural inputs and supply of consumer articles.

(ii) Share capital to cooperative marketing/ processing societies for marketing of agriculture produce, distribution of agriculture inputs and supply of consumer articles.

(iii) Loan and subsidy for purchase of transport vehicles by State level Scheduled Castes Cooperatives Development Corporations and marketing/processing societies.

(iv) Loan and subsidy for construction of storage godowns by State level/marketing and processing societies.

(v) Loan and subsidy for establishment of small and medium sized units for processing of agricultural, horticultural produce, dairy units (including milk chilling plant, fluid milk units, milk product plant) and cold storage and for rehabilitation/expansion and modernisation of existing processing units.

(vi) Establishment of agro-service centres to provide custom hiring services of agricultural machinery to the farmers.

(vii) Subsidy for undertaking feasibility study and preparation of project reports for establishment of processing and input units.

(viii) Subsidy for establishment of Technical and Promotional Cells in the State Level Scheduled Castes Cooperative Development Corporations/Federations.

(ix) Subsidy for specialised training to Technical/ Managerial personnel of the cooperatives for Scheduled Castes.

4.62 Pattern of assistance provided by the Corporation under various heads may be seen at Appendix LII. Assistance by way of loans or subsidy under all the schemes being implemented by the Corporation, is released in the form of reimbursement to State Governments. The Corporation releases its assistance only after a State Government or a State Cooperative Bank has financed the beneficiary societies. In the case of the latter, assistance is provided on the guarantee of the State Government. In the case of

*A list of notified commodities may be seen at Appendix LI.

Union Territories assistance by way of loan and subsidy is provided direct to the society, the former being on the guarantee of the Central Government. With a view to avoiding delays, the Corporation releases funds to the State Governments, as soon as the Registrar of Cooperative Societies concerned seeks reimbursement under intimation to State Government.

4.63 In order to provide financial assistance to Scheduled Castes cooperatives, the State Governments were requested by the National Cooperative Development Corporation to identify such societies of Scheduled Castes having 50 per cent or more members from these communities in each State and formulate suitable proposals for their up-bringing so that better services and facilities were extended by the cooperatives for the economic benefit of their members. Although the scheme had been in operation since 1976, no State had so far sent any proposal for availing assistance for Scheduled Castes Cooperatives. This was largely due to the fact that the State Governments had not been able to identify cooperatives for Scheduled Castes which could be covered under the Scheme. *It is, therefore, desirable that all the State Governments/ Union Territory Administrations concerned should take early action to identify cooperative societies having majority of Scheduled Castes members and send proposals for available assistance for these cooperatives from the National Cooperative Development Corporation.*

4.64 It is learnt that the Corporation had large funds at its disposal, the budget provision for 1979-80 being about Rs. 58 crores and that for the cooperative societies for Scheduled Castes, an amount of Rs. 1 crore was provided in the earlier years but most of it lapsed because there were no applicants for assistance. As a result, the budget provision for these societies was gradually reduced in subsequent years and during 1979-80, a provision of only Rs. 10 lakhs was made for these societies. The main reason for this state of affairs, was lack of awareness of the scheme by various cooperative societies of Scheduled Castes. The Corporation, therefore, wrote to all the State Governments, in July, 1980, making the following suggestions :—

(i) Publicity of National Cooperative Development Corporation schemes for financing Scheduled Castes cooperatives so that the existing cooperatives, if any, or the cooperatives that may be organised in future, may avail financial assistance from National Cooperative Development Corporation.

(ii) A drive for enrolment of Scheduled Caste persons in cooperative marketing, credit, consumer, housing and other societies.

(iii) A special programme for setting up of cooperative societies in areas of Scheduled Castes concentration.

The action taken by various State Governments on the above suggestions is not known.

4.65 A meeting was organised by the National Cooperative Development Corporation on 10th September, 1980 at New Delhi to discuss the problems of Scheduled Caste cooperatives. It was attended by the Registrars of Cooperative Societies, Directors of State Social Welfare Departments, Chief Executives of State Scheduled Castes Corporations and representatives of the Union Ministry of Home Affairs and the Planning Commission. The Commissioner for Scheduled Castes and Scheduled Tribes was also invited to the meeting. The discussions in the meeting revealed that while in a few States, cooperatives for Scheduled Castes were already in existence and in a few others, cooperatives on occupational basis like fishermen's cooperatives, handloom cooperatives etc., in which majority of the members belonged to Scheduled Castes had been formed, but for lack of knowledge of National Cooperative Development Corporation's schemes they could not approach it for financial assistance. The State-wise position revealed during the discussions is as follows :—

(i) In *Assam*, there were 38 fishermen's societies in which majority of the members were from the Scheduled Castes.

(ii) In *Tripura*, there were 70 fishermen's cooperatives with 100 per cent membership of Scheduled Castes. These societies were reported to be working satisfactorily The State Government was requested to formulate suitable proposals for availaing financial assistance wherever necessary, from the National Cooperative Development Corporation.

(iii) In *Haryana*, there were 419 handlooms societies in which a majority of the members belonged to Scheduled Castes. The Haryana Cooperation Department was requested by the National Cooperative Development Corporation to formulate suitable proposals for financing handlooms cooperatives of Scheduled Castes with financial aid from the National Cooperative Development Corporation.

(iv) In *Rajasthan*, a programme for the revitalisation of weavers' handloom cooperatives belonging to the Scheduled Castes was being undertaken. After this was completed necessary proposals would be forwarded by the State Government to the National Cooperative Development Corporation for financial assistance.

(v) The representative from *West Bengal* informed that in the Sunderbans area there were quite a large number of fishermen belonging to Scheduled Castes. Organisation of fishermen cooperatives for such fishermen would be undertaken by the State Cooperation Department.

(vi) The representative from *Himachal Pradesh* informed that there was scope for the development of dairy cooperatives in the areas where there was a concentration of Scheduled Castes. There were already

108 Scheduled Caste cooperatives with more than 50 per cent Scheduled Caste persons. In addition there was a scope for the development of fishery cooperatives for Scheduled Caste members in Bilaspur district.

4.66 The main recommendations/suggestions made in the meeting are given below :—

(1) The State Governments should take all necessary steps to identify the societies exclusively or predominantly of Scheduled Caste members and secure liberal financial assistance for them from National Cooperative Development Corporation.

(2) To qualify for a Scheduled Caste Cooperative, 51 per cent members of such a society should belong to the Scheduled Castes. Scheduled Castes in various states sometimes form a majority of membership of fishery, dairy, weavers, poultry and sericulture cooperatives. Each State may take stock of the position and formulate suitable proposals to avail of financial assistance from the National Cooperative Development Corporation for expansion of their activities.

(3) The Scheduled Castes cooperatives can set up Agro-Service Centres for which National Cooperative Development Corporation's assistance is available.

(4) National Cooperative Development Corporation can also provide financial assistance to cooperatives of Scheduled Castes for marketing and processing of jute, coir and salt.

(5) The societies in which 100 per cent members belong to Scheduled Castes, should be provided with financial assistance in the form of share capital instead of loan by the State Governments.

(6) In the States of *Assam, West Bengal, Orissa* and *Tripura* the fishermen mostly belong to Scheduled Castes; fishery cooperatives may be formed in these States and if already organised, necessary financial assistance be availed of from National Cooperative Development Corporation for them by the respective State Governments.

(7) It was felt that cooperatives with majority membership of Scheduled Caste engaged in sericulture would be benefited from financial assistance from National Cooperative Development Corporation for marketing, processing and storage purposes.

(8) It was felt that there was need for a coordinating agency in each State for coordinating the efforts of various State agencies striving to help the Scheduled Castes *e.g.*, State Cooperative Department, Harijan Welfare Department, State Cooperative for Scheduled Castes, etc.

(9) The States may send the details of the schemes for development of Scheduled Castes cooperatives in their States for the current as well as for 1981-82 Annual Plan so that the Planning Commission and the National Cooperative Development Corporation would be aware of their requirements of funds.

(10) Under the National Cooperative Development Corporation's scheme of financing rural cooperatives for distribution of consumer articles suitable proposals may be made to set up consumer shops by cooperatives in or near the Harijan localities.

The State Governments/Union Territory Administrations concerned should take urgent necessary action to implement the above mentioned recommendations, in order to ensure that the Scheduled Castes cooperatives are able to secure adequate financial assistance from the National Cooperative Development Corporation.

Poor socio-economic conditions of persons connected with unclean occupations

4.67 The Scheduled Caste persons engaged in the so-called unclean occupations like sweeping, scavenging, tanning, flaying etc., have customarily been assigned the "lowest" position in the caste hierarchy in the country. Because of the nature of the occupations in which they are engaged, they are subjected to extreme form of untouchability. This is specially true of the Scheduled Castes engaged in the scavenging of dry latrines and carrying of night-soil as head loads. In their case, the stigma of untouchability is partly due to the fact that their occupation has been inseparably linked to specific communities, since long. The members of these communities carry this stigma even after they leave their profession. As observed by a number of Committees on the working and service conditions of sweepers and scavengers, it is a "slur on our culture and a disgrace to our society that a section of humanity should be condemned to such degrading conditions".

4.68 In the Global context, dry latrines are used in over 26 countries, out of which, those in India account for about 78 per cent. Only in a few countries, besides India, scavengers as a class are used in direct handling of the night-soil. India has the largest scavenger fleet of about 6.5 lakhs distributed in 3,119 towns. They are engaged in the removal and carriage of night-soil of about 109 million fellow human beings. Out of these towns, there are 151 cities classified as Class I towns (having population of 1 lakh and above as per 1971 Census). According to a survey completed in 1978-79, only 8 such cities had full sewerage and waste water facilities. The remaining such cities did not have these facilities. The Central Government have already taken up the matter with the State Governments, emphasising the need to incorporate development of sewerage and sewerage treatment facilities in these cities which is proposed to be included in the country's future urban development programme in a phased manner.

4.69 During the Third and Fourth Five Year plans, efforts were made to improve the working conditions of scavengers by supply of wheel-barrows, hand carts and implements such as gum-boots, gloves, scrappers, buckets, etc., to them through municipalities. But such efforts met with only limited success. During the Fifth plan, these measures were given up in the Central Sector and the States were advised that such programmes should be included in their general sectors, so that the persons belonging to these communities also benefited thereform. So far as financial allocations for the scheme are concerned, during the Third Five Year Plan, an allocation of Rs. 144.19 lakhs was made under the Centrally Sponsored Programme for the improvement in the working conditions of sweepers and scavengers. In addition, an allocation of Rs. 299 lakhs was made for housing and house-sites. A provision of Rs. 300 lakhs was made for the composite scheme during the Fourth Plan period. The Union Ministry of Works & Housing initiated a scheme for the conversion of dry latrines into sanitary ones to be taken up in 30 selected towns in the country and a provision of Rs. 4.40 crores was made in the Fifth plan for the purpose.

Steps taken by State Governments/Union Territory Administrations to improve the working and living conditions of sweepers and scavengers

4.70 An effort was made by this organisation to find out the steps taken by various State Governments/ Union Territory Administrations to improve the working and living conditions of sweepers and scavengers. However, the requisite information was received only from a few States and is given below :—

S. No.	Name of the State/ Union Territory	Steps taken
1	2	3
1.	Andhra Pradesh . .	A sum of Rs. 1 lakh was provided for the scheme of elimination of dry latrines for the year 1979-80. An amount of Rs. 1 lakh was also provided under the scheme for the year 1980-81.
2.	Gujarat . . .	The target of converting 25,000 dry latrines into flush type latrines was proposed during Five Year Plan 1978–83, of which 3,664 latrines were converted during 1978-79. A target of 4,000 latrines was fixed for the year 1979-80 for which an amount of Rs. 15.00 lakhs was provided. Similarly, additional 5,000 latrines were targetted to be converted during 1980-81 for which an outlay of Rs. 10.00 lakhs was proposed. In addition, a provision of Rs. 3.50 lakhs for schemes which ceased to be Central sector schemes and accommodated under State Plan, was made.
3.	Haryana . . .	In 27 municipalities, partial sewerage facilities are available. In order to eradicate the practice of carrying night-soil as head load, the sweepers and scavengers were given wheel-barrows by most of the municipalities. Under Section 164 of the Haryana, Municipalities Regulation 1973 no person is permitted to carry night-soil in any receptacle on his head. The work of sweeping and scavenging can be taken up only by persons above the age of 18. Anybody who flouts this provision is liable to be punished with a fine ranging from Rs. 25 to Rs. 200.
4.	Kerala	Corporations/Municipalities were instructed by the State Government to convert as many public latrines as possible into water borne ones. In respect of the private latrines the following guidelines were issued : (*i*) A new house costing Rs. 10,000 and above should not be licensed unless provision was made for construction of a latrines with a septic tank. (*ii*) In respect of houses, the cost of which exceeded Rs. 1,500 but not Rs. 10,000, a septic tank or ESP type latrine should be insisted. (*iii*) Existing scavenging type latrines attached to houses, the annual rental value of which exceeded Rs. 600, should be converted into septic tank latrines by issuing directions under Section 175 of the Kerala Municipality Act. (*iv*) Houses, the annual rental value of which exceeded Rs. 60, but not Rs. 600 should be compelled to convert existing latrines into ESP type latrines. Owners of such houses should be given loan assistance upto Rs. 250. The work of construction of ESP type latrines in Corporations and Municipalities was brought under non-numerative town improvement scheme for the purpose of financial assistance by the Government of India at the prescribed pattern, which was 1/6th of the estimated cost as grant and 3/6th as loan. During the year 1979-80, a target of converting 1,879

1	2	3
		dry latrines into flush latrines was fixed, against which 802 latrines were converted during the year. An expenditure of Rs. 1.64 lakhs was incurred for this purpose during the year.
5.	Maharashtra . .	An amount of Rs. 223.87 lakhs was provided for the conversion of dry latrines into flush type or water-borne ones, for the Plan period 1978–83. During the years 1978-79 and 1979-80 an expenditure of Rs. 12.17 lakhs and Rs. 15.09 lakhs (anticipated) was incurred under the scheme. An allocation of Rs. 19.36 lakhs was made under the scheme for the year 1980-81. Under the scheme for grant to Local Bodies for purchase of wheel-barrows, an outlay of Rs. 0.20 lakh was made while for the year 1980-81, an outlay of Rs. 0.15 lakh was made, for that purpose.
6.	Nagaland . . .	A programme for conversion of dry service latrines in the town areas into sewerage system was envisaged during 1980-81 to be completed in phases at an estimated cost of Rs. 75 lakhs.
7.	Orissa . . .	The State Government proposed to take up the programme of conversion of existing latrines in 14 district headquarter towns/urban growth centres in the State covering a population of about 60 thousand at an estimated cost of Rs. 10 crores during the Plan period 1978–83. Under the State Plan, an outlay of Rs. 10 lakhs was proposed for conversion of 889 latrines during the year 1979-80. In 1974-75, a scheme was prepared for sewerage of Cuttack city, at an estimated cost of Rs. 9.93 crores. In view of the magnitude of the scheme, it was proposed to be executed in two phases, with the first phase being executed during the plan period 1978–83 at an estimated cost of Rs. 4 crores. For 1979-80, an amount of Rs. 20 lakhs was proposed to be provided for expenditure under the scheme. Sewerage schemes were also to be taken up at Rourkela and Bhubaneswar during 1979-80.
8.	Punjab . . .	Financial assistance in the form of grant at the rate of Rs. 2000 per beneficiary was proposed for construction of houses to sweepers, scavengers, flayers and tanners during the Sixth Plan. A pilot scheme for conversion of dry latrines into sanitary ones in Barnala and Kotkapura at an estimated cost of Rs. 13.26 lakhs and Rs. 12.06 lakhs respectively was taken up in February, 1977. The Central Government gave Rs. 24.00 lakhs as grant for laying branch sewers and construction of low cost treatment works including disposal works. The scheme at Barnala had been completed. This would benefit about 11,000 persons in the locality where poor people resided. The scheme at Kotkapura was expected to be completed shortly. This would benefit about 10,000 persons.
9.	Tripura . . .	Agartala Municipality took up a scheme for conversion of dry latrines into sanitary ones from the year 1969-70 by way of grant of interest-free loans of Rs. 1,000 to the owners of houses for construction of sanitary latrines. During the Fifth Five Year Plan (1974–79), the Agartala Municipality got an amount of Rs. 5.00 lakhs for the purpose against which expenditure incurred was to the tune of Rs. 1.00 lakh for advancement of interest-free loan of Rs. 2,000, in each case, considering high cost of building materials, to 50 tax-payers for converting their dry latrines into sanitary ones.
10.	Chandigarh . .	A scheme was introduced for the benefit of the people engaged in 'unclean occupations' like seweeping, scavenging and tanning. They would be given financial assistance for undertaking 'clean occupations' which would help them in raising their living standard. A sum of Rs. 300 would be given as subsidy for the purchase of a rickshaw and the rest of the money needed would be given through banks at concessional rate of interest of 4%.
11.	Dadra & Nagar Haveli	New houses were provided with for septic tank latrines.
12.	Lakshadweep . .	There was no scheme for conversion of dry latrines into sanitary ones, since sanitary latrines were constructed in the Union Territory.
13.	Pondicherry . .	A sum of Rs. 3.31 lakhs was provided for the conversion of dry latrines into sanitary ones, to individual householders. Under this scheme, 320 persons were benefited.

4.71 It would be seen from the above table that the efforts so far made for the improvement in the working conditions of sweepers and scavengers as well as the conversion of dry latrines into water-borne ones, have been quite inadequate and do not touch even the fringe of the problem. No doubt, it has since been recognised by the Government of India that scavenging should be done away with and sanitation or at least sewerage with water flush latrines have been recognised as a necessary concommitant programme alongwith water supply, the progress of the programme of converting dry latrines into flush latrines has not been satisfactory, due to lack of funds. *A stage has been reached when any half-hearted attempts will not serve any purpose and a time-bound programme should be formulated by the Government of India to eliminate scavenging completely and not to allow its continuance even in a reduced or attenuated form, any more.*

UNDP Global Project on low cost sanitation

4.72 The U.N.D.P. Global Project* on low cost sanitation, with the World Bank as the executing Agency, have recently undertaken the Low Cost Waterseal Latrine Programme in urban India. According to them, the scavengers can be liberated only if the target 'one family—one latrine' preferably water flush one is achieved by :—

(a) converting all the 10.64 million dry latrines;

(b) all the 10.71 million households not having latrines are provided with one wherever space permits ;

(c) providing well maintained sharing or community latrines only for those households where individual latrines are not possible ; and

(d) scavengers are suitably rehabilitated.

The above mentioned first two steps could be met by the provision of the low cost designs evolved by the UNDP Global Project (out of the existing models—both Indian and foreign) which are accepted and are being adopted by the various agencies in the States of *Bihar, Gujarat and Tamil Nadu* (where such programmes are taken up on a large scale) at average unit costs of Rs. 550 for conversion and Rs. 600 for new construction. With a further provision of Rs. 120 per capita for item C above and Rs. 150 for simple minimal super-structure for each new household unit and a suitable provision for item D above, it is possible to realise this objective in a short period.

4.73 In June, 1979 the Union Ministry of Works and Housing decided that 110 towns in 7 States, *viz., Assam, Bihar, Gujarat, Maharashtra, Rajasthan, Tamil Nadu* and *Uttar Pradesh,* shall be selected in the first instance for providing low cost waterseal latrines wherever possible with on-site disposal of human waste and entrusted the job of preparation of Master Plan Report including preliminary engineering and feasibility studies in these towns for that purpose under the UNDP Global Project. Care is being taken by the Global Project to prepare the project of all these 110 towns, of a standard, which would be acceptable for financial assistance by the national, international as well as bilateral agencies. The UNDP is providing necessary expertise both foreign and national, to prepare the project by providing a Multi-disciplinary Project Team comprising experienced Sanitary Engineers, Public Health Specialists, Social Scientists and Economists. The above mentioned feasibility studies are a pre-requisite for funding by any international or bilateral agency, many of which can possibly assist in this type of programme. These reports are expected to be ready for government review by April, 1981. Another proposal for preparation of feasibility reports for 100 Class II and III towns in another 10 States and 3 Union Territories to be ready for government review by October 1982, is also under consideration of the Project. The UNDP Project are of the view that if the Government of India decide to cover all the towns other than the Class I cities by 1985 and all the towns by 1990, with these low cost techniques and make adequate plan provisions during the Sixth Plan, it is possible for the Project to help the State Governments in all the States and Union Territories for preparing feasibility reports and implementing the programme in stages by continuously monitoring and evaluating the programme. Regular implementation could commence from 1981-82 while the demonsration units could be commenced immediately for motivation, publicity and establishment of technological soundness of proposals in the mind of general public. Thus, in the Sixth Five Year Plan, all the households in 2,968 towns (except 151 cities classified as Class I towns) could be provided with latrines which would not need any scavengers for night-soil removal. The total cost estimated by the UNDP Project for this work is Rs. 1,000 crores, of which Rs. 650 crores would be in the form of grant and Rs. 350 crores as loan. In addition, an amount of Rs. 100 crores would be needed for the rehabilitation of 3.3 lakh scavengers working in these 2,968 towns who would be relieved from their presently depraving work. The Project has estimated that if the Government of India decide to cover 151 Class I towns also under this programme, an additional provision of Rs. 900 crores would be needed which would include Rs. 100 crores for the rehabilitation of 3.2 lakh scavengers working in these cities.

4.74 The Project has suggested that this scheme should be purely a Central scheme with full funds provided in lump so as not to be affected by the financial resources of the individual States. They have also suggested that if a provision of Rs. 50 crores is released immediately, it would enable the completion of about 7 lakh demonstration units all over the country to give the needed fillip to launch the programme on a massive scale during the Sixth Plan period to achieve the targets set.

*Report of the U.N.D.P. Global Project on Low Cost Waterseal Latrine Programme in urban India may be seen at Appensix LIII.

4.75 *The proposals of the UNDP Global Project to abolish scavenging completely are commendable. It is desirable that the Union Ministry of Works and Housing should look into these and consider the desirability of implementing the same by making necessary provisions for the purpose in the Sixth Plan itself, in order to completely stop the practice of scavenging by hand and carrying night soil as head loads. It is also desirable that a comprehensive and time-bound programme for providing alternative employment to the scavengers should be initiated on top priority.*

Assistance provided to Scheduled Castes and Scheduled Tribes by Nationalised Banks

4.76 After the nationalisation of some commercial banks in 1969, the scheme of Differential Rate of Interest was introduced in 1972 to meet the credit requirements of the weaker sections of the Society, including the Scheduled Castes and Scheduled Tribes. The rate of interest charged from these sections under the scheme was 4 per cent. Guidelines were issued by the Union Ministry of Finance to the Public Sector/nonnationalised banks from time to time regarding the quantum of assistance to be provided by the banks to the weaker sections under the scheme. According to these guidelines all these banks were instructed by the Government to ensure that not less than two-third of their advances under the scheme were routed from their rural and semi-urban branches. Correspondingly, not more than one-third of their advances under the scheme were to be routed through their urban and metropolitan branches. It was to be ensured that the banks would lend a minimum of one per cent of their aggregate advances at the end of the previous year, under the scheme. It was also decided to increase the share of the benefits for the Scheduled Castes and Scheduled Tribes under the scheme, from one third to 40 per cent of the total advances under the scheme. Only such persons whose family income from all sources does not exceed Rs. 3,000 per annum in semiurban areas and Rs. 2,000 per annum in rural areas and do not own any land or the size of whose holding does not exceed one acre in the case of irrigated land or 2.5 acres in the case of un-irrigated lands are eligible to borrow under the scheme. In the case of borrowers from Scheduled Castes/Tribes, the land holding criteria have been waived, provided they are otherwise eligible.

Targets for Banks

4.77 With a view to achieving these objectives, certain targets have been stipulated for the banks, providing them with a time-bound programme to reach a certain proportion of their lending to the preferred sections and in rural areas/backward States. The targets are :

(i) Public sector banks were advised that their aggregate lending to the priority sector should reach the level of 33.3% of their total advances by the end of March 1979. This has been raised to 40% to be attained by the year 1985.

(ii) Banks have to ensure that the deposits mobilised by their rural and semi-urban branches are deployed in these areas only, to achieve a credit-deposit ratio of at least 60% for these areas, separately.

(iii) A minimum of 50% of the total direct agricultural advances are to be extended to small and marginal farmers by 1983.

(iv) Advances to weaker sections within the small scale Industries should constitute 12.5% of total advances to small scale industries by 1985.

(v) Out of the total advances under Differential Rate of Interest Scheme 40% should go to Scheduled Castes/Scheduled Tribes.

Banks have also been advised to organize a proper mechanism for monitoring the progress of priority sector lending including assistance under the 20-Point Programme.

4.78 Under the Differential Rate of Interest Scheme, banks are permitted to route advances through State Development Corporations for the welfare of Scheduled Castes/Tribes against specific and commercially viable schemes formulated by these Corporations. Data separately for the credit so routed are not, however, available. At the end of December 1979, the total outstandings under the Differential Rate of Interest Scheme amounted to Rs. 141 crores covering 20.85 lakh beneficiaries, of whom the share of beneficiaries belonging to Scheduled Castes/Tribes was Rs. 61.1 crores comprising 8.78 lakhs, constituting 43.4%. State-wise figures of the number of borrowal accounts, total amount outstanding, amount outstanding from Scheduled Castes and Scheduled Tribes borrowers and percentage of total outstanding from Scheduled Caste and Scheduled Tribe borrowers may be seen at Appendix LIV. It would be seen from that Appendix that in the States/Union Territories of *Jammu and Kashmir, Delhi, Sikkim, West Bengal, Andaman and Nicobar Islands, Madhya Pradesh, Karnataka, Kerala, Tamil Nadu Pondicherry* and *Goa, Daman and Diu,* the percentage of advances made under the scheme to the Scheduled Castes/Tribes was less than the minimum recommended by the Government of India for these communities, *viz.*, 40 per cent. *It is, therefore, recommended that the Reserve Bank of India should look into the matter and issue necessary instructions to the banks concerned to raise their advances to the Scheduled Castes and Scheduled Tribes under the scheme to a minimum of 40 per cent.*

4.79 All the nationalised banks were requested to furnish information about the actual benefits derived by the Scheduled Caste/Tribe persons under the scheme during the year 1979-80. The requisite information

was, however, furnished by only 11 banks and is given in the table below :—

S. No.	Name of Bank	40% of 2/3rd of 1% of total aggregate advances to be sanctioned during 1979-80 to eligible SCs/STs in rural and Semi-Urban areas	Actual amount disbursed to SCs/STs during 1979-80 (Rs. in lakhs)	40% of 1/3rd of 1% of total aggregate advances to be sanctioned during 1979-80 to eligible SCs/STs in Urban and Metropolitan areas	Actual amount disbursed to SCs/STs during 1979-80 (Rs. in lakhs)
1	2	3	4	5	6
1.	Indian Overseas Bank	122.00	86.00	61.00	67.00
2.	Central Bank of India	337.6	Not available	168.8	Not available
3.	Punjab National Bank	276.00	Not available	138.00	Not available
4.	Allahabad Bank	92.60	Not available	46.28	Not available
5.	Canara Bank	267.00	116.79	133.6	39.27
6.	Bank of India	228.00	Not available	144.00	Not available
7.	Vijaya Bank	48.00	4.00	24.00	Nil
8.	Dena Bank	117.77	73.98	55.88	49.57
9.	Indian Bank	127.00	60.00	63.00	22.00
10.	Oriental Bank of Commerce	40.86	19.88	20.43	1.61
11.	Union Bank of India	164.00	206.00	82.00	78.00

It would be seen from the above table that banks are not coming forward to the desired extent to provide credit assistance to the Scheduled Castes and Scheduled Tribes. In this connection it was suggested in Commissioner's earlier reports that 1 per cent of the aggregate advances earmarked to be sanctioned under the Differential Rate of Interest Scheme would not serve the needs of the eligible categories, specially the Scheduled Castes and Scheduled Tribes and that at least 10 per cent of the total loans advanced by the banks should be given to the persons belonging to these communities to meet their medium and long term credit requirements. It was also considered necessary that cooperatives organised for the Scheduled Castes and Scheduled Tribes should also be made eligible to get loans under Differential Rate of Interest Scheme. It appears that no action has been taken on these suggestions. *These suggestions are, therefore, reiterated.*

Housing loans by Banks to Scheduled Castes/Scheduled Tribes, etc.

4.80 The Reserve Bank of India issued revised guidelines to all Scheduled Commercial Banks in May 1979 in which they were instructed that for direct loans to Scheduled Castes/Tribes, economically weaker sections and low income groups, banks should provide housing loans upto 80 per cent of the total cost of the tenement/house. The rate of interest on direct loans to the Scheduled Caste and Scheduled Tribe persons was to be 4 per cent per annum as prescribed under the Differential Rate of Interest Scheme, provided the house loan given to an individual did not exceed Rs. 2,500. These special concessions were meant to finance individuals or groups of individuals in the specific weaker sectors for construction of dwelling places and were not to be extended to any project undertaken by a body, private or Government, unless the Project was meant exclusively for the benefit of specified categories and each of the beneficiaries would have been otherwise eligible for such concessions. The banks were also instructed to consider channelising the housing finance through Regional Rural Banks, village cooperatives and voluntary agencies. All the banks were requested to furnish information regarding the benefits derived by Scheduled Caste/Tribe persons from the scheme during 1979-80. However, the requisite information was received from only few banks and is given below :—

Vijaya Bank

The Bank informed that it had not made much headway in direct finance for housing but its contribution towards the investment in various housing Boards etc., as on 28-3-80 was to the extent of Rs. 9.04 crores.

Indian Overseas Bank

The Bank did not extend any loans under the scheme during 1979. However, recently it had instructed its regional offices to have close liaison with village cooperatives and government agencies for stimulating the housing finance schemes for Scheduled Caste/Tribe members.

Central Bank of India

The Bank sanctioned an amount of Rs. 74.13 lakhs under Housing scheme for the weaker sections including Scheduled Castes/Tribes as on December 1979, out of which an amount of Rs. 31.62 lakhs was actually disbursed. These housing schemes were located in *Bihar, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Chandigarh* and *Delhi*. The rate of interest charged from Scheduled Castes/Tribes beneficiaries was 4% per annum.

Allahabad Bank

The Bank gives housing finance at the rate of 4% per annum to the weaker sections of the

society including Scheduled Castes and Scheduled Tribes. Loans amounting to Rs. 12.45 lakhs had already been disbursed by the Bank under the scheme as on December 1979, through their Madras, Kanpur, Chandigarh and Bombay regional offices. Another housing loan for Rs. 1.10 lakhs was sanctioned through their regional office at Allahabad.

Punjab and Sind Bank

The Bank sanctioned an amount of Rs. 7.99 lakhs as on 28th March 1980. Out of which an amount of Rs. 6.12 lakhs was sanctioned to the Scheduled Caste/Tribe beneficiaries. Thus, about 77.4% of the loans advanced under the scheme were given to the Scheduled Caste/Tribe beneficiaries.

Union Bank of India

The Bank sanctioned housing loans amounting to Rs. 33.94 lakhs to 1425 beneficiaries as on March 1980 at their various centres in *Tamil Nadu, Maharashtra, Madhya Pradesh* and *Delhi*.

4.81 The steps taken by some of the banks to advance housing loans to the Scheduled Caste and Scheduled Tribe beneficiaries at Differential Rate of Interest, are welcome. It is recommended that the Banks which have not so far taken necessary action to advance housing loans to the persons belonging to these communities, may do so now at an early date, as provided in the guidelines issued by the Reserve Bank of India in this regard.

Regional Rural Banks

4.82 The Regional Rural Banks were set up as credit institutions to cater exclusively to the needs of the rural economy by providing credit and other facilities to the weaker sections of the society including the Scheduled Castes and Scheduled Tribes. The small and marginal farmers, agricultural Labourers, artisans and small entrepreneurs were covered by these banks. So far, 84 regional rural banks covering 141 districts in 17 States of the country have been established. State-wise distribution of these banks is given at Appendix LV. Credit is made available to the borrowers at the same rates as the cooperatives. These banks are therefore, not permitted to advance credit at concessional rates of interest. To ensure that the persons served by these banks can avail of the benefits of the Differential Rates of Interest Scheme, the sponsoring banks may lend through Regional Rural Banks on agency or refinance basis. Thus, eligible borrowers will be able to obtain loans at 4 per cent interest in areas covered by Rural Banks. Modalities for the agency/refinance basis of lending were to be worked out by the Reserve Bank of India.

4.83 The total number of loan accounts at the end of March 1980 was 17.09 lakhs and the total amount of loans outstanding was Rs. 168.41 crores. All the banks were requested to furnish information about the assistance provided by them to Scheduled Caste/Tribe beneficiaries. However, the requisite information was received from only 27 banks and is given in the table below :—

S. No.	Name of the Bank	Scheduled Castes		Scheduled Tribes	
		No. of beneficiaries	Amount of loan advanced	No. of beneficiaries	Amount of loan advanced
1	2	3	4	5	6
			(Rs. in lakhs)		(Rs. in lakhs)
1.	Pandyan Grama Bank, Sattur (Tamil Nadu)	7675	82.45	Included in Scheduled Castes	
2.	Puri Gramya Bank, Puri (Orissa)	1890	10.38	454	3.19
3.	Ballia Kshetriya Gramin Bank Ballia (Uttar Pradesh)	483	8.29	Included in Scheduled Castes	
4.	Rayalaseema Grammena Bank Cuddapah (Andhra Pradesh)	4291	36.21	716	9.70
5.	Jaipur Nagpur Aanchalik Gramin Bank, Jaipur (Rajasthan)	3887	100.05	Included in Scheduled Castes	
6.	Shekhavati Gramin Bank, Sikar (Rajasthan)	848	23.19	951	25.77
7.	North Malabar Gramin Bank Cannanore (Kerala)	615	52.60	Included in Scheduled Castes	
8.	Haryana Kshetriya Gramin Bank, Bhiwani (Haryana)	723	18.34	No Scheduled Tribe	
9.	Tungabhadra Gramin Bank Bellary (Karnataka)	5558	66.10	650	3.63
10.	Nagarjuna Grameena Bank Khammama (Andhra Pradesh)	40105	499.02	19130	368.44
11.	*Bhagirath Gramin Bank, Sitapur (Uttar Pradesh)	2195	27.65	Included in Scheduled Castes	
12.	Monghyr Kshetriya Gramin Bank, Monghyr (Bihar)	718	7.31	28	0.77
13.	Cauvery Grameena Bank, Mysore (Karnataka)	2053	18.79	Included in Scheduled Castes	
14.	Bhojpur Rohtas Gramin Bank, Arrah (Bihar)	632	6.26	Included in Scheduled Castes.	

*Till June, 1980.

1	2	3	4	5	6
15.	Gorakhpur Kshetriya Gramin Bank, Gorakhpur, (Uttar Pradesh)	4783	2.38	Included in Scheduled Castes	
16.	Malaprabha Grameena Bank, Dharwar (Karnataka)	2736	39.66	Included in Scheduled Castes	
17.	South Malabar Gramin Bank, Malappuram (Kerala)	3261	15.25	Included in Scheduled Castes	
18.	Bolangir Anchalik Gramiya Bank, Bolangir (Orissa)	6300	Not available	5047	Not available
19.	Koraput Panchabati Gramiya Bank, Koraput (Orissa)	4458	18.89	8400	44.29
20.	Magadh Gramin Bank, Gaya (Bihar)	930	13.58	Included in Scheduled Castes	
21.	Kshetriya Gramin Bank, Hoshangabad (Madhya Pradesh)	1347	204.92	859	142.67
22.	Jammu Rural Bank, Jammu (Jammu & Kashmir)	3688	48.38	No Scheduled Tribe	
23.	Farrukhabad Gramin Bank, Farrukhabad (Uttar Pradesh)	1265	15.08	47	0.39
24.	Prathma Bank, Moradabad (Uttar Pradesh)	2066	34.24	60	1.00
25.	Bundelkhand Kshetriya Gramin Bank, Tikamgarh (Madhya Pradesh)	3310	36.25	Included in Scheduled Castes	
26.	Champaran Kshetriya Gramin Bank, Motihari (Bihar)	1068	15.26	Included in Scheduled Castes	
27.	Samyukta Kshetriya Gramin Bank, Azamgarh (Uttar Pradesh)	1999	22.64	Included in Scheduled Castes	

It would be observed from the above table that 1.45 lakh persons belonging to the Scheduled Castes and Scheduled Tribes were provided financial assistance amounting to Rs. 2023.02 lakhs by the above mentioned 27 rural banks. It was mentioned in Commissioner's previous Report that data furnished by the banks were in absolute terms and no relative figures were available, in the absence of which it was not possible to arrive at any definite conclusion as to whether these banks had started playing a meaningful role in the economic development of the Scheduled Castes and Scheduled Tribes. It was also suggested in that Report that all these rural banks should be instructed to maintain separate data with regard to the assistance provided by them to persons belonging to Scheduled Castes/Tribes as well as to other weaker sections of the population. It appears that many banks have not yet started maintaining comparative data relating to the total advances made by them and the advances made to the Scheduled Castes and Scheduled Tribes out of the same. *The recommendation, is therefore, reiterated.*

Assistance for setting up small scale industries etc.

4.84 In accordance with the new Industrial Policy to provide larger employment opportunities through development of village and small industries in the rural sector, the Government initiated a Centrally Sponsored Scheme of District Industries Centres in 1978. From September 1979, financing of the scheme is on a sharing basis between the Centre and the States. 346 District Industries Centres were reported to have been set up covering 358 districts in various States upto the end of 1979. The Union Ministry of Industry asked all the Centres to prepare action Plans. The promotion and development of cottage, small scale and tiny industries as well as the small industries and services in the rural areas was to be the main responsibility of the District Industries Centres. Till the requisite organisational structure of the District Industries Centres is built up and firmly established, organisations like the Khadi and Village Industries Commission, All India Handicrafts Board, Office of the Development Commissioner (Handlooms) etc., would continue to pursue the promotional and development work in these centres through their own programmes and provide funds accordingly. The District Industries Centres would, however, have the responsibility for coordination of all their activities. The District Industries Centres are required to make an assessment of the potentialities of rural industries by making use of the available data. The objective is to identify and specify the industries/enterprises fit for promotion and development and to give assistance to identified participants to enable them to set up the units chosen by them. The identified beneficiaries will be given financial assistance on the Integrated Rural Development patterns of 33⅓% of the cost of the unit, upto a maximum of Rs. 1,500 for the development of the selected industries. The beneficiaries could use the financial assistance for margin money, purchase of tools and equipments, share capital to secure further assistance from any other sources, etc. The State Governments/Union Territory Administrations were advised by the Development Commissioner, Small Scale Industries that in the matter of disbursement of loan assistance, entrepreneurs belonging to Scheduled Castes and Scheduled Tribes should be given priority. The Union Ministry of Industry was requested to furnish information regarding the number of entrepreneurs belonging to the Scheduled Castes and Scheduled Tribes who had been given assistance by the District Industries Centres. The Ministry furnished information in respect of only 32 District Industries Centres located in *Andhra Pradesh, Bihar, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Nagaland, Maharashtra, Orissa, Rajasthan, Sikkim* and *Uttar Pradesh.* The total number of Scheduled Caste/Tribe entrepreneurs identified by these District Industries Centres and the number

of units established by Scheduled Caste/Scheduled Tribe beneficiaries are given below :—

No. of entrepreneurs identified					
Scheduled Castes			Scheduled Tribes		
1978-79	1979-80	Total	1978-79	1979-80	Total
1	2	3	4	5	6
1618*	6603*	8373	492*	1413*	2177

No. of Units Established by					
Scheduled Castes			Scheduled Tribes		
1978-79	1979-80	Total	1978-79	1979-80	Total
7	8	9	10	11	12
1644*	2869*	4620	407*	783*	1423

*Does not include figures in respect of D.T.C. Vadodara (Gujarat), which are not available. These are, however, included in the totals for the two years.

The District Industries Centre-wise information regarding the number of entrepreneurs identified and units established by Scheduled Caste/Tribe beneficiaries may be seen at Appendix LVI. It is encouraging that a number of Scheduled Caste, Scheduled Tribe persons in the rural areas are being given guidance and incentives to set up small scale industries. However, in the absence of complete information in respect of the District Industries Centres and the percentage of Scheduled Castes and Scheduled Tribe beneficiaries, it is not possible to assess the benefit derived by the Scheduled Castes/Tribes from the District Industries Centres. *All the State Governments/Union Territory Administrations concerned should, therefore, ensure that the percentage of Scheduled Caste/Tribe entrepreneurs identified and assisted under the scheme are at least in proportion to the population of Scheduled Castes/Tribes in the target groups.* In this connection it is learnt that after a detailed review of the performance of District Industries Centres in consultation with the States, the Union Ministry of Industry propose to restructure the centres giving them greater project formulation and implementation capability. To this end it is proposed by the Government of India that within the present level of central share towards the District Industries Centre programme costs, 100 per cent assistance should be given to project-oriented staff having expertise in economic utilisation of dominant local resources in the districts.

National Scheme for Training of Rural Youth for Self-Employment (TRYSEM)

4.85 With a view to meeting the need of a comprehensive training programme for the rural youth embracing the various facets of economic activity in the rural areas, particularly in the agriculture and small industries sectors, the Government of India initiated in July, 1979 a training programme known as the National Scheme of Training Rural Youth for Self-Employment (TRYSEM) to cover both Integrated Rural Development and non-Integrated Rural Development areas. Its main objective is to train at least 2 lakh rural youth every year in agricultural and allied activities for self-employment. Each block in the country would cover a minimum of 40 persons under this training scheme. The main thrust of the scheme will be on equiping rural youth with necessary skills and technology to enable them to seek self-employment. After completion of training, the trainees are given appropriate support from the government for setting up their own enterprises. Training would be imparted by the existing training institutions such as Gram Sevak Training Centres, Gram Sevika Training Centres, Farmers Training Centres, Krishi Vigyan Kendras, Agricultural and other Universities, Industrial Training Institutes, etc. It is also the responsibility of the State Government to identify the existing training institutions within the State through which training has to be imparted. The training courses will be based on the specific needs of the districts concerned and the jobs to be done. Initially, only one trainee was to be selected in each family. According to the guidelines issued to the State Governments by the Ministry of Rural Re-construction, preference is to be given to the members of Scheduled Castes and Scheduled Tribes while making selection of beneficiaries. The selection criteria was to be flexible.

4.86 A stipend of Rs. 100 per trainee per month is sanctioned for the period of training. Besides, training expenses not exceeding Rs. 50 per month per trainee could be incurred which would be made available to training institutions concerned for meeting the expenditure. The trainees are also eligible for financial assistance on Integrated Rural Development patterns. The expenditure on training and subsidy component of the scheme is to be shared equally by the Central and State Governments both in the Integrated Rural Development and non-Integrated Rural Development areas. *The scheme appears to have great potentialities for providing training to the Scheduled Caste/Scheduled Tribe beneficiaries for their self-employment. It is, therefore, desirable that while selecting beneficiaries under the scheme it should be ensured that the percentage of Scheduled Caste/Scheduled Tribe persons is at least in proportion to the percentage of their population, in the district concerned.*

Allotment of distributive agencies to Scheduled Castes and Scheduled Tribes

4.87 The allotment of distributive agencies and quotas to Scheduled Caste and Scheduled Tribe persons on preferential basis can play an important role in the improvement of their economic conditions. It was, therefore, stressed in Commissioner's earlier reports that government agencies and public sector undertakings should sanction retail dealerships to suitable unemployed graduates and other entrepreneurs belonging to these communities. In Commissioner's 1977-78 Report, it was recommended that all the State Governments/Union Territory Administrations should allot

distributive agencies/fair price shops to Scheduled Caste/Tribe persons at least in proportion to their population in the different States/Union Territories. An attempt was made to collect information from various State Governments etc., about the number of distributive agencies, such as fair price shops, ration shops, coal depots, kerosene agencies, etc., allotted to Scheduled Caste/Tribe persons. The requisite State-wise information for the years 1977-78, 1978-79 and 1979-80 in respect of the States/Union Territories from which information was received, is given in the table below :—

S. No.	Name of State/ Union Territory	Total No. of agencies			No. of agencies allotted to					
					Scheduled Castes			Scheduled Tribes		
		77-78	78-79	79-80	77-78	78-79	79-80	77-78	78-79	79-80
1	2	3	4	5	6	7	8	9	10	11
1.	Bihar	N.A.*	N.A.	30155	N.A.	N.A.	1256 (4.16%)	N.A.	N.A.	Included in Scheduled Castes
2.	Gujarat	9051	405	N.A.	101 (1.12%)	20 (4.94%)	N.A.	137 (1.51%)	23 (5.68%)	N.A.
3.	Haryana	4486	4255	N.A.	125 (2.79%)	131 (3.10%)	N.A.	N.A.	N.A.	N.A.
4.	Himachal Pradesh	N.A.	N.A.	N.A.	17	14	21	78	83	136
5.	Jammu & Kashmir	N.A.	160	N.A.	N.A.	57 (35.63%)	N.A.	N.A.	N.A.	N.A.
6.	Madhya Pradesh	N.A.	14530	N.A.	N.A.	766 (5.27%)	N.A.	N.A.	Included in Scheduled Castes	N.A.
7.	Maharashtra	2428	1981	N.A.	210 (8.65%)	118 (5.96%)	N.A.	27 (8.94%)	124 (6.26%)	N.A.
8.	Manipur	N.A.	654	N.A.	N.A.	11 (1.69%)	N.A.	N.A.	138	N.A.
9.	Meghalaya	1418	1502	N.A.*	33 (2.33%)	30 (2.00%)	N.A.	1081 (76.23%)	1155 (76.90%)	N.A.
10.	Orissa	173	173	N.A.	N.A.	4 (2.31%)	N.A.	N.A.	N.A.	N.A.
11.	Punjab	31	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
12.	Rajasthan	215	N.A.	N.A.	123 (57.21%)	N.A.	N.A.	92 (42.79%)	N.A.	N.A.
13.	Tripura	N.A.	N.A.	N.A.	N.A.	51	N.A.	N.A.	88	N.A.
14.	Uttar Pradesh	Information awaited								
15.	West Bengal	485	493	N.A.	14 (2.89%)	3 (0.61%)	N.A.	N.A.	N.A.	N.A.
16.	Andaman & Nicobar Islands	28	29	Nil	N.A.	N.A.	Nil	28 (100%)	29 (100%)	Nil
17.	Delhi	N.A.	N.A.	N.A.	149	N.A.	N.A.	N.A.	N.A	N.A.
18.	Mizoram	N.A.	N.A.	£ N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
	TOTAL	18315	24182	30155	755 (4.12%)	1205 (4.98%)	1256 (4.17%)	1633 (8.92%)	1640 (6.78%)	136 (0.45%)

*N.A. is for Not available

It would be seen from the above table that a total number of 18,315 distributive agencies were allotted in the above mentioned States/Union Territories from which information was received, during 1977-78, out of which 755 (4.12%) agencies were allotted to Scheduled Castes and 1,633 (8.92%) to Scheduled Tribe persons. During the year 1978-79, out of the total number of 24,182 agencies allotted in various States, 1,205 (4.98%) agencies were allotted to Scheduled Castes and 1,640 (6.78%) agencies were allotted to Scheduled Tribes. During the year 1979-80, out of the total number of 30,155 agencies allotted, 1256 (4.17%) and 136 (0.45%) agencies were allotted to Scheduled Caste and Scheduled Tribe persons respectively. It would be seen that the number of distributive agencies allotted to Scheduled Caste/Tribe persons during the three years, was quite inadequate, as compared to the percentage of their population in various States.

4.88 During his visit to *Bihar* in July 1980, the Commissioner for Scheduled Castes and Scheduled Tribes discussed the allotment of Fair Price Shops to Scheduled Caste/Scheduled Tribe persons in the State, with the Chief Minister of the State. It was revealed during the discussion that, out of over 30,000 Fair Price Shops sanctioned in the State, about 27,500 were working. About 1,200 Scheduled Caste/Scheduled Tribe persons were operating Fair Price Shops which came to 4 per cent of the total number of sanctioned Fair Price Shops. It was learnt that according to the policy of the State Government, Scheduled Caste/Scheduled Tribe persons were given preference in the allotment of Fair Price Shops. Commissioner suggested that instead of the existing policy, suitable reservation to the extent of 14 per cent and 10 per cent should be made for the Scheduled Castes and Scheduled Tribes respectively and that they should be given all possible facilities through the State Scheduled Castes Development Corporation by advancing them loans at nominal rates of interest. Another point which emerged at the Commissioner's meeting with the State Development Commissioner was that it was difficult for the Scheduled Caste/Scheduled Tribe persons to run these shops at the existing rates of commission in the rural areas. It was, therefore, suggested that 50 per cent of the new Fair Price Shops opened in the urban areas should be given to the Scheduled Caste/Scheduled Tribe persons. They should also be allotted at least one shop at each of the Block Headquarters and other villages which were linked with good communication system. *The State Government should look into the above mentioned suggestions and consider the desirability of implementing the same at an early date.*

4.89 According to the guidelines issued by the Government of India to the State Governments, the objectives of the public distribution system in the rural areas should be to ensure that every village or a group of villages having a population of 2,000 and above should have a fair price shop. The headquarters of a village Panchayat, irrespective of its population, was also to have a fair price shop. In remote and inaccessible areas, particularly in tribal belts, the population coverage of a village or a cluster of villages as the case may be, could be even 1,000. It is reported that a total number of 2.55 lakh Fair Price Shops were functioning in the country in July 1980, out of which 2.03 lakh and 0.52 lakh shops were functioning in the rural and urban areas respectively. Out of these, the number of shops allotted to Scheduled Caste/Scheduled Tribe persons or the number of such shops opened in remote and inaccessible tribal areas is not known. *All the State Governments/Union Territory Administrations should take necessary steps to ensure that the number of Fair Price Shops/agencies allotted to Scheduled Caste/Tribe persons is at least in proportion to their population in the respective States/Union Territories and that they are given loans through Scheduled Caste Development Corporations at nominal rates of interest in order to encourage them to enter these professions. For the allotment of the Fair Price Shops in the inaccessible tribal areas, the State Government concerned should ensure that the norm of minimum population coverage is relaxed according to the guidelines issued by the Government of India in this regard.*

Indian Oil Corporation

4.90 25% of all types of dealerships, including cooking gas distributorships, allotted by all public sector oil companies are to be reserved for Scheduled Caste/Tribe persons, from September, 1977. According to information furnished by the Indian Oil Corporation Ltd., out of the total number of 183 retail outlet dealerships awarded during 1979-80, 37 dealerships were awarded to Scheduled Caste/Tribes persons, constituting 20.21% of the total dealerships. Out of the total number of 59 SKO/LDO dealerships awarded during the year, 26 dealerships (44.06%) were awarded to Scheduled Caste/Tribe persons. Similarly out of 38 Indane distributorships awarded during the year, 14 distributorships (36.84%) were awarded to Scheduled Caste/Tribe persons. It is learnt that, the Indian Oil Corporation have identified 25 places in *Orissa* for opening retail outlets for 1980-81. Out of these, 5 locations, *viz.*, Baliapal, Bhubaneshwar, Motter, Udala and Chatarpur bye-pass have been kept reserved for persons belonging to Scheduled Tribes. It was also informed by the Corporation that the functioning of the dealerships/distributorships being operated by Scheduled Castes and Scheduled Tribes was generally satisfactory.

Fertilizer Corporation of India

4.91 As already mentioned in our previous Report, it was decided by the Ministry of Petroleum, Chemicals and Fertilizers, in pursuance of efforts made by the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes that, at least 25% of all future appointments regarding fertilizer dealerships awarded by the Fertilizer Corporation of India, would be reserved for Scheduled Castes and Scheduled Tribes

persons It was confirmed by the Ministry that the decision to reserve 25% of future dealerships in fertilizers for Scheduled Caste/Tribe persons, was applicable to all the fertilizers companies in the public sector, including fertilizers and chemicals, Travancore and Madras Fertilizers Ltd In order to protect the interests of Scheduled Caste and Scheduled Tribe candidates, partnership with the members not belonging to Scheduled Castes/Tribes was not permitted under the scheme During the discussions which the Commissioner had with the Chief Minister of *Bihar* during his visit to Patna in July, 1980, it was, however, revealed that no fertilizer depot in the State had been allotted to Scheduled Caste/Scheduled Tribe persons *The Union Ministry of Petroleum, Chemicals and Fertilizers should, therefore, look into the matter and ensure that at least 25 per cent of the fertilizer dealerships are awarded by various Fertilizer Companies to Scheduled Caste/Scheduled Tribe persons*

Ministry of Railways

4 92 It was decided by the Ministry of Railways that w e f August, 1978, all petty catering/vending contracts at Railway Stations would be allotted only to Scheduled Caste/Tribe persons and no previous catering/vending experience would be necessary for the award of such contracts While awarding larger contracts, Scheduled Caste/Scheduled Tribe persons would be given first preference

Legal Aid

4 93 Article 39A of the Constitution provides that the "State shall in particular provide free legal aid, by suitable legislation or schemes or any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities" Sub-Section 2(1) of Section 15A of the Protection of Civil Rights Act also provides for legal aid facilities to be given to persons subjected to any disabilities arising out of untouchability, to enable them to avail of the rights flowing from the abolition of untouchability Some State Governments have introduced schemes for providing legal aid to the poor persons including the Scheduled Castes and Scheduled Tribes With a view to establishing an adequate and vigorous legal aid programme on an uniform basis in all the States and Union Territories, a Committee was constituted in May, 1976 under the Chairmanship of Justice P N Bhagwati, Judge of the Supreme Court, to examine all questions and make appropriate recommendations for establishing and operating a comprehensive and dynamic legal services programme The Committee, *inter alia,* felt that many studies would have to be undertaken for formulating comprehensive legal aid programmes and that many departments of knowledge would have to be coordinated for drawing up a suitable picture of legal aid programmes In pursuance of this suggestion, an inter-Departmental Committee was set up for the purpose of such studies and coordination. That Committee had completed the examination of the recommendations made in the Report of the above mentioned Bhagwati Committee

4 94 In September, 1980 the Central Government constituted a Committee known as the Committee for implementing legal aid schemes, under the Chairmanship of Justice P N Bhagwati, Judge of the Supreme Court with 5 other members The functions of the Committee were as follows —

(a) To formulate, in detail, and to implement comprehensive legal aid schemes after taking into account the working of the various legal aid schemes in different States

(b) To monitor the schemes for legal aid and advice the States and Union Territories with a view to ensure their effective functioning as a means of securing social justice

(c) To take or recommend such other steps as are necessary to secure appropriate working of the legal aid schemes

(d) To consider and report on, or take necessary action with respect to, such matters pertaining to legal aid as the Union Minister of Law, Justice and Company Affairs may refer to it from time to time

The Committee could for the purpose of its work with respect to any State or Union Territory co-opt one or more persons as members from that State or Union Territory The Committee was constituted for 3 years in the first instance and was required to submit its first report within a period of 6 months from the date of its first meeting The Central Government has raised the budget provision for legal aid, from Rs 1 lakh to Rs 25 lakhs for the year 1980-81 *It is hoped that while formulating and implementing various legal aid schemes, the Committee will specially keep in view the interests of the Scheduled Castes and Scheduled Tribes who form the bulk of the poor people*

State-wise position of Legal Aid Schemes

4 95 All the State Governments/Union Territory Administrations were requested to let us know the details of the legal aid schemes being implemented in their States/Union Territories as well as the benefits derived by the Scheduled Caste and Scheduled Tribe

persons, therefrom. However, the same was received only from few States/Union Territories. Available State-wise position in this regard is given in the table below :—

S. No.	State/Union Territory	Act/Rule	Categories of persons eligible for free legal aid	Means test
1	2	3	4	5
1.	Andhra Pradesh	State Legal Aid & Advice to the Poor Rules 1979.	Poor persons including Scheduled Castes, Scheduled Tribes & Jawans.	Annual income should not exceed Rs. 2,000 in the cities of Hyderabad and Secunderabad and 1,500 at other places.
2.	Assam	Legal Aid Rules 1978.	All Poor persons.	Not available.
3.	Bihar	—	Landless Agricultural Labourers including Scheduled Castes & Scheduled Tribes.	The income should not exceed Rs. 3,600 per year.
4.	Gujarat	(1) Gujarat Legal Advice Rules 1972. (2) The Gujarat Legal Aid (Defence Personnel) Rules 1972.	Defence Personnel including widows of Jawans, Sweepers & Scavengers Scheduled Castes & Scheduled Tribes.	(1) Persons whose income is less than Rs. 2,400 per annum & immovable property worth less than Rs. 5,000. (2) Sweepers & Scavengers are given aid irrespective of their income and value of their property.
5.	Haryana	Legal Aid to the Poor (Punjab) Rules 1959.	All poor persons including Scheduled Castes.	(1) Persons earning less than Rs. 2,400 per annum are eligible. (2) The District Welfare Officer is empowered to give Rs. 100 to Scheduled Castes.
6.	Himachal Pradesh	(1) Legal Aid to the Poor Rules 1973. (2) Legal Aid to Scheduled Castes and Scheduled Tribes Rules 1974. (3) The Himachal Pradesh State Legal Aid to the Poor Rules 1980.	All poor persons including Scheduled Castes & Scheduled Tribes are eligible.	Persons whose income does not exceed Rs. 300 per month.
7.	Karnataka	(1) Karnataka Land Reforms (Legal Assistance to poor tenants) Rules 1968. (2) Karnataka Legal Aid & Advice Rules 1977.	All poor persons including Scheduled Castes and Scheduled Tribes are eligible.	(1) Scheduled Caste and Scheduled Tribe persons whose annual income does not exceed Rs. 5,000. (2) The assistance ranges between Rs. 250 to Rs. 2,000.
8.	Kerala	(1) Legal Aid (to the Poor) Rules 1958. (2) The Kerala Legal Aid & Advice to the Poor & conduct of their cases Rules 1978.	—do—	Income should not exceed Rs. 300 per month.
9.	Madhya Pradesh	Madhya Pradesh Samaj Ke Kamjor Vargon Ke Liye Vidhik Sahayata Tatha Vidhik Salah Adhiniyam 1976.	All landless agricultural labourers/rural artisans including Scheduled Castes/Scheduled Tribes are eligible. Legal aid is limited to Rs. 400 while for Scheduled Castes/Scheduled Tribes it is limited to Rs. 600.	The income should not exceed Rs. 200 per month.
10.	Maharashtra	(*i*) Legal Assistance Scheme for Backward classes. (*ii*) Legal Assistance Scheme for Harijans. (*iii*) Legal Assistance Scheme for undefended poor accused persons in Session cases (cases in Moffusil). (*iv*) Legal Assistance Scheme for undefended poor accused persons in Session cases in Greater Bombay.	All persons including Backward classes, Defence personnel and undefended accused persons in Sessions cases are eligible.	Persons whose income does not exceed Rs. 3,600 per annum are eligible.

1	2	3	4	5
		(v) Legal Assistance Scheme for Defence Personnel and their families.		
		(vi) Legal Assistance Scheme for Ex-servicemen and their families.		
		(vii) The Maharashtra State Legal Aid & Advice Scheme 1979.		
11.	Orissa . . .	Legal Aid to the Poor Rules, 1975.	There are two categories of legal aid to the poor & legal aid to the Scheduled Castes and Scheduled Tribes.	Persons whose income does not exceed Rs. 2,500 per annum.
12.	Punjab . . .	Legal Aid Rules notified in 1977.	All persons including Scheduled Castes & Scheduled Tribes landless agricultural labourers and rural artisans are eligible.	Persons whose family income does not exceed Rs. 300 per month and Rs. 500 for Scheduled Castes/Seheduled Tribes.
13.	Rajasthan . . .	Legal Assistance (Scheduled Castes & Scheduled Tribes) Rules, 1969.	Only Scheduled Caste and Scheduled Tribe persons.	Given to those whose income from all sources is less than Rs. 3,600.
14.	Tamil Nadu . .	Tamil Nadu Legal Aid (to poor) (Scheduled Castes & Scheduled Tribes) Rules, 1975.	All socially, educationally backward classes of citizens including Scheduled Castes and Scneduled Tribes.	Income should not exceed Rs. 2,500 per annum.
15.	Tripura . . .	Tripura Scheduled Castes & Scheduled Tribes (Legal Assistance) Rules, 1978.	Only Scheduled Castes & Scheduled Tribes are eligible.	Not available.
16.	Uttar Pradesh . .	(1) Uttar Pradesh Legal Aid to the poor (Scheduled Castes, Scheduled Tribes, Denotified Tribes & Scheduled Debtors) Scheme, 1975.	Only poor Scheduled Castes, Scheduled Tribes, denotified Tribes & Scheduled Debtors are eligible.	Given to persons whose monthly income is upto Rs. 300 or who hold land upto one hectare, or own urban immovable property of annual letting value of less than Rs. 120.
		(2) Legal Aid & Advice Scheme, 1977.	All persons are eligible.	
17.	West Bengal . .	Legal Aid to the Poor (West Bengal) Rules, 1974.	To all poor persons, including Scheduled Castes/Scheduled Tribes.	Persons whose annual income does not exceed Rs. 2,400 are eligible.
18.	Jammu & Kashmir .	Jammu & Kashmir Scheduled Castes litigants (Grant of legal aid) Revised Rules, 1971.	Scheduled Castes only.	(1) Persons whose monthly income does not exceed Rs. 250 per month. (2) If both tne parties belong to Scheduled Castes, no legal aid is given.
19.	Manipur . . .	A Board for legal aid to the poor has been constituted under which legal aid is given to deserving poor persons including Scheduled Caste/Scheduled Tribe.		
20.	Nagaland . . .	There is no scheme of free legal aid to the poor cases are decided by the chiefs, village courts etc. according to customary law. Government provides defence counsel in the case of capital punishment if the accused is unable to engage a defence counsel.		
21.	Andaman Nicobar Island.	Legal aid is given to poor accused in criminal cases.		
22.	Arunachal Pradesh .	No legal aid Board has been constituted. All civil disputes & minor criminal cases are decided by the tribal council according to the customary law. In serious criminal cases the accused are provided with lawyers at Government expense.		
23.	Dadra & Nagar Haveli	—	All poor persons including Scheduled Castes and Scheduled Tribes are eligible.	Persons whose income does not exceed Rs. 1,800 per annum.
24.	Delhi . . .	Delhi Administration Rules, May, 1980.	Only Scheduled Caste & Scheduled Tribe persons are eligible.	(1) Income should not exceed Rs. 500/- per month. (2) No legal aid is given if the case is between two Scheduled Castes/Scheduled Tribes parties and if it is more than twice.
25.	Goa, Daman & Diu	—	All poor persons are eligible.	Persons whose monthly income does not exceed Rs. 1,800 per annum.
26.	Pondicherry . .	State Legal Advisory Board	All poor persons including Scheduled Castes & Scheduled Tribes are eligible.	Income should not exceed Rs. 3,000 per annum.

4.96 It would be seen from the above table that legal aid scheme exclusively for the Scheduled Castes and Scheduled Tribes have been framed in *Himachal Pradesh, Maharashtra, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, Jammu and Kashmir* and *Delhi*. In the remaining States/Union Territories, legal aid schemes have been formulated for all the persons including Scheduled Castes and Scheduled Tribes, subject to fulfilment of the prescribed means test. Cases for which legal aid is given to Scheduled Caste/Scheduled Tribe persons untouchability cases, cases involving land and other property disputes, bonded labour, etc. *It is desirable that specific provisions for free legal aid to the poor Scheduled Caste/Scheduled Tribe persons should be made by the State Governments/Union Territory Administrations who have not so far provided for it. It is also desirable that a more liberal means test should be prescribed for the Scheduled Caste/ Scheduled Tribe beneficiaries, in order to cover a larger number of beneficiaries.*

4.97 Regarding the benefits derived by Scheduled Caste/Scheduled Tribe persons from the Legal Aid Schemes, information was received only from *Gujarat, Himachal Pradesh, Madhya Pradesh* and *Maharashtra*. In the case of the first three States, 277, 11 and 22 Scheduled Caste/Scheduled Tribe persons respectively, had benefitted from the schemes and expenditure of Rs. 0.02 lakh, 0.02 lakh and 0.77 lakh respectively, was incurred during the year 1979-80. For *Maharashtra*, separate figures for Scheduled Caste/Scheduled Tribe are not available. However, total number of 344 persons benefitted from the scheme and an expenditure of Rs. 0.81 lakh was incurred, out of which an expenditure of Rs. 0.22 lakh was incurred on 58 beneficiaries in the Scheduled Areas of the State. In the absence of complete requisite information, it is not possible to assess the progress of the Legal Aid Schemes in various States/Union Territories.

4.98 It has been observed that one of the main difficulties in the implementation of the legal aid schemes is that the fees paid to the advocates in legal aid schemes in various States are quite inadequate to attract efficient persons. Some State Governments have prescribed remuneration for lawyers who come forward to take up cases of Scheduled Caste and Scheduled Tribe persons, while some State Governments have appointed extra government pleaders for the job. Under the *Delhi* Administration Rules for providing legal assistance to Scheduled Caste/Scheduled Tribe persons, a panel of Scheduled Caste/Scheduled Tribe as well as non-Scheduled Caste/Scheduled Tribe advocates has been maintained by the Harijan Welfare Board. Selection of advocates for free legal aid cases from this panel is made through a Committee. Specific rates of fees have been prescribed for advocates who take up civil and criminal etc., cases under the Scheme. The fees vary from Rs. 50 to Rs. 400 per case. The Government of *Uttar Pradesh* have appointed Assistant District Government Counsels (Harijan Welfare) to provide consultancy to the Scheduled Caste persons involved in various types of cases and also to appear on their behalf in the courts. It is learnt that the scheme has not been functioning smoothly because revenue and civil cases have to be handled by these officers not on the basis of daily remuneration but on case-wise remuneration. Since cases on the revenue and civil side sometimes last for years, no immediate remuneration is available to these officers. *The State Government should therefore look into the matter and take necessary action to ensure that part of the remuneration is paid to these officers with respect to their appearing in the Courts to give them incentive for their work.* In this connection it was recommended in Commissioner's report for the year 1977-78 that remuneration paid in such cases should be adequate to attract counsels of suitable quality and experience. *It is desirable that all the State Governments/Union Territory Administrations who have not yet prescribed adequate fees for lawyers taking up cases under various legal aid schemes, should do so now at an early date in order to make the same attractive for the lawyers to come forward to take up cases of Scheduled Caste/Scheduled Tribe persons under the legal aid schemes.*

4.99 Various State Governments have been making provisions for free legal aid scheme to the poor. However, the progress of the implementation of the schemes in various States has been far from satisfactory and only small portion of the provisions made for the schemes were utilised by different State Governments. The State Governments should, therefore, take necessary action to ensure that the provision made for the scheme during a year is fully utilised during that year.

Some State Governments/Union Territories like *Jammu and Kashmir, Orissa, Delhi* etc., have provided that no legal aid shall be allowed if the litigation is between two Scheduled Caste/Tribe parties. Some other States like *Uttar Pradesh* have made a provision that no legal aid shall be provided for cases against any party comprising Government, Statutory Corporation etc. *Such provisions do not appear to be logical because even in cases where both the parties happen to be Scheduled Castes/Tribes, one of the parties may belong to the more affluent and influential sections of the community and may be in a position to exploit the other party which may belong to the poor sections among these communities. It is therefore, desirable that in such cases legal aid should be provided on merits of the case and no rule should be made to debar the poor Scheduled Caste/Tribe persons from the provision of legal aid. Similarly, there should be no bar to claim legal aid in cases where one of the parties happens to be a government department because Scheduled Caste/Scheduled Tribe persons concerned must get legal aid to represent them in such cases.*

4.100 If more Scheduled Caste/Scheduled Tribe lawyers are available, they may be more willing to come forward to take up cases of free legal advice to Scheduled Castes/Tribes, at reasonable charges. *It*

is therefore, desirable that Scheduled Caste and Scheduled Tribe graduates should be encouraged to go in for studies for LL.B. For that purpose, the State Governments should make a provision for granting study leave to working graduates who want to take up evening LL.B. courses. After such Scheduled Caste/Scheduled Tribe graduates obtain their LL.B. degrees, they should be given grants/loans to set up their legal practice.

Employment Guarantee Scheme

4.101 Articles 41 of the Constitution provides that "the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work .....". It is well known that a predominant majority of the unemployed and under-employed persons in the country to whom this right has to be secured, live in the rural areas and are mostly landless agricultural labourers. Most of them belong to the weaker sections, specially the Scheduled Castes and the Scheduled Tribes. A number of schemes like the Drought Prone Area Programme, Food for Work Programme etc. were initiated by Government to give relief to the unemployed persons, specially those affected by drought.

4.102 The main objective of the 'Food for Work Programme', now called the National Rural Employment Programme is to create more opportunities for the rural unemployed and under-employed people for employment in rural works. These people are generally agricultural labourers or marginal farmers. This programme envisaged to cover all on-going plan and non-plan schemes and other works which could create community assets in the rural areas. The Union Ministry of Rural Re-construction recently decided that 10% of the resources under this programme should be earmarked for works directly, benefitting the Scheduled Caste/Tribe persons. Such works included the development of house-sites, group housing, drinking water wells, irrigation wells, etc. About 1,000 poor families in each block were expected to be provided employment for 100 days in a year. Information about the number of Scheduled Caste/Tribe beneficiaries under the programme is however, not maintained by the State Governments, as a result of which it is not possible to assess the benefits derived by Scheduled Castes/Tribes from this programme. *It is, therefore, desirable that the Ministry of Rural Reconstruction should issue necessary instructions to all the State Governments/Union Territory Administrations to maintain separate statistics for Scheduled Caste/Tribe beneficiaries.*

4.103 The Government of *Maharashtra* started the Employment Guarantee Scheme in 1972 to provide employment to all un-employed persons who were prepared to do manual labour but could not find the same. Some other State Governments also started similar schemes. Details of such schemes being implemented in different States are given below :—

(i) *Maharashtra*

Under the Employment Guarantee Scheme which was initiated by the State Government in May 1972, employment was guaranteed to all able-bodies adults in the rural areas. In order to give a statutory basis to the scheme, the State Government enacted the Maharashtra Employment Guarantee Act. Under the scheme, work was to be provided within 15 days of receiving the request for employment. It was also provided that if the State Government could not provide employment to such a person within the stipulated period of 15 days, unemployment allowance of one Rupee per day was to be paid to him. In order to ensure that labour was not shifted frequently from one work to another, employment was normally to be provided at least for 30 days. It was to be ensured that the scheme did not affect the availability of agricultural labour at the prescribed minimum wages. The rates of wages offered under the scheme were, therefore, lower than the prescribed minimum wages. Availability of labour for plan or non-plan public works was also not to be affected. The policy of the State Government was invariably to provide employment to anybody who applied for it and thus avoid the necessity of payment of unemployment allowance, which the Government would have to pay otherwise. According to the estimates of the State Government regarding employment needed by persons belonging to the weaker sections including landless labourers and the smallest 10% cultivators in the rural areas of the State, there were 14 crores unemployed mandays for which a wage bill of Rs. 42 crores was reported to be needed in 1974-75, if wages were paid at the rate of Rs. 3 per day. The total expenditure on the scheme was estimated to be Rs. 70 crores. According to available information, an expenditure of Rs. 68.87 crores was incurred under the scheme during 1978-79 and 16.35 crores of mandays of employment were created. During the years 1979-80 and 1980-81 (upto September 1980) 20.54 and 9.38 crores of mandays of employment respectively, were generated. The total expenditure incurred by the State Government on the scheme from 1972 to February 1979, was Rs. 216 crores. It was reported that 9.63 per cent of the working age population from the weaker sections was engaged in different works under the scheme from November 1977 to October 1978.

According to an assessment of the working of the scheme in the State, the total population of the weaker sections in the rural areas of the State in 1978 was 79.9 lakhs, out of whom 59.5 lakhs belonged to households of landless labourers and 20.4 lakhs from the 10% of the smallest cultivators. Of these, there were about 41 lakh workers and, out of them, about 3.9 lakhs constituting 10% had been employed under the Employment Guarantee

Scheme. It was reported that about three-fourths of the total un-employed persons among the weaker sections, had been employed under the scheme. According to a survey about 90% of the households employed under the scheme had an annual *per capita* income of less than Rs. 720. Thus, about 90% of the persons working under the scheme were below the poverty line and it was concluded that the wage rate paid to the workers under the scheme should be reasonably increased if they had to be brought above the poverty line. It was also observed that more progressive districts in the State could derive more benefits from the scheme while the backward districts could not get proportionate benefits due to them from the scheme.

An evaluation study of the scheme was also made by the Planning Commission and the Directorate of Economic Statistics of the State Government from April 1976 to October 1978, in 4 districts of the State, namely, Nasik, Sholapur, Beed and Bhandara. The Study revealed that the benefits of the productive works undertaken under the scheme had largely, gone to the medium and big farmers. Only 21% of the households who derived benefits from the productive works under the scheme, belonged to the category of small and marginal farmers. It was also revealed that only about 5% of the total households who derived benefits from the productive works under the scheme, belonged to the Scheduled Castes and another 5% of such households belonged to the Scheduled Tribes. Another finding of the study was that the households who derived benefits from the productive assets created under the scheme, were not only able to increase their earnings, but were also able to repay their outstanding debts. It was revealed that a large portion of the loans were repaid by such households from the incomes generated from the assets created under the scheme. Most of these households belonged to the category of farmers having lands between 2 to 10 hectares.

Inspite of the above drawbacks noted in the working of the scheme, there is no doubt that the scheme is a good attempt aimed at reducing poverty. It is desirable that the State Government should look into the matter and ensure that the households belonging to the weaker sections, specially the Scheduled Castes and Scheduled Tribes are able to derive more benefits from the assets created under the scheme.

(ii) *Karnataka*

The Employment Affirmation Scheme started in the State in 45 taluqas during the year 1979, aimed at generating productive community assets in the rural areas of the State. Under the scheme guarantee of unskilled manual work opportunities is provided to the rural poor for a period of 100 days in a year during the slack agricultural season. Men and women of 18 years and above who normally reside in a village and register their names for manual work are covered under the scheme. As far as possible, work is normally given within a radius of 6 kms. from the houses of the beneficiaries. During the year 1980-81, 99 Taluqas in the State were covered under the Scheme. It was reported that 69 lakh mandays of employment were generated during March—June 1979 season.

(iii) *Tamil Nadu*

The State Government initiated a special Rural Employment Programme in September 1979. According to the programme, employment was to be provided to all healthy persons of 18 years and above who were not covered under programmes like Small Farmers' Development Agency, Drought Prone Area Programme, etc., in the rural areas. It was also provided that if a person who was registered under the scheme could not get employment within 30 days, he was to be given rice of the value of Re. 1 per day, till he got employment. It was reported that 2.7 lakh persons had been given employment under the scheme upto the end of the quarter ending September 1980.

(iv) *Madhya Pradesh*

The State Government started the "Guaranteed Rural Employment Scheme" in 1978-79 for generating employment through expansion of labour intensive projects for generating durable assets. It was reported that the scheme was being implemented in 150 blocks of the State during 1978-79 and its coverage had increased to 189 blocks during the year 1980-81.

4.104 *The steps taken by the above mentioned State Governments in starting schemes for guaranteed employment to the unemployed rural poor are commendable. It is recommended that all the other State Governments/ Union Territory Administrations should also consider the desirability of introducing similar schemes in their respective States/Union Territories. In order to ensure that the benefits of these schemes are derived by the weaker sections, specially the Scheduled Castes and Scheduled Tribes, productive works including rural roads, drinking water supply and sanitation schemes, etc., should be taken up to benefit landless labourers as well as marginal and small farmers, a large number of whom belong to these communities, so that vested interests among the big farmers are not allowed to usurp the benefits from these works.*

Minimum Needs Programme

4.105 The Minimum Needs Programme which was introduced in the Fifth Five Year Plan, was essentially an investment in human resource development. Provision of free or subsidized services through Public Agencies, in the programme, was expected to improve the consumption levels of those living below the poverty line. It laid down the urgency for providing social services according to nationally accepted norms within a time-bound programme. The programme will continue during the Sixth Plan. Various components of the programme are (i) Elementary Education; (ii) Rural Health; (iii) Free Water Supply; (iv) Rural Roads; (v) Rural Electrification; (vi) Housing assistance to rural landless labourers; (vii) Environmental improvement of urban slums and (viii) Nutrition for optimising benefits, these programmes were to be taken up as a package and related to specific areas and beneficiary groups. A sectoral approach in which programmes were formulated and implemented departmentally was not considered adequate either in the overall development of the area or for bringing about desired distribution of benefits. In the Sixth Five Year Plan, this programme entered the seventh year of its implementation. It is learnt that in the past, States like *Punjab, Haryana, Maharashtra, Gujarat, Kerala, Andhra Pradesh, Tamil Nadu* and *Karnataka* had made good progress in the implementation of the programme while States like *Madhya Pradesh, Rajasthan, Uttar Pradesh, Bihar, Orissa, West Bengal,* and the North Eastern States had lagged behind. A total provision of Rs. 5807 crores has been made for the programme, for the Sixth plan period, as against Rs. 2,607 crores for the Fifth Plan. It is expected that this programme, combined with various other programmes of rural development, would increase opportunities for employment and improved life of the rural poor. The norms, targets and outlays for the different components of the Programmes are given in table below :—

Minimum Needs Programme, Targets and Outlays

(Rs. in crores)

Head	Objective	Target by 1985	Outlay	
			States/Union Territories Plan	Central Plan
1	2	3	4	5
Elementary Education . .	100% enrolment in the age group 6–14 by 1990. It would be supplemented with non-formal education.	95% enrolment in the age group 6–11 and 50% in the age group 11–14. It would be supplemented with non-formal education.	851	54
	100% coverage of adults in the age group 15–35 by 1990 through non-formal education.	Target not fixed.	68	60
Rural Health	1. One Community Health Volunteer for a population of 1000 or a village by 1990.	To increase the number of Community Health Volunteers from 1.4 lakhs as on 1st April, 1980 to 3.60 lakhs.		
	2. Establishment of one sub-centre for a population of 5,000 in plains and 3,000 in tribal and hilly areas by 2000 A.D.	To increase the number of sub-centres from 50,000 to 90,000 or 75% achievement of the objective.		
	3. One Public Health Centre for 30,000 population in plains and 20,000 in tribal and hilly areas by 2000 A.D.	To establish 600 additional Public Health Centres and 1,000 Sub-Health Centres over and above 5,400 Public Health Centres and 1,000 Sub-Health Centres existing now for achieving about 45% of the number required.	408	169
	4. Establishment of one Community Health Centre for a population of one lakh or one C.D. Block by 2000 A.D.	To establish 174 Community Health Centres, in addition to converting existing 340 upgraded Public Health Centres into Community Health Centres.		
Rural Water Supply . . .		Coverage of all the remaining problem villages by 1985 excepting in some difficult areas like hilly and desert regions.	1407	600

1	2	3	4	5
Rural Roads	Linking up of all remaining villages with a population of 1,500 and above and 50% of the total number of villages with population of 1000-1500 by 1990.	To cover about 50% of the total number of villages required to be covered to achieve the objective *i.e.*, additional about 20,000 villages.	1165	..
Rural Electrification . . .	At least 60% of the villages, in each State and Union Territory to be electrified by 1990.	40% of the villages required to be covered to achieve the objective *i.e.*, additional 46,464 to be electrified.	301	
Housing Assistance to Rural Landless Labourers.	Provision of housing assistance to all landless labour households by 1990. Assistance to include house-site construction materials, drinking water well for a cluster of houses and approach road.	To cover all the remaining households for allotment of house-sites and 25% of the eligible households *i.e.*, about 3.6 million for provision of assistance for construction of houses.	354	
Environmental Improvement of Urban Slums.	100% coverage of the urban slum population by 1990. Facilities to include water supply, sewerage, paving of streets; storm water drains, community latrines. Areas inhabited by scheduled Castes particularly scavengers would be given priority.	40% of the remaining slum population *i.e.* additional 10 million slum population to be covered.	151	..
Nutrition		SNP : 5 million children in 600 ICDS blocks and 5 lakh women to be covered by providing integrated services of feeding, health, welfare, etc. MDM : The existing level of beneficiaries *i.e.* about 17.4 million children to be continued and the programme to be integrated with other essential services.	219	..
		TOTAL	4924	883

4.106 It would be seen from the above table that, under the Programme for 'Environmental improvement of urban slums', areas inhabited by Scheduled Castes, particularly scavengers would be given priority. Under the Programme of Rural Health, while one Sub-Centre would be established for a population of 5000 in plains areas by the year 2000, this norm would be relaxed to a population of 3,000 in tribal and hilly areas. In the case of Public Health Centres, the norm is one centre for 30,000 population in plains areas, while it has been relaxed to 20,000 population in tribal and hilly areas. It is also expected that the Scheduled Castes and Scheduled Tribes will derive considerable benefits from the various components of the programmes like Elementary Education, Rural Water Supply, Housing Assistance to rural landless labourers, nutrition, etc., because these categories happen to be the most deprived sections of the rural population. *It is desirable that all the State Governments/Union Territory Administrations should ensure that benefits from the various components of the programme accrue to these communities, at least in proportion to their population in the target groups, wherever these can be identified. In other cases, areas predominantly inhabited by Scheduled Castes/Scheduled Tribes should be given priority while implementing these programmes. A suitable performa should also be devised to collect details regarding the benefits derived by Scheduled Caste/Scheduled Tribe persons from the programme in order to assess the actual benefits accruing to these communities.*

CHAPTER 5

LAND, AGRICULTURE AND HOUSING PROGRAMMES

Allotment of surplus land to the Scheduled Castes/ Tribes

About 52 per cent of all Scheduled Caste workers are landless agricultural labourers. The Scheduled Castes also constitute the largest single group among the landless agricultural labourers in the country as a whole as well as in most of the States. Among agricultural labourers, the Scheduled Castes represent the most disadvantaged group, since about two-thirds of all the bonded labourers in the country belong to the Scheduled Castes, as revealed in a recent survey. Ceiling-surplus lands that become available to the State Governments are allotted by these Governments to the landless agricultural labourers. Considerable land has till now been made available for allotment to the landless labourers out of the surplus land. While distributing these lands, preference is given by various State Governments to Scheduled Caste and Scheduled Tribe persons. State-wise position of priorities in distribution of ceiling surplus land in various State Governments may be seen at Appendix LVII. According to the latest available information, land measuring 50.03 lakh acres was estimated to be surplus as on 21-11-1980, out of which an area of 37.85 lakh acres had been declared surplus and an area of 24.88 lakh acres had been taken into possession. Out of the above surplus land taken into possession, 17.29 lakh acres of land had been distributed among 12.07 lakh beneficiaries. Out of these, 4.94 lakh Scheduled Caste beneficiaries had been allotted 5.89 lakh acres of land and 1.53 lakh Scheduled Tribe beneficiaries had been allotted 2.51 lakh acres of land. Thus, out of the total surplus land distributed, 34.06 per cent of land was distributed to 40.92 per cent Scheduled Caste beneficiaries and 14.51 per cent of land was distributed to 12.67 per cent Scheduled Tribe beneficiaries. A statement showing the State-wise position regarding the distribution of surplus land to Scheduled Caste and Scheduled Tribe beneficiaries is given at Appendix LVIII.

5.2 As already stated above, the Scheduled Castes/ Tribes constitute the bulk of landless agricultural labourers in the country. The allotment of less than 50 per cent of the total surplus land distributed so far, to the persons belonging to these communities is, therefore, quite inadequate. *The percentage of surplus lands allotted to the Scheduled Castes should be fixed at a level equal to their percentage among the agricultural labourers in a State and a weightage of at least 10 per cent should be given in view of the extreme social disadvantage experienced by them since times immemorial. In any case, a minimum of 50 per cent of surplus land must be allotted to the persons belonging to these communities. The desirability of allotting all available surplus land first to the Scheduled Castes/Tribes and making allotment to other categories only after fully meeting the formers' requirements, should also be considered by all the State Governments. In order to encourage the State Governments/Union Territory Administrations to allot more surplus land to the Scheduled Castes/Tribes, the Central Government should ensure that the distribution of the Central pool of plan assistance among various States is made in proportion to the progress in the implementation of the measures of transfer of land resources to the Scheduled Castes and the development of these lands, in addition to the progress of other measures for the development of these communities.*

Financial assistance to assignees of surplus lands on imposition of 'Ceiling on Agricultural Holdings'

5.3 The Land Reforms Division of the Union Ministry of Rural Re-construction is implementing a Centrally Sponsored Scheme, *viz.*, financial assistance to the assignees of surplus land on 'Imposition of Ceiling on Agricultural Holdings'. Under this scheme, financial assistance is provided to the States for distribution among the allottees of ceiling surplus lands. Up to the end of the year 1979-80, funds amounting to about Rs. 14.74 crores were released to various State Governments. However, the State Governments have not furnished any information regarding the funds allotted to Scheduled Caste and Scheduled Tribe allottees of surplus land separately, out of the releases made to them under this scheme. The Ministry of Rural Re-construction have, however, presumed that the funds made available to the Scheduled Castes/ Scheduled Tribes would be proportionate to the area distributed to them and have assumed that this amount would be about Rs. 7 crores. *It is, however, desirable that the Ministry of Rural Re-construction should collect figures of the amounts of financial assistance actually distributed by various State Governments to the Scheduled Caste and Scheduled Tribe allottees under this scheme in order to access the benefits actually derived by these communities from the scheme.*

5.4 A sum of Rs. 30 crores has been proposed under the scheme during the Sixth Five Year Plan. For the year 1980-81 an amount of Rs. 3.37 crores was provided under the scheme. The amount earmarked to various State Governments out of this amount may be seen at Appendix LIX.

5.5 Besides the above scheme, the State Governments also provide various other types of assistance to the allottees of surplus land for agricultural inputs, either under Special Schemes or under their General Schemes for providing loans and other assistance to agriculturists. In many States, assistance from Commercial Banks and other public Credit Institutions is also made available to the allottees of surplus land to enable them to take to the cultivation of the allotted land. The importance of providing assistance to the Scheduled Caste/Tribe allottees of surplus land has already been stressed in Commissioner's earlier Reports. In Commissioner's Report for the year 1978-79 it was recommended that liberal assistance should be given to the new Scheduled Caste and Scheduled Tribe settlers for reclamation of land and various agricultural inputs and minor irrigation programmes should be given high priority in the tribal sub-plan areas as well as for the benefit of agriculturists belonging to the Scheduled Castes. The desirability of forming Cooperative Farming Societies of Scheduled Caste and Scheduled Tribe landless labourers by providing technical and financial assistance to them was also stressed. It was also suggested that research to evolve new varieties of crops suitable to tribal areas should be conducted for improving the economic condition of the Scheduled Tribes. The action taken by various State Governments in this regard is not known. *The recommendation, is therefore, reiterated. It is also recommended that, simultaneously with distribution of surplus land to the Scheduled Caste/Tribe persons, they should also be given a complete package of all necessary assistance such as irrigation facilities wherever possible, plough-bullocks, agricultural implements and production inputs without the loss of any time. Where this assistance is provided as loan, the credit should be provided promptly and at low rate of interest, and until the lands start giving economic yield, a moratorium on the recovery of such debts should be imposed*

Land Records

5.6 In spite of the Government policy to give land to the tiller, share-cropping is still prevalent in various States in many forms. In most of the cases, share-cropping is carried on informally and is unrecorded. Cultivators have to face a lot of hardship in obtaining institutional credit in the absence of record of their rights. Since the bulk of the share croppers belong to the Scheduled Castes/Tribes, their formal recognition, official recording and the conferment of legal rights of occupancy and purchase of ownership on easy terms would go a long way towards the economic development of these communities. Legislation to confer tenancy rights on the tenants and share-croppers in order to protect them from eviction and to confer ownership rights on them, have been adopted in most of the States. In 1976, the Union Ministry of Agriculture and Irrigation had impressed upon the State Governments the need for early action for updating land records. In Commissioner's previous Report also, it was suggested that the work of completion of land records of Scheduled Castes/Tribes should be attended to on priority basis. In some States the work of re-survey and preparation of records of rights has been taken up. Some State Governments have undertaken special drives to bring the records of rights up-to-date. Information in this regard is available in resepect of few States and is given below :—

Andhra Pradesh

In Bhadrachalam Division of Khamam District, *Andhra Pradesh,* 533 villages had been taken up for settlement operations. In all, there were 38,525 *patta* enquiry cases. Upto October, 1979, 14,121 *patta* enquiry cases had been completed. After completion of the survey and settlement operations, the tribal ryots will be in a position to know their holdings and will also get loans for their development. An amount of Rs. 45 lakhs was provided for this work for the year 1980-81.

Bihar

Out of the 4 tribal districts in *Bihar* the revisional survey had been completed in Singhbhum. During the later part of the Fifth Five Year Plan, survey and settlement work was initiated in Ranchi district, part of Palamau district and Santhal Parganas. The State Government proposed to complete the work by 1982-83 in all the districts for which an amount of Rs. 320 lakhs was proposed to be provided during the Sixth Plan.

Gujarat

In *Gujarat,* the scheme for up-dating the record of rights was introduced during the Fourth Five Year Plan period. Till the end of the year 1977, 14,000 villages were covered in the districts in which the Bombay Tenancy and Agricultural Land Act, 1948, as amended from time to time was applicable. In the second round, out of 11,300 villages where the record was required to be up-dated, 7,273 villages were covered till the end of 1977-78. During the year 1978-79, the work in 880 villages of the first round and 1,763 villages of the second round, was completed. During the year 1979-80, the target was to cover 1,440 villages in the first round and 720 villages in the second round. So far as villages in the tribal area were concerned, survey and revision survey had been completed in 333 villages and work of 19 lakh units and 0.96 lakh pages of writing and reconstruction of torn records had been done. In 6,395 cases, concealed tenancy of the tribals was detected. 16,402 cases of unauthorised alienation of land of tribals had been detected. Rs. 0.33 lakh had been given as *tagavi* loans to tribals to acquire the land which was unauthorisedly alienated and restore it to them.

Kerala

In *Kerala,* re-survey field work was completed in respect of 13,164 sq. kms. and office process in regard to 7,784 sq. kms. The physical target fixed for 1980-81 was 2,700 sq. kms. the same as for the year 1979-80.

Under the Kerala Land Reforms Act, 1963, as amended from time to time, *inter alia*, the following provisions have been made :—

(i) The Act provides for full ownership of the land to the cultivating tenants, thus aiming at abolition of landlordism and elimination of intermediaries. Such land is assigned to the cultimating tenant who gets ownership over the land from 1st January, 1970. Till the end of 1980, 36.44 lakh applications had been received for conferment of ownership rights out of which 24.54 lakhs were allowed and 11.76 lakh were rejected.

(ii) The Act provided that a Kudikidappukaran (a person who has neither a home-stead nor any land exceeding 10 cents in his possession either as owner or as tenant), can buy not merely the site of his hut but also the surrounding land upto the extent mentioned above. The act also prevents a Kudikidappukaran from being thrown out without good reasons which are specified in the Act. Till the end of December, 1980, 4.38 lakh applications were received, in this regard, out of which 2.68 lakh applications were allowed and 1.66 lakh rejected or otherwise disposed of, bearing a balance of 4,215 cases pending.

(iii) The Act also provides that surplus land taken over by the State Government is to be distributed to landless agricultural labourers. Specific provisions has been made in the Act to distribute 50% of the land to landless agricultural labourers belonging to Scheduled Castes and Scheduled Tribes. To check alienation of such land and to ensure that the allottees enjoy the benefits of the land, alienation of allotted land has been legally prohobited for a minimum period of 12 years.

The Act also provides that no land in the possession of Scheduled Caste/Scheduled Tribe tenants shall be resumed by the landlord. Scheduled Caste/Scheduled Tribe allottees are exempted from the payment of fees payable in respect of any document presented by them. The machinery to deal with the implementation of the Act includes Land Tribunals, Taluqa Land Boards and Appellate Authorities.

Madhya Pradesh

According to an amendment of Land Revenue Act which came into force on 24th October, 1980, the weaker sections have been given relief regarding various difficulties faced by them in respect of settlement and measurement of agricultural land. To prevent the land allotted to landless persons by the Government, to be transferred to others, it has been provided in the amended Act that it shall be compulsory to obtain the written permission of the Collector before transferring such lands. It has also been provided in the Act that, the person, who is not working under a landlord and cultivating his land for more than 2 years, during which the landlord does not take any legal action against the person to recover his land, will be the owner of such land. There is also a provision that the purchaser of such land will be responsible to prove that he is not acquiring land from tribals fraudulently.

Orissa

In *Orissa,* settlement operation was completed in 30,510 villages by the end of September, 1978. During the year 1979-80, settlement operation was expected to be completed in 1,553 villages, besides 585 villages were scheduled to be completed in respect of demarcation, 2,016 villages in respect of *Kistwar* and *Khanapuri,* 3,220 villages in respect of *bujharat* and attestation and 5,514 villages in respect of draft publication and objections hearing. In order to achieve the above target a sum of Rs. 541 lakhs was required by the State Government during the year 1979-80 including Rs. 71 lakhs required for the settlement operation in the tribal areas of the districts of Mayurbhanj, Phoolbani, Keonjhar, Sundergarh, agency areas of Ganjam District, Bonda Hill areas of Jeypore Tehsil, unsurveyed areas of Motu Tehsil of Koraput District and Kuchinda Sub-Division of Sambhalpur District.

Goa, Daman & Diu

In *Goa, Daman & Diu,* out of 447 revenue villages, 278 villages were covered by record of rights work up to the end of 1977-78. During 1978-79, 51 more villages were covered. During 1979-80, this work was completed in 4 villages. Thus in 333 villages, the work relating to record of rights had been completed, in all the remaining 114 villages this work was in progress. The target for 1979-80 was 50 villages.

West Bengal

In *West Bengal,* as mentioned in Commissioner's previous Report, the State Government had hastened the process of record of rights of the share-croppers (bargadars) by starting a special derive known as "operation barga". The rights of share-croppers called bargadars in the State are governed by the West Bengal Land Reforms Act, 1955. The Act was amended in 1970 and 1971 further safeguarding the interests of bargadars. The Act fixed the maximum rent payable by a bargadar (at ½ of the gross produce where inputs are supplied by the landowner and at ¼th in other cases). The rights of bargadar became heritable and permanent subject to landlords' right of resumption for personal cultivation upto 3 hectares provided the bargadar was left with at least 1 hectare. The bargadars had no right to acquire the rights of ownership in respect of the land cultivated by them. The law was amended in 1978 to make the definition of 'personal cultivation' more stringent for purposes of resumption by the landlords. It was stipulated that for resuming land for personal cultivation from a bargadar, it should be accompanied by the personal residence by the landlord in the locality and cultivation should be his major source of income. It was laid down that a person lawfully cultivating any land belonging to the landowner should be presumed to be

a bargadar in respect of such land if such person was not a member of his family and the burden of proving that such person was not a bargadar would lie on the land owner.

Section 50 of the Act provides for maintenance of record of rights up-to-date through mutations and Section 51 provides for revision of preparation of record of rights by issue of a notification. Legal provisions for recording of rights of bargadars have been made under Sections 50 and 51 of the Act and in rules 21, 22 and 23 of the West Bengal Land Reforms (Bargadars) Rules, 1956 as amended from time to time and Scheduled 'A' of the said Rules. Revisional operations under Section 51 are in progress in all the 14 districts of the State for several years, both under plan and non-plan provisions. About 5 lakh bargadars were recorded in villages where Khanapuri Bujharat (K-B) operations had been completed under revisional operations. The State Government started 'Operation Barga' in 1978 under Section 50 of the Act to record all the Bargadars in the State as a time-bound programme. 'Operation Barga' did not form part of revisional operations under Section 51. Two new sub-rules were added to rule 21 under Section 50 of the Act. Sub-rule 21(2) provides that Revenue Officer, specially empowered may, on his own motion, after giving the parties interested an opportunity of being heard, (i) cause necessary enquiries including field inspection to decide whether a person is a bargadar or not; (ii) record an appropriate finding and (iii) correct the record of Rights on the basis of his findings. Under sub-rule (3), the parties interested shall be deemed to have been given an opportunity of being heard if the Revenue Officer publishes a notice of his intention to make an inquiry to incorporate any change as mentioned in sub-rule (2), in the prescribed manner. After necessary inquiry, a certificate is issued to the bargadars under rule 21(2), of Section 50, (when a bargadar is recorded under revisional operations, the certificate is allotted under Section 51). The 1978 amendment laid down that if the land-owner failed to grant receipt to the bargadars for delivery of his share, he will be punishable with imprisonment which may extend to 6 months or a fine of Rs. 1,000 or both, and this offence has been made cognizable.

The procedure for 'Operation Barga' under Section 50 is materially different from that prescribed under Section 51. Under Section 51, a village map showing field to field boundaries and a Khasra arranged according to the serial number of the fields in the village is prepared as a part of the K-B, where notification for revisional operations is issued. There are provisions for inviting objections at K-B stage and again at the time of attesting and at draft publication. Even within 1 year from the date of final publication of the Record of Right, there is provision for revision and appeal under Section 51-A of the Act. On the other hand, no notification is issued under 'Operation Barga' and no field to field enquiry is conducted to collect the particulars regarding ownership, cultivation etc. The procedure followed is more or less like this. The official team visiting a village is presented with a list of bargadars by local panchayat. These lists, after an enquiry as prescribed, under the rules are finalised and certificates are issued to the bargadars. Necessary changes are carried out in the record of rights. The aggrieved person has a right of appeal. Certificates are issued to the bargadars soon after their names are recorded so that they may utilise their documents for bank finance.

According to the State Government as a result of 'Operation Barga', the State Government could record upto the end of June, 1980, names of 9.15 lakh bargadars in the record of rights. On an average, nearly 31 bargadars were recorded in a village under 'Barga Operation' against nearly 20 bargadars recorded in a village where K-B operations had been completed. The State Government has estimated that there are nearly 30/35 lakh bargadars in the entire State. Thus, about 1/3 to 1/2 of the total bargadars had been recorded so far. A large number of bargadars belong to Scheduled Castes/Scheduled Tribes though their exact number is not known. *It is desirable that the remaining bargadars should be recorded early.*

Information available with the State Government for 14 out of 15 districts up to August, 1980 indicated that nearly 5,200 writ petitions were filled in Calcutta High Court in connection with matters relating to bargadars. Some writ petitions were also filed against 'Operation Barga' in the Supreme Court. It is not known in how many cases the injuctions were granted by the High Court or the orders so granted earlier were vacated subsequently. A perusal of the writ petitions by the Union Ministry of Rural Reconstruction indicated that the petitioners had questioned the validity of sub-rule (2) and (3) and rule 21, dealing with the recording of bargadars in the record of rights. The petitioners had held that the provisions of the said sub-rules were inconsistent with the provisions contained in Chapter VII of the Act which provided for preparation and revision of record of rights. These writ petitions were being filed by the landlords to stall the operation Barga. It was, therefore, recommended in Commissioner's Previous Report that the State Government should take up such cases on behalf of the bargadars in order to help in creating confidence among them that the State Governmnt would help them at all stages of litigation regarding the recording of their rights without their incurring any expenditure on this account. *In view of the large increase in the number of writ petitions, the recommendation is reiterated.*

Progress of Operation Barga in Cooch Behar District (West Bengal)

5.7 During the visit to Cooch Behar District of *West Bengal* in May, 1980 a study team deputed by the Commissioner for Scheduled Castes and Scheduled Tribes discussed the progress of 'Operation Barga' in the District with the Land Reforms Officer. The Programme which was started in the district in June, 1979 as a priority programme to be completed within a year was extended up to 31st December, 1979 and then to 30th June, 1980. It was understood that the programme had since been extended again up to December, 1980. For the purpose of the programme the district was divided into two broad areas. Area 'A' consisted of the *mauzas* which had already been

covered by *Khanapuri Bujharat* or normal settlement operations which was started in the District in 1976 and were still continuing.. Area 'B' consisted of those *mauzas* which were yet to be covered by *Khanapuri Bujharat*. It was the area under category 'B' which had to be covered under the crash programme. In the area under category 'A', operation *Barga* was to be taken up on selective basis on information received either by way of joint petition or by individual petition or information received from other sources ; *inter se* priority being decided on the basis of concentration of *Bargadars*. The progress of the scheme in the District upto the period ending March 1980 is given in the table below :—

Programme	Completed	Number of bargadars recorded in Operation Barga				
		Sch. Castes	Sch. Tribes	Muslims	Others	Total
584 mouzas	380 mouzas	10491	153	4301	3535	18460

It would be seen from the above table that about 200 *mouzas* out of the total number of 584 *mouzas* were yet to be covered under the programme. It would also be seen that Scheduled Castes and Scheduled Tribes constitute a predominant majority among the *bargadars* recovered in the Districts so far. *It is desirable that the District authorities concerned should expedite the completion of the programme of operation barga in the district, in order to give a sense of security of the bargadars including the Scheduled Castes and Scheduled Tribes.*

5.8 It would be seen from the above paras that much still remains to be done for the completion of the work for Record of Rights in respect of land holdings of Scheduled Caste/Scheduled Tribes in various States/Union Territories. *It is, therefore, desirable that this work should be completed by the State Governments/Union Territory Administrations concerned according to a time schedule, in order to ensure that the Scheduled Caste/Scheduled Tribe tenants become the owners of the land they cultivate and also to enable them to take benefit of the various credit schemes for small and marginal farmers. The State Governments should also ensure that the Scheduled Caste/Scheduled Tribe share-croppers are given their right to a fair share of the produce and also the right of purchase of ownership on easy terms.*

5.9 It has been observed that in many tribal areas, rights over the cultivable and forest lands are collective. It was, therefore, suggested in Commissioner's earlier Reports that, in their case, the land records should reflect a faithful record of corporate rights of the community, clans or lineages and individuals over land. It, however, appears that various State Governments have not given much thought to the above recommendation. *The recommendation is, therefore, reiterated.*

Alienation of tribal lands

Magnitude of the problem

5.10 As already pointed out in Commissioner's earlier Reports, the alienation of tribal lands to non-tribals, specially in the tribal areas which have been opened up as a result of the establishment of industrial and mining complexes and other developmental processes, is still widely prevalent, inspite of the legislative and executive measures taken by various State Governments to prohibit transfer of these lands. The problem has been observed in varying degrees in the tribal areas of *Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura, Uttar Pradesh* and *West Bengal*. However, the exact magnitude of the problem in all the States is not known. An attempt was made by this organisation to collect information regarding the total number of cases of land alienation registered, the number of cases disposed of, etc., from the State Government concerned. The sub-joined table indicates the requisite information furnished by only 9 States :—

Sl. No.	State	No. of cases pending at the end of year 1978-79	Fresh cases registered during the year 1979-80	Total	No. of cases disposed of during the year 1979-80	Acreage of land restored during 1979-80	No. of pending cases at the end of 1979-80
1	2	3	4	5	6	7	8
1.	Rajasthan	Not available	2202 (upto 1979-80)	2202	1849 (upto 1979-80)	651 (upto 1979-80)	353 (upto 1979-80)
2.	Gujarat	2591	212 (1979-80)	2803	922	2591*	1881
3.	Tripura	..	5779* (1979-80)	5779	224	276**	5555
4.	Tamil Nadu	243 (end of 1977-78)	207 (1978-79)	450	20 (1978-79)	Not available	430 (1978-79)
5.	Maharashtra	Not available	Not available	300794 (upto April 1978)	13539 (April 1978)	91006	287255 (April 1978)
6.	West Bengal	Not available	Not available	Not available	Not available	730.44 (1977-78)	Not available
7.	Andhra Pradesh	Not available	24234 (upto 1978)	24234	16851 (upto 1978)	43307@ (upto 1978)	7483
8.	Bihar	Not available	41733 (Till March 1979)	41733	37673	24222	4060
9.	Orissa	4596	2145	6741	2168	889.76†	4573

*In Gujarat 17000 Acres of land was restored to Scheduled Tribes in the Sub Areas of the State upto the end of 1979.
**In the Sub Areas of Tripura 978 Acres of land was restored to Scheduled Tribes upto end of 1979.
@In Andhra Pradesh 48000 Acres of land was restored to Scheduled Tribes in the Sub Areas of the State upto the end of 1979.
†In the Sub Areas of Orissa, 15000 Acres of land was restored to the Scheduled Tribes upto the end of 1979.

5.11 It would be seen from the above table that available information refers only to registered cases of land alienation and there may be a large number of more such cases which have yet to be identified. In the absence of complete information about cases of alienation of tribal lands in all the States concerned. it is not possible to assess the exact magnitude of the problem in these States. It was, therefore, suggested in Commissioner's earlier Reports that comprehensive surveys by the State Governments concerned and expert agencies should be made in the tribal areas where this problem was known to be acute, in order to identify the cases of land alienation. The action taken by the various State Governments in this regard is, however, not known. *The recommendation is, therefore, reiterated.*

Legislative measures to check alienation of tribal land

5.12 Various State Governments have taken legislative measures to check alienation of tribal lands and to restore the alienated lands back to the tribals. A brief account of these measures was given in Commissioner's previous Report. The same has been made up-to-date and is given at Appendix LX. These measures provide stringent punishment to the dafaulters and also provide for restoration of the alienated lands to the original owners. Such provisions have been made either in the Revenue Laws or in the Special Regulations made under the Fifth Schedule to the Constitution. The important laws existing in various States concerned in this regard are given below :—

Sl. No.	State	Existing laws against alienation of tribal lands
1	2	3
1.	Andhra Pradesh .	1. The Andhra Pradesh Scheduled Areas Land Transfer Regulations 1959.
		2. The Andhra Pradesh (Scheduled Areas) Land Transfer (Amendment) Regulation 1970.
2.	Assam . . .	1. The Assam Revenue Regulation 1886 (as amended in 1964).
3.	Bihar . . .	1. Chotanagpur Tenancy Act 1908.
		2. Santhal Parganas Tenancy (Supplementary provisions) Act 1949.
		3. Scheduled Areas Regulation 1969.
		4. Bihar Tenancy Act 1885.
4.	Gujarat . . .	1. Bombay Land Revenue Code, 1879.
5.	Kerala . . .	1. The Kerala Scheduled Tribes (Restrictions on Transfer of Lands and Restoration of alienated lands) Act, 1975 (not yet enforced).
6.	Madhya Pradesh .	1. Madhya Pradesh Land Revenue Code (as amended).
7.	Maharashtra . .	1. Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974.
		2. The Maharashtra (Restoration of Land to Scheduled Tribes) Act, 1974.
8.	Manipur . . .	1. The Manipur Land Revenue and Land Reforms Act, 1960 as amended in 1975.
9.	Meghalaya . .	1. The Meghalaya Transfer of Land (Regulation) Act, 1971.
10.	Orissa . . .	1. The Orissa Scheduled Areas Transfer of Immovable Property by Scheduled Tribes (Amendment) Regulation 1965.
		2. The Orissa Land Reforms Act, 1960 (Outside Scheduled Areas).
11.	Rajasthan . .	1. The Rajasthan Tenancy Act, 1955.
		2. The Registration (Rajasthan Amendment) Act, 1976.
12.	Sikkim . . .	1. The Sikkim Agricultural Land Ceiling and Reforms Act, 1977.
13.	Tripura . . .	1. The Tripura Land Revenue and Land Reforms Act, 1960.
14.	West Bengal . .	1. The West Bengal Land Reforms Act 1955 (as amended from time to time).
15.	Uttar Pradesh . .	1. The Uttar Pradesh Zamindari Abolition and Land Revenue Act 1950 (as amended by U.P. Act No. IV of 1969).

Review of the legislative measures to control land alienation

5.13 It is rather disquieting that inspite of the necessary legislative measures taken by various States, the alienation of tribal lands is still taking place. Various methods used by non-tribals for circumventing the laws for this purpose are as follows :—

(i) 'Benami' transfers.

(ii) Transfer to non-tribals in the form of lease or mortgage.

(iii) Transfers in the name of concubines.

(iv) Marital alliance with a tribal lady for the sake of transfer of tribal land in her name.

(v) Transfer of tribal land in the name of tribal servants who may work as bonded labourers.

(vi) Transfer of tribal land in the name of tribals adopted fictitiously.

(vii) Transfer of actual possession of land without any record, in lieu of loan, while the owner himself continues to cultivate the land as share-cropper, getting a very small portion of the produce.

(viii) Encroachment of tribal land by force.

Various State Governments keep on reviewing the legislative measures in force in their States with a view to plugging the loopholes found in the existing laws, so that the non-tribals may not be able to alienate the tribal lands by circumventing these laws.

West Bengal

5.14 For example, the Government of *West Bengal* amended "the West Bengal Restoration of Alienated Land Act 1973" by passing the "West Bengal Restoration of Alienated Land (Amendment) Bill 1980". The bill has been sent to the Centre for President's assent. According to the amendment, small land holders would be competent to seek restoration of land transferred by them till the bill became law and took effect. Applications for restoration can be made within 10 years of the commencement of the principle Act. The stipulation in the principle Act that restoration will be permissible only if the transfer was made due to distress would be deleted. No restoration shall be made if the transferee did not hold more than one acre of land including the transferred land on the date of transfer and such land was the principal source of his income. The restoration can, however, be ordered if the transferer does not hold more than one acre of land on the date of application.

Gujarat

5.15 In *Gujarat,* the existing provisions of Section 73A of L.R. Code have limited applicability, as the restriction to alienation of tribal lands applies only to the Scheduled Areas of the State. In order to protect the interests of the Scheduled Tribe persons all over the State, a Bill was passed by the State Legislative Assembly, in September 1980 to amplify the provisions of the L.R. Code so as to impose restrictions of transferability of occupancies held by the tribals throughout the State. The Bill was sent to the Central Government for President's assent in October. 1980.

Kerala

5.16 In *Kerala,* the State Government had enacted the "Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of alienated Lands) Act, 1975" to put a stop to the alienation of tribal lands as well as for its restoration in 1975. It is, however, learnt that the Act has not so far come into force because necessary rules thereunder have not so far been framed. The non-implementation of the Act gave a lot of chance to non-tribals to parcel out the alienated lands. They were distributing the alienated land in the names of their relatives to get benefit of the provision in the Act that land less than one acre need not be acquired for restoration to the tribals. In this connection, according to a socio-economic survey of the tribals of *Kerala* made by the Bureau of Economics and Statistics of the State Government, during 1976—78 in which the problem of land alienation was also studied, 8.6 per cent of tribal land-holding households had suffered loss of land as a result of alienation during the decade preceding the survey. The extent of alienation of land was about 9,859 acres. The percentage of land alienation however varied from district to district depending on the concentration of tribal population. The high rate of alienation was observed in the districts of Idukki (31.1%), Palghat (24.6%), Kozhikode (17.1%), Quilon (11.8%) and Kottayam (10.8%). The survey also revealed that 49.2% of the land alienation was on account of domestic expenses, 21% to clear debts, 9% on account of medical treatment and 2.3% on account of expenses on marriage. *It is, therefore, recommended that the State Government should take urgent action to frame necessary rules under the Act so that it may be implemented at an early date, in order to check the alienation of tribal lands and to restore the alienated lands to tribals.*

5.17 The State Government expressed the view that part of the tribal land had been acquired by small farmers and middle peasantry and it had become difficult for the Govt. to restore that land to the tribals because this process would render very small and middle peasants, landless and economically weaker. The State Government was trying to find out a solution. *The argument of the State Government does not appear to be logical, since the tribal lands illegally alienated by whosoever, big or small, have to be restored to the tribal owners even if it causes hardship to the land grabbers. The State Government should, therefore, look into the matter and consider the desirability of restoring the alienated land to the tribals early.*

Karnataka

5.18 In *Karnataka,* according to available information, very little land, other than assigned land, was available with the Scheduled Tribes. The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Land) Act 1978, applied to assigned land. *The State Government should consider the desirability of making this Act applicable to 'Patta' lands of the tribals also.*

Rajasthan

5.19 In *Rajasthan,* a workshop was held by the Tribal Research and Training Institute, Udaipur in June 1980 to consider, *inter alia,* the problem of tribal lands in the State. Some of the important suggestions made by the workshop are given below :—

(i) Sub-Divisional Officers have been decreeing suits in favour of non-tribals under Section 88 of Rajasthan Tenancy Act even though tribal *Khatedars* were recorded as such during the last settlement and recorded in

possession. In case tribal respondents do not contest the suits they should be presumed to be in collusion and the land should be at best treated as abandoned and revert to the land holder. Since the lands are recorded as 'Khatedari' of tribals, any decree passing possession in favour of non-tribals is collusive and *ab-initio* void under Section 42 of Rajasthan Tenancy Act. Necessary amendment under Section 88 regarding vesting of such lands in Government by S.D.O. should also be incorporated.

(ii) Section 175 of Rajasthan Tenancy Act should provide for restoration of land originally held by the tribals, on the pattern of Maharashtra Legislation. It provides for restoration on payment of 48 times the Land Revenue in case the land had been sold for consideration, and free of cost in other cases.

(iii) Section 183B of the Rajasthan Tenancy Act provides for ejectment of trespasser, who is any person who occupies land without authority. In case the tribal owner had permitted the non-tribal even verbally or under pressure, such non Scheduled Tribe Persons cannot be ejected under Section 183B as per existing provision. Therefore the words "trespasser" falling in Section 183B should be substituted by "any other person in possession of land held by tribals".

(iv) Section 43A of Rajasthan Tenancy Act should provide for restoration of land after usufructuary mortgage of 5 years by Tehsildar, *suo-moto* or on application to tehsildar.

(v) Section 175 of Rajasthan Tenancy Act should be amended, so as to cover all cases of illegal land alienation, irrespective of the period of limitation.

It is recommended that the State Government should consider the desirability of taking necessary action to amend the Tenancy Act in the light of the above suggestions and to make necessary rules thereunder in order to ensure that the alienation of tribal lands is checked and the lands already-alienated are restored to the tribals promptly.

Tamil Nadu

5.20 In *Tamil Nadu,* there is no law to prevent alienation of lands belonging to Scheduled Tribes, to others. However, there is a provision in the Revenue Board's Standing Order, to the effect that, in the cases mentioned therein, the lands assigned to Scheduled Tribes should not be transferred by any assignee to any person outside the class to which he belongs, without the express sanction of the Divisional Officer, and that, if the land is transferred without such sanction, it shall be liable to resumption without payment of compensation. The State Government has since decided to enact a legislation to prevent alienation of both the Government assigned lands and the private *patta* lands of Scheduled Tribes to non-tribals. A bill has been drafted for the purpose and it is under examination by the State Government. *It is desirable that necessary action to enact the bill should be taken by the State Government early.*

Madhya Pradesh

5.21 In *Madhya Pradesh* there was no provision in the Land Revenue Code (Third Amendment), to enable the Collector or S.D.O. to start a case *suo-moto* for restoration of the alienated tribal land. The State Government was reported to be considering to make such a provision by making necessary amendment in the Act. It is desirable that necessary action in this regard should be taken by the State Government early. For one reason or two other, it is rarely possible for an innocent and ignorant tribal to put up claim for his land in a court of law. *It is therefore recommended that all the other State Governments concerned should also review the legislative provisions in their respective States and consider the desirability of making necessary amendments therein to provide for* suo-moto *action by the Collectors/S.D.Os to start cases for restoration of allienated tribal lands, if such a provision does not exist already.* It would be seen from the above paras that though various State Governments have taken measures to plug the loopholes in their laws to check alienation of tribal land and to restore alienated lands, much still remains to be done, in order to check the nefarious activities of the unscrupulous persons who are on the look out to find ways to side-track the laws in order to grab the tribal lands. In this connection it was recommended in Commissioner's earlier Reports that identification of alienated land and its restoration in areas of high incidence of land alienation should be carried out and special machinery appointed for restoration of land which should be reviewed regularly at State level. It was further recommended that to expedite land restoration the State should become a party in the case of trespass or illegal alienation of tribal land and summary procedures adopted for this purpose. Comprehensive studies by expert agencies to study Regulations in force for controlling alienation of tribal lands as well as to restore the lands which had gone into the hands of non-tribals, were recommended. It was also suggested to the State Governments that provisions should be made in their legislations that the sale of a holding belonging to a member of a Scheduled Tribe shall be void unless it was in favour of any person belonging to a Scheduled Tribe and that, laws must clearly provide that a plea to this effect can be taken at any stage of the proceedings and by a successor-in-interest. No serious thought appears to have been given by the State Governments towards these recommendations. *The recommendations are therefore reiterated.*

Other steps to stop land alienation

5.22 *It is felt that legislative measures alone to control land alienation are not enough to solve the problem unless other measures are also taken to meet the short and long term credit needs of the tribals.* It is only with the lure of getting prompt credit from the merchant or contractor that the tribal easily falls a prey to them and in the process ultimately loses his land to them. This process is made easier by his sense of honesty, ignorance of protective measures, inability to take advantage of the protective measures, poverty, absence of assured alternative to moneylenders and addiction to drinks. *It is, therefore, desirable that besides the legislative measures taken to restrict land alienation and restore alienated land, effective steps should be taken by the State Governments to promptly meet his immediate credit needs. For that purpose the working of the LAMPS which failed to play the required role, should be reviewed and necessary action should be taken to streamline their working so that tribals can look forward to these societies as effective alternatives to the moneylenders.*

Payment of Minimum Wages to agricultural labourers

5.23 One of the important causes of atrocities on the Scheduled Caste and Scheduled Tribe persons is the disputes over payment of minimum wages to members of these communities. Since the bulk of the agricultural labourers are Scheduled Castes/Scheduled Tribes, who are economically very poor, they are generally exploited by the landlords for whom they have to work at very low wages. Under the Minimum Wages Act, 1948, the State Governments concerned have to fix the minimum wages for labourers in their respective States. Under Section 3 of the Act, the State Governments are required to review, at such intervals as they may think fit but not exceeding five years, the minimum rates of wages and revise these, if necessary. During the past few years, greater emphasis has been laid on fixing/revising minimum wages for the agricultural workers. The rates of minimum wages for such workers according to available information up to June, 1980 are given at Appendix LXI. It would be seen therefrom that the minimum wages for agricultural labourers have since been revised by the Governments/Administrations of *Haryana, Himachal Pradesh, Madhya Pradesh, Meghalaya, Rajasthan, Tamil Nadu, Tripura* and *Delhi.* Minimum Wages under the Act have not so far been fixed in *Jammu and Kashmir, Arunachal Pradesh and Mizoram.*

Enforcement of Minimum Wages

5.24 It is learnt that a draft central legislation for Agricultural Workers was recommended by the Central Standing Committee on Rural Unorganised Labour in 1980. The salient features of the proposed legislation are the payment of minimum wages, security of employment, racial security measures, regulation of working hours, speedy settlement of disputes and the generation of additional employment through Employment Guarantee Boards. The draft Bill is reported to have been circulated to the State Governments for their detailed scrutiny. The enforcement of the minimum wages is the responsibility of the State Governments. Following the decisions taken at the meeting of the State Labour Secretaries in April 1980 and in the Conference of Labour Ministers in July, 1980, further steps @are being taken by various State Governments to strengthen the enforcement machinery for the implementation of minimum wages for the agricultural labourers in their respective States. Most of the State Governments have appointed officers to hear claim petitions in cases of complaints against payment of wages at rates less than the prescribed minimum wages. *It is desirable that such petitions, specially those made by the Scheduled Castes/Tribes should be disposed of promptly to ensure that non-payment of minimum wages to persons belonging to these communities does not lead to disputes and acts of atrocities on them.*

5.25 *Although the enforcement of the Minimum Wages Act will go a long way in ensuring a minimum wage to the Scheduled Caste/Scheduled Tribe agricultural labourers, such measures alone may not be enough for that purpose and they should be supplemented with action to strengthen their bargaining power.* In this connection it was recommended in Commissioner's previous Report that side by side, the Government should take up public works under the 'Food for Work' programme not only in the slack season but also in the agricultural season so that the landlords are compelled to pay the minimum wages to the workers belonging to these communities. *It is also suggested that programmes like the National Rural Employment Programme, Rural Works Programme, Integrated Rural Development Programme, Employment Guarantee scheme etc., should be planned in such a manner that these provide alternative and additional opportunities to the agricultural labourers throughout the year and specially during the harvest season, so as to increase the bargaining power of the agricultural labourers, specially those belonging to the Scheduled Castes and Scheduled Tribes.*

Atrocities on Scheduled Castes/Tribes on account of agrarian tension

5.26 Surplus ceiling land available in different States has been allotted to a number of Scheduled Caste/Tribe persons. Similarly, alienated tribal land is being restored to them under the relevant rules in the State concerned. It has, however, been observed that in a large number of cases, although possession slips are given to the Scheduled Caste and Scheduled Tribe persons, they have to face many difficulties in obtaining the actual possession of the allotted land. In the process, the Scheduled Castes/Tribes are subjected to numerous atrocities at the hands of the vested interests. Scheduled Caste/Tribe agricultural labourers are generally paid wages at rates much less than the minimum prescribed by the State Governments. When they demand the minimum wages due to them, the

@State-wise information regarding the steps taken to strengthen the enforcement machinery may be seen at Appendix LXII.

vested interests use all sorts of methods to make life difficult for them. A large number of such cases of atrocities based on agrarian tension are reported in the press and number of representations are also received in this organisation. Some of such cases of atrocities on Scheduled Castes and Scheduled Tribes are given below :—

Bihar

It was reported in the Press that, guided by a local moneylender, 6 armed policemen raided the village Sarodag in the Hilly jungles, under the jurisdiction of Adhoura Police Station in Rohtas District and committed atrocities on the Scheduled Tribe people in November, 1980. It was alleged that more than 10 tribal women were molested, of who at least 2 were raped and tribal men were beaten by the Police. While leaving the village, the police was reported to have taken 2 Scheduled Tribe men with them after implicating them in an old dacoity case. The matter was referred by this organisation to the District Magistrate for investigation and report thereon. After investigating the case he reported that on the 3rd November, 1980 there was a dacoity in Banda village, Adhoura Police Station. According to the F.I.R. lodged with the police station by the victim of the said dacoity in this case, goods worth Rs. 2,000 were stolen. The S.H.O. of the Adhoura Police Station was reported to be on leave at that time. So the Police Jamadar who was acting as in-charge of the Police Station, accompanied by a police force, reached the Sarodag village at about 8 p.m., on the 11th November, 1980, in order to arrest the 3 accused persons involved in the dacoity case. Out of the 3 accused, 2 were arrested while the third one was absconding. On the 12th November, 1980 the Police party went back to Adhoura. According to the enquiry report of the District Magistrate, there was no complaint of any police atrocity or behaviour towards women by the policemen during their visit to the village. The wives of the arrested tribals stated that their husbands were falsely implicated in the dacoity case. Village Sarodag has two hamlets named Karwa and Korba. The police party had camped at Korba hamlet. In Karwa tola some agricultural land was recorded in the name of Shri Jagdish Sah in the settlement operation of 1970—72. But under Section 106 the Bihar Tenancy Act the land was acquired by the State Government in 1978. A plot of land was also allotted in the name of Shri Ganga Dayal belonging to a Scheduled Tribe. There was a dispute over land between Shri Ganga Dayal and one Shri Kailash Ram on the one side and Shri Jagdish Sah and his son Harihar Sah on the other. In 1980. Shri Jagdish Sah raised a crop on the land which had been acquired by the Government. However, Shri Ganga Dayal and Kailash Ram harvested some portion of that crop under the impression that that land belonged to the Government. Shri Jagdish Sah alongwith his son, another relation, a servant and a wireless operator named Shri Shiv Kumar Sah went to Korba hamlet on the 11th November, 1980 to take revenge on the persons who had cultivated Shri Jagdish Sah's crop. The above named 5 persons dragged 5 to 6 ladies, specially those who had participated in harvesting the crop alongwith Shri Ganga Dayal. Out of these ladies, 2 ladies were raped by the wireless operator, according to the statement of these ladies. A case was registered under Sections 376, 114, 451 and 354 under IPC against 6 accused persons and 4 of them were arrested and sent to jail. The wireless operator was later suspended. The jamadar who was in-charge of the Police party who visited the village was also suspended. The final outcome of the case is awaited.

(2) It was reported in the press that 24 houses belonging to Scheduled Tribes were set on fire in Kajra Village under Dhamdah Police Station of Purnea District on 24/25th July, 1980 and that a goat and a hen had perished in the fire. The Commissioner for Scheduled Castes and Scheduled Tribes got the incident investigated. It was revealed that the Additional District Magistrate and the Superintendent of Police, Purnea had reported to the State Government after making enquiries that the Scheduled Tribes had themselves set their houses on fire in order to implicate the caste-Hindu land owner with whom the tribals had *bataidari* dispute. These officers had conducted the enquiry in the absence of the District Magistrate who was on leave at the time of the incident. On his return from leave the District Magistrate himself conducted enquiry into the incident. He was of the view that the tribals had not themselves set their houses on fire but on the other hand the land owners of the area had a direct hand in the act. Further enquiries in the matter revealed that the tribals were the only source of cheap labour to the land owners. But after the implementation of the Kosi Kranti Project they had started asserting their rights and the land owners wanted to teach them a lesson by harassing them in different ways including implicating them in police cases. The local administration were also reported to be supporting the land owners, which was confirmed by the tone of the joint report of the S.P. and the A.D.M., which was reported later by the District Magistrate. Further investigations into the case were being made by the authorities concerned. It was reported that 19 tribal families had been given a house building grant of Rs. 150 and 3 families a grant of Rs. 120 and a

total amount of Rs. 3,210 had been disbursed on this account. 7½ kgs. of food-grains a week were also distributed to the victims. It was revealed that developmental efforts of the State Government had not so far reached the village. Whatever land had been allotted to them was not fit for cultivation except during rainy season in the area. *It is felt that the State Government should look into the matter and take necessary developmental measures in the area for the welfare of Scheduled Tribe persons. The incident of arson should also be investigated by senior officers in order to instil confidence among the tribals.*

(3) It was reported in the press on 11th November, 1980 that 8 Harijan houses were set on fire on 8th November, 1980 in village Shankarpur in Araria Sub-Division of Purnea District in which a 8 year-old girl was burnt to death. According to the District Magistrate and the S.P. who conducted an enquiry into the incident, the Scheduled Castes themselves were responsible for the incident and they had turned to implicate the non-Scheduled Caste land owners of the area. It was, however, reported that the Commissioner of Kosi Division was not convinced about this version, and wanted further detailed enquiries in the matter to be conducted. The Scheduled Castes were reported to be settled on Government land to which non-Scheduled Caste land owners of the locality also made a claim. The District authorities were of the view that the whole trouble in the area could be due to non-implementation of the settlement of government lands and delivery of affective possession to them. The results of further investigation into the matter by the State Government are awaited.

(4) A dispute over the control of over 9,000 acres of land in about 42 villages in Gaya District between Harijans and landless peasants organised by the Chhatra Yuva Sangharsh Bahini on the one side and a Mahant of Bodhgaya Matt has been going for a few years. The Bahini claimed that the land was being illegally held by the Mahant whose manager held the actual control of the land. The villagers organised by the Bahini in a Mazdoor Kisan Samiti wanted to harvest the crop produced by them on the disputed land which they claimed, actually belonged to them. However, the Matt also claimed the crop and hired toughmen to oppose the villagers. This had resulted in tension in the villages in which crops had been sown in the disputed land. The Police were also allegedly taking action to protect the interests of the Matt. For example, in Shekhwara village located at a distance of about 15 km. from Budhgaya, the Police parties had asked the villagers not to touch the crop on the Mahant's land. About 15 armed policemen were reported to have lodged themselves in the house of the Mahant in the village and arrested 21 Samiti members. The Police were also alleged to have tied the hands of the arrested persons with rope, made them stand in a row and humiliated them. When a press reporter allegedly asked the police A.S.I. about charges on which the villagers had been arrested, he answered that they had been arrested on the charges of land grabbing sometime in June, 1980. It was reported that police had taken away all the immovable property like utensils, clothes etc., from the house of a Scheduled Caste landless labourer. Even the wooden door frames had been removed from the hinges. Scheduled Caste women of the village were also alleged to have been humiliated and abused by the toughmen of the Mahant as well as the police, who tried to molest one of them whose husband was one of the 21 arrested Scheduled Caste persons. Similarly, in village Gosai Pesra, located at a distance of about 50 kms. south of Shekhwara, the police and the toughmen of the Mahant had scared the villagers, some of whom had been beaten up, while the others had been asked to remain away from the Mahant's land. The village looked terrorstricken. The villagers were reported to be afraid of going to the field. The police were reported to be trying to divide the villagers by offering some of them a share of crops. Tension was reported to be growing in these villages. The matter was taken up with the State Government for suitable action and report thereon. Their reply was awaited.

(5) It was reported in the press on 1st July, 1979 that four Scheduled Caste persons had been shot dead by landlords, in village Samhanta, Rohtas district on 22/23 June, 1979. The cause of the incident was reported to be a piece of land measuring 32 katta. That piece of land had been a cause of dispute between the caste-Hindus and the Scheduled Castes, for the last 10 years. The case was investigated by Senior Police officers whose report revealed that junior police officials in collusion with the local landlords had killed four Scheduled Caste persons. These police officials initially wanted to prove the murders as encounters with dacoits. Their efforts on this account were, however, foiled by the senior police officers investigating the case. A case was registered against the accused landlords and police officials. 18 accused persons were arrested. The police officials responsible for the murders were suspended. The State Government issued orders to initiate necessary action in the matter. Families of two deceased Scheduled Castes

were paid compensation of Rs. 2,000 each while the families of the remaining two deceased were paid Rs. 1,000 each. An amount of Rs. 12,000 out of the Chief Minister's Relief Fund was also distributed among the families of the deceased.

(6) It was reported in the press on the 20th November, 1979 that a Scheduled Caste person was beaten to death in village Gohandah, Laxmipur Police Station in Jamui Sub-Division of Monghyr District. The cause of the incident was reported to be an old land dispute. The matter was investigated by the District Magistrate, Monghyr whose report revealed that the Scheduled Caste person was attacked, beaten, dragged and was taken to the Police Station. Subsequently, his condition became serious and he died in Hospital. According to the report of the District Magistrate the police did not make earnest efforts to investigate the case honestly, count on the other hand tried to end the case registered by the son of the deceased. In his report, he held some caste-Hindus, a police Sub-Inspector and some Home Guards responsible for the murder. The case was sent to the Police Inspector, Kharakpur for enquiry. The A.S.I. Police involved in the case was suspended. The wives of the deceased were sanctioned monetary relief of Rs. 2,000.

(7) The District and Sessions Judge, Purnea delivered his judgement on 27th September, 1980 in the case, in which a mob of landlords had allegedly attacked the Scheduled Tribes at Rupaspur village under Dhamdaha Police Station in Purnea District on 21st November, 1971. They were reported to have attempted to evict the Santhals from their land and hutments. When the Santhals resisted, the angry landlords and their henchmen allegedly set fire to the Santhal hutments and opened fire on them. In all, 14 Scheduled Tribe persons were alleged to have been killed in the incident. In the above mentioned judgement of the District and Sessions Judge, 16 persons were sentenced to life imprisonment, 18 were awarded rigorous imprisonment for six years each and 24 were acquitted. Three accused persons including Shri Laxmi Narayan Singh had died during the pendency of trial.

(8) It was reported that in Pahra village of Madhubani district, the house of a Scheduled Caste woman was allegedly set on fire by landlords. According to the report of the District Magistrate, Madhubani, the woman was working as a bonded labourer and the house in which she was residing was given to her by the landlord. But of late, he wanted her to vacate it. When she resisted it, her house was set on fire. Seven persons were arrested following the incident. The victim had already been given Parcha for the land on which the house was located.

(9) It was reported that in Arer village under Banipatti P.S., Madhubani district, a Scheduled Caste settlement was set on fire by a mob on 23rd March, 1980. The cause of the incident was reported to be the refusal by the landless Scheduled Castes to work on the farm of the landlord. The victims had been provided with some assistance by the State Government. One accused person was arrested while six others surrendered themselves in the court. Information regarding the latest position of the case was awaited.

(10) It was reported that in Kokodih village under Patamda P.S. in Singhbhum district, 50 farm labourers including 20 Scheduled Tribe women were allegedly taken away by a Jamshedpur contractor, with the promise of good wages besides food and shelter. In April, 1980 they were later allegedly taken to *Uttar Pradesh* where they were kept in an inhuman condition and were paid Rs. 15 per month as wages.

(11) It was reported that on 12th August, 1980 a Scheduled Caste person of village Kams under Barun Police Station in Aurangabad district was brutally beaten to death. It was alleged that some persons of the same village raided the house of the said Scheduled Caste person who fled away for life and hid himself in a field. They, however, chased him and caught and murdered him. A case under Sections 148/302 IPC against 17 accused persons was registered by the Police. The cause of the incident was said to be long litigation over a piece of land given to the deceased by the State Government. The wife of the deceased was given some compensation by the State Government. The outcome of the case was awaited.

(12) It was reported that in Bhatsila village in Shambhuganj block of Bhagalpur district, a Scheduled Caste woman was burnt to death and 14 huts belonging to Scheduled Castes were destroyed due to dispute over land. Details of the incident were awaited.

Andhra Pradesh

(1) A Scheduled Caste person represented to this organisation in April, 1980 regarding alleged forcible occupation of his agricultural land and house by caste-Hindu landlords. The matter was taken up with the district authorities whose report was awaited.

(2) A complaint was received from the General Secretary, Andhra Pradesh Scheduled Castes

Welfare Association, Hyderabad in June 1980 in which it was alleged that some Scheduled Caste persons had been cultivating the land belonging to a caste-Hindu for a long time and that they had tenancy rights. After the death of the caste-Hindu his property was divided among his three sons, who they alleged, had sold away the property without the consent of the Scheduled Caste tenants, who were deprived of the crops grown on the land. The matter was taken up with the district authorities whose reply was awaited.

(3) A complaint was received in this organisation in October, 1980 from a Scheduled Caste person of village Nanaknagar district Ranga Reddy regarding forcible occupation of land by a caste-Hindu. It was alleged that the Scheduled Caste person and his fore-fathers had been cultivating the land belonging to the caste-Hindu since long. Tenancy certificate was given to his grand-father some 30 years ago. It was, however, alleged that the Patwari had destroyed that certificate and that the land had been sold to another caste-Hindu, who engaged his henchmen and they destroyed the standing crop given by the representationist. He apprehended danger to his life at the hands of the caste-Hindu. The matter was referred to the district authorities whose report was awaited.

(4) A complaint was received in this organisation from the Secretary of the Sadachar Samithi of India, Branch Nizamabad in August, 1980 regarding illegal eviction of a Scheduled Tribe tenant of village Bhairapur, district Nizamabad, from the land belonging to a muslim pattedar. The Patwari had allegedly sold the land to another person and made the sale deed illegally. The complainant and his fore-fathers were stated to be tenants of this land for about 100 years. The case was taken up with the State Government whose reply was awaited.

Haryana

(1) Some Scheduled Caste persons of village Vathawa district Rohtak, represented to this organisation during April, 1980 regarding non-payment of wages to them. It was alleged that they had worked for construction of a school building and that the Sarpanch of the village had not made payment to them. The case was referred to the Deputy Commissioner, Rohtak whose reply was awaited.

Himachal Pradesh

(1) It was reported in the press on 9th October, 1980 that Scheduled Caste persons of village Mandoli in Una district were harassed by caste-Hindus. Investigation by the Police revealed that a Scheduled Caste person was living as a tenant in the land belonging to a caste-Hindu for a long time and had constructed a thatched hut on the land for residential purposes. The owner of the land wanted the Scheduled Caste person to vacate the land. The accused also forcibly cultivated the crops grown on the land. On 30th September, 1980, the accused alongwith his supporters, set the Scheduled Caste person's hut on fire, as a result of which most of his domestic articles were reduced to ashes. A complaint was registered under sections 436/435/447/34 IPC on 2nd October, 1980. Six accused persons were absconding after allegedly committing the crime. The accused persons were reported to have moved the High Court for anticipatory bail. The victim was reported to have been assured of legal aid and help. The case was sub-judice and the final outcome was awaited.

(2) A representation was received from a Scheduled Caste of village Gihula, Tehsil Sadar, District Mandi (Himachal Pradesh). He stated that 5 *bighas* of land allotted to him under 20-Point Programme had been illegally encroached upon by a Rajput landlord. The case was referred to the Deputy Commissioner, Mandi, for facts and suitable action, whose reply was awaited.

(3) It was reported that on 11th November, 1979, a Scheduled Caste person was assaulted by the son-in-law of the owner of a piece of land in Una District. The victim was ploughing the land belonging to the land owner since long. The accused alongwith four persons entered the land and started ploughing the field. When the Scheduled Caste person intervened, all the accused persons assaulted him with *lathis*. On hearing his cries two of his sons and his father came there. One of his sons was injured in the head by the accused persons. He was brought to Civil Hospital, Una where he succumbed to his injuries. The case was under investigation.

Gujarat

It was reported that some Caste-Hindus had set fire to the house of a Scheduled Caste person at Dabhad village of Mehsana district on 3rd April, 1980. The cause of the incident was reported to be land dispute. A case under sections 435, 506 and 114 IPC and 3 and 7 of the PCR Act, was registered.

Jammu & Kashmir

It was reported in the press that in June, 1980, some Scheduled Caste persons were allegedly beaten up and their houses burnt by Caste Hindus at Kartholi—Mada—Dasal village in Jammu District. They had constructed huts in a barren piece of land allotted by the State Government. The Caste-Hindus

wanted the Scheduled Castes to be evicted from the land. The case was referred to the State Government whose reply was awaited.

Madhya Pradesh

(1) In village Biplodi of Ratlam district, a Scheduled Caste person was killed on 30th June, 1980 in a land dispute. The State Government ordered a magisterial enquiry into the incident. Seven persons were arrested and the village Patwari was suspended. The wife of the deceased was given some compensation by the State Government. The outcome of the case was awaited.

(2) It was reported in the press that some caste-Hindus attacked a Scheduled Caste person belonging to Hadani village in Begamganj Tehsil of Raisen district as a result of a land dispute. The victim was temporarily disabled by the attack and he was sanctioned distress relief by the State Government. The accused persons were arrested and the case was pending trial.

(3) It was reported in the press that a Scheduled Tribe of Kiratpur village in Begamganj Tehsil of Raisen district was attacked by caste-Hindus with deadly weapons. The cause of the incident was stated to be land dispute and old enmity. The condition of the victim was stated to be critical. It was reported that no arrest had so far been made.

(4) It was reported that 40 caste-Hindu families of village Mohar in Nagaud Tehsil of Sathna district had destroyed the crops of twenty-five Scheduled Caste families They also beat the Scheduled Castes. The police were investigating the case.

Orissa

(1) A representation was received in this organisation from a Scheduled Caste person of village Rimuli, Police Station Champua in Keonjhar district regarding illegal occupation of some part of his land by a caste-Hindu. The *patta* was allegedly given to the accused by the Tehsildar, Champua. It was further alleged by the applicant that the accused coming from Cuttack had threatened him that he would construct a building in the aforesaid land. The matter was referred to the district authorities, who reported that the land leased out to caste-Hindu was quite different from that of the rayati land of the petitioner.

(2) According to a press report in January, 1980, a Scheduled Caste youth was killed and 15 others injured in Chhanaghar village under Pipli Police Station in Puri district. It was reported that the cause of the incident was land dispute in which clashes took place between Scheduled Caste persons and Caste-Hindus.

Rajasthan

It was reported in the press that ten persons were allegedly injured in a clash between people belonging to Scheduled Castes and caste-Hindus during March, 1980 at Riplakidhani village of Jaipur district. Six of the injured belonged to Scheduled Castes. The incident took place over harvesting of crops from a land which was earlier allotted to a member of Scheduled Caste. The matter was taken up with the district authorities whose report was awaited.

Tamil Nadu

(1) According to a press report, 10 Scheduled Caste farm workers were injured in a clash between two groups of farm workers at Kottaiyur near Kumbakonnam in Tanjavur district. Details regarding the incident were awaited from the State Government.

(2) It was reported in the press on the 14th July, 1979 that the huts of some Scheduled Caste persons had been set on fire at Kavalkoodam. Enquiries into the incident revealed that there had been a dispute between the caste-Hindu landlords and Scheduled Caste labourers of the village for the last two years in the matter of providing agricultural labour, as a result of which minor incidents of burning haystacks, houses etc. had taken place. On the 12th July, 1979 again a dispute took place between the Scheduled Castes and caste-Hindus of the village in which caste-Hindus burnt 31 houses of Scheduled Castes. The Scheduled Castes were also stoned by the caste-Hindus as a result of which some Scheduled Castes were also injured. In order to rehabilitate the Scheduled Caste victims, the district authorities supplied advance of 20 Kgs. of rice per family under the Food for Work Programme and also allotted 3 cents of land to each family.

Uttar Pradesh

(1) A representation was received in this organisation in July, 1980 from the Harijan Yuvak Jagirti Samiti, New Delhi regarding the alleged severe beating of a Scheduled Caste woman belonging to Balmiki community by a caste-Hindu Pradhan of the Gram Panchayat, village Behrampur, Tehsil and District Meerut. The woman was reported to be working as a sweeper in the house of the Pradhan and was also working as an agricultural labourer in his land. As a result of some difference over the payment of wages to her, he allegedly beat the woman

severely with lathi. The medical report revealed that simple injuries caused by a blunt object had been received by her at three places on her body. On 2nd June, 1980 she went to the Police Station to the Jani to lodge a complaint about the above incident. However, her complaint was allegedly not registered by the Police Station and she came back to the village. After that she and other Scheduled Caste families residing in the harijan *basti* were not allegedly allowed to go outside the village to register a complaint with the Police Station, said to be located at a distance of about 6 km. from the village. Only on the 6th June, 1980, when workers of the above mentioned Samiti reached the village, they helped the woman to go to the Police Station and lodge a complaint as well as to get her medically examined. It was alleged that the Scheduled Castes of the harijan *basti* were still being harassed by the caste-Hindu of the village. The President of the Samiti also personally explained the details of the incident to the Commissioner in his office. It was alleged that no action had so far been taken by the police or district authorities on the complaint lodged by the woman. The matter was taken up with the district authorities and the D.I.G., Harijan Cell of the Government of Uttar Pradesh. The enquiry report of the D.S.P. revealed that the complainant had been kicked by the accused and also beaten by him with a lathi when she went to claim her wages. According to the report the complainant had stated that she had no grievances against the police. After investigation, the case was submitted by the Police to the judicial Magistrate. The final outcome of the case was awaited.

(2) A representation was received in this organisation during July, 1980 from a Scheduled Caste person of Mathura district, regarding alleged illegal occupation of his land by some persons of the same village. The case was referred to the district authorities whose reply was awaited.

(3) A complaint was received in this organisation in August 1980 from a Scheduled Caste person of village Rasulpur Jagna district Bijnor, regarding forcible occupation of his land by caste-Hindus. It was alleged that he was given *patta* on 28th March, 1976 but the possession of land had not been handed over to him so far. The district authorities with whom the matter was taken up informed that the representationist had been given possession of land.

(4) A representation was received in this organisation during April, 1980 from a Scheduled Caste person of village Marikpur, P.S. Chandwak, district Jaunpur regarding alleged dispossession of land allotted to him by the State Government. The case was referred to the District Magistrate, Jaunpur, whose reply was awaited.

(5) A representation was received from a Scheduled Caste of village Sirpal, Tehsil Khurja, District Bulandshahr, in which he alleged that some influential and moneyed people of the village had encroached on the agricultural land allotted to him in November, 1976. The matter was referred to the District Magistrate, Bulandshahr, for facts and suitable action. He informed that the possession of the land had been restored to the complainant.

(6) A Scheduled Caste resident of village Etawah, Tehsil Budhana, District Muzaffarnagar, represented to this organisation on 20th June, 1980 that land was allotted to him in 1975 and he was also given possession but a caste-Hindu deprived him of this land and also destroyed the crop sown on the land. The matter was taken up with the State Government for facts and suitable action and their reply was still awaited.

(7) A Scheduled Caste resident of village Gwlikhera, Tehsil Baghpat, District Meerut (U.P.) represented to this organisation on 4th August, 1980 regarding dispossession by caste-Hindus of six bighas of land which was allotted to him under 20-Point Programme. The matter was taken up with the State Government for facts and suitable action, whose reply was awaited.

(8) A representation was received from a Scheduled Caste person of village Tikari, Tehsil Sardhana, District Meerut, Uttar Pradesh, regarding alleged illegal encroachment on the land allotted to him under 20-Point Programme, by some persons. The representationist requested for restoration of land and security of his life. The case was taken up with the Commissioner, Meerut Division for necessary action, whose reply was awaited.

(9) A representation was received from a Scheduled Caste person of village Budhpur, Tehsil Bagpat, District Meerut (Uttar Pradesh) regarding alleged dispossession of the land allotted to him during Gandhi centenary. The case was referred to District Magistrate, Meerut for necessary action. His reply was awaited.

(10) A representation was received from a Scheduled Caste person of village Etawah Pargana, Tehsil Budhana, District Muzaffarnagar regarding dispute over allotted land. The representationist was allotted a piece of land during 1976. Another person of the same village who was cultivating the said land before allotment allegedly implicated

him in false case and harassed him. He requested for help in the matter. The case was referred to D.M., Muzaffarnagar, for necessary action. His reply was awaited.

(11) A representation was received from a Scheduled Caste person of village Yamshuna, Tehsil Tarbangaj, District Gonda regarding forcible dispossession from the land allotted to him under 5-Point Programme by a village Zamindar. The standing crop was also grazed by animals. The representationist requested for restoration of land and punishment to the accused. The case was referred to District Magistrate, Gonda for necessary action, whose reply was awaited.

(12) A representation was received from a Scheduled Caste person of village Jayrampur, Tehsil Khurja, District Bulandshahr, regarding allotment of surplus land. According to the representationist he was allotted 7 bighas of land under 20-Point Programme, but he could get possession of only 3 bighas. He requested that possession of another 4 bighas of land allotted to him, should also be secured to him. The case was referred to District Magistrate Bulandshahr for necessary action. His reply was awaited.

(13) A representation was received in March, 1980 from the Society of Depressed People for social justice, New Delhi regarding encroachment of agricultural land belonging to a Scheduled Caste person of village Sirpal in Bulandshahr district. The matter was taken up with the District Magistrate, Bulandshahr who informed that possession had since been handed over to the complainant.

(14) It was reported that two Scheduled Caste persons of Singharhanda village under Tarabganj police circle of Gonda district were killed and two others sustained injuries in a quarrel with caste-Hindus. The cause of the incident was reported to be old enmity due to land dispute.

(15) It was reported that in Dhikoli village of the Baghpat Development Block in Meerut District, there was economic boycott of Scheduled Castes by Jats. The report of the District Magistrate, Meerut revealed that some months ago caste-Hindus held a Panchayat meeting in which it was decided that since Scheduled Caste people had not supported them in the Baghpat incident they should not be allowed to cut grass from their fields. It was also decided not to employ any Scheduled Caste persons in their fields. Police force was sent to the village on getting the information. The situation was reported to be peaceful.

(16) It was reported in the press that a 60 year old Scheduled Caste person of Chahin village in the Sangipur Police circle of Partapgarh district was beaten to death with *lathis* by the caste-Hindus. The cause of the incident was reported to be long-standing dispute for possession of some mahua tree. A case under sections 325/323 I.P.C. was registered against the accused persons and one of the accused was arrested. The case was sub-judice.

(17) It was reported in the press that in Dhanwasa village of Pratapgarh District, 18 Scheduled Caste persons including 4 women were assaulted by caste-Hindus for denial by the Scheduled Castes to work in their fields at the old rates of wages.

(18) A representation was received in March, 1980 from a Scheduled Caste person of Bijnor District, in which it was alleged that the piece of land which he had mortgaged with the State Cooperative Bank for obtaining an agricultural loan was being auctioned, since he could not repay the loan. He wanted the Bank to return his plot. The matter was taken up with the District Magistrate, Bijnor, who informed that since the loan was not repaid, the land had been auctioned and that nothing could be done in this case.

(19) It was reported that the houses belonging to some Scheduled Caste persons were allegedly set on fire by 13 caste-Hindus led by the village Pradhan on 20th May, 1979, in Kori Tola of Atrauli village, Police Station Jagdishpur, District Sultanpur. The enquiry into the incident revealed that on the day of the incident, a caste-Hindu asked a Scheduled Caste person to shift straw to his house, and on his refusal he was beaten with whips. When his colleagues came to his rescue, they were threatened, with the result that they hid themselves in their huts. Initially, the caste-Hindus set two huts on fire and other houses caught fire due to wind. When two Scheduled Caste persons tried to put out the fire, they were thrown into the fire. The accused were armed with licensed lethal weapons with the result that the victims found themselves helpless. In all, 34 houses were burnt in the fire. The causes of the incident were inadequate wages paid by the caste-Hindus to the Scheduled Castes working for them as well as the Scheduled Castes' demand for allotment of more cultivable waste land in the village. A report was lodged at the Police Station the next day since the victims were afraid of the other party. The victims who received injuries due to burns and beatings were admitted at the Sultanpur District hospital. The affected families were given necessary

assistance. The accused had been charge-sheeted by the Police and the case was pending trial. Final outcome of the case was awaited.

Delhi

A representation was received in this organisation in March 1980 from a Scheduled Caste woman of Kishan Ganj, New Delhi regarding encroachment of land by her neighbour. The matter was referred to the Deputy Commissioner of Police, Delhi. The enquiry report revealed that the case was pending trial in the court since 1974.

West Bengal

Incidents of police firing on Scheduled Caste/Tribes at Tufanganj (West Bengal) on 11th April, 1980

5.27 The Commissioner for Scheduled Castes and Scheduled Tribes received a communication from a Member of Parliament, making allegations of atrocities on Scheduled Castes and Scheduled Tribes in the villages of Tufanganj Sub-Division of Cooch-Behar District in *West Bengal.* It was also alleged that clashes had taken place on the 10th April, 1980 between the Scheduled Castes and Scheduled Tribes on the one side and some land owners and their supporters on the other side in those villages and that the Police had opened fire at Tufanganj on the 11th April, 1980 on a procession of Scheduled Castes and Scheduled Tribes. It was reported that two Scheduled Caste persons succumbed to the injuries received by them in these incidents later in hospital. These incidents were also reported in the press and representations about these incidents had also been received by the Commissioner from the North Bengal Scheduled Castes and Scheduled Tribes Association, Tufanganj and Tufanganj Bar Association. The Commissioner, therefore, deputed a study team compromising S/Shri S. S. Malhotra, Research Officer, and H. S. Bhatia, Investigator to make an on-the-spot enquiry into these incidents, during their visit to Cooch-Behar District for making a study of the various developmental schemes in the District. The study team visited Cooch-Behar District from 15th May, 1980 to 21st May, 1980 and had discussions with the Additional Deputy Commissioner, Cooch-Behar, the S.D.O. Tufanganj, District Scheduled Castes, Scheduled Tribes Welfare Officer, Cooch-Behar, Sub-Inspector of Police Incharge Tufanganj Police Station, District Medical Officer, Cooch-Behar, President North Bengal Scheduled Castes and Scheduled Tribes Association, Secretary, Tufanganj Bar Association, etc. The study team also visited the places of incidents at Baroshalbari and Jalardham villages as well as Tufanganj Police Station and had detailed discussions with the residents of those villages as well as the officials concerned. The main cause of these incidents appeared to be distribution of vested lands among the Scheduled Caste/Tribe persons. The main findings* of the Study Team are given below :—

Findings of the Study Team

(1) The main cause of the incidents which took place on the 10th April, 1980 at Baroshalbari and Jalardham villages as well as the cases of land grabbing by the Scheduled Caste and Scheduled Tribe persons in the earlier months, appeared to be the allotment of vested lands. In Tufanganj Sub-Division, 51.92 acres of vested lands still remained to be distributed. *These lands should be allotted to the beneficiaries, expeditiously.*

(2) The discontent among the Scheduled Castes and Scheduled Tribes in the Sub-Division appeared to be mainly due to most of them being landless agricultural labourers and it was felt that unless they were allotted some agricultural land as a means of subsistence, they might not feel satisfied. The percentage of Scheduled Castes in Tufanganj Sub-Division was about 40 but most of the agricultural labourers belonged to Scheduled Castes/Tribes and they might be constituting even more than 80 per cent of the agricultural labourers in the area. According to the guidelines issued by the Union Ministry of Home Affairs it should be ensured that while earmarking shares of benefits from various schemes and shares of sectoral plan provisions for Scheduled Castes, these should not be just in proportion to the percentage of their population but should be at least 50 per cent of the benefits of individual and family oriented schemes and a good share of the plan provisions. *While allotting vested lands, the State Government should, therefore, take into consideration the claims of Scheduled Caste/Tribe landless agricultural labourers who constitute a pre-dominant majority among these target groups and allot a reasonable share of the available vested lands to them.*

(3) An enquiry made by the Junior Land Reforms Officer, Tufanganj about the disputed land bearing plot No. 2743 in Baroshalbari on which some of the thatched huts were constructed by Scheduled Castes/Tribes and later demolished by the land owners, revealed that, part of the disputed land was still available for distribution. If this land had been allotted to eligible persons earlier, it is possible that the dispute between Scheduled Castes/Scheduled Tribes on the one side and the land owners on the other side might not have taken place. *It is, therefore, desirable that the allotment of land in village Baroshalbari should be regularised by the District authorities concerned, after survey of the village at an early date to avoid the possibility of the recurrence of similar disputes in future.*

*Full report may be seen at Appendix LXIII.

(4) Another factor contributing to the discontent among the Scheduled Castes and Scheduled Tribes in Tufanganj Sub-Division was that in many cases lands in the villages concerned had been allotted to Scheduled Caste as well as non-Scheduled Caste refugees from Bangla Desh. The Scheduled Castes and Scheduled Tribes Association did not like this and wanted that none of these lands should be allotted to the refugees as according to the Association, the local Scheduled Castes and Scheduled Tribes were the real sons of the soil and all the vested lands should be allotted to them. *It is, therefore, desirable that while allotting agricultural lands to refugees from Bangla Desh the State Government should also examine the demands of the local Scheduled Castes/ Scheduled Tribes in this regard and ensure that their interests are not sacrificed thereby.*

(5) The main clashes which took place on the 10th April, 1980 in villages Baroshalbari and Jalardham were triggered off by the demolition of 12 thatched huts constructed by the Scheduled Caste and Scheduled Tribe agricultural labourers on different plots of agricultural lands belonging to non-Scheduled Castes. It was difficult to establish when these huts were constructed. But it was quite clear that these huts were demolished by the land owners concerned and their supporters. The Scheduled Caste and Scheduled Tribe persons were chased away towards Jalardham village where a clash took place between the two groups and a number of persons received injuries out of whom one Scheduled Caste person succumbed to his injuries later in Cooch-Behar Sadar Hospital. On getting information, the Police reached that village late in the evening of 10th April, 1980 and arrested 7 Scheduled Caste persons under Sections 147/148/304 IPC.

(6) On the 11th April, 1980, a procession was taken out by the Scheduled Castes and Scheduled Tribes Association at Tufanganj where Section 144 had been promulgated. The Police, on the orders of the S.D.O., warned the processionists to disperse. When this did not have any effect a lathi-charge was made on the procession, after which the procession dispersed but reassembled soon after. At this stage, some miscreants who appeared to have joined the procession, stoned the Malkhana of the Police Station and set fire to the kitchen of the Police Station. The procession was then warned by the authorities to disperse within 5 minutes, failing which the Police would resort to firing. Since this did not have any effect the Police were reported to have fired 9 rounds in the air. When this also did not have any effect the Police fired 10 rounds direct at the procession, resulting in injuries to 4 Scheduled Caste persons, one of whom later succumbed to his injuries in hospital.

(7) The study team recommended that the Police investigations in the incidents which took place on the 10th and the 11th April, 1980 should be completed expeditiously and charge-sheets submitted to the court. It was also suggested that the investigation of cases connected with the above-mentioned incidents should be made by Senior Police Officers to create confidence among the Scheduled Castes and Scheduled Tribes.

(8) No compensation had so far been paid to the injured persons as well as to the family members of the deceased as a result of which they were put to great hardship. Perhaps, the State Government had not so far framed any rules for the payment of compensation to the Scheduled Caste/Scheduled Tribe victims of atrocities or police firing. *The State Government should, therefore, take early action in the matter and arrange to pay adequate compensation to the injured persons as well as the families of the two deceased persons. The State Government should in this regard consider the desirability of ensuring that the compensation to be paid to the families of the deceased is not less than Rs.* 5,000.

(9) The District Administration should take early action to bring the culprits to book.

(10) The State Government should consider the desirability of giving adequate compensation to the Scheduled Caste/Scheduled Tribe persons whose huts had been demolished at Baroshalbari on 10th April, 1980.

(11) The other demands of the Scheduled Castes and Scheduled Tribes Association should also be looked into by the district authorities to enable the members of the Association to end their relay fast.

(12) It was learnt that an executive enquiry into these incidents was to be conducted by the Additional Deputy Commissioner. The results of the enquiry were still awaited.

5.28 Copies of the reports of the study team were sent to the Union Ministry of Home Affairs as well as to the Chief Minister of West Bengal for necessary action. Some more cases of atrocities on Scheduled Caste/Scheduled Tribe persons in West Bengal, due to agrarian tensions, are given below :—

West Bengal

(1) It was reported in the press that landlords allegedly opened fire on Scheduled Caste share-croppers in July 1980 at Patna Damodarpur Mouza village in Bankura

district. It was further alleged that land-owners hired about 200 labourers from Purulia to cultivate their land as local Scheduled Caste share-croppers demanded higher wages. The firing took place when the local workers protested against the deployment of the outsiders. In the firing, one person was injured. The Police arrested one person and three licensed guns and some cartridges were seized. The case was taken up with the district authorities whose reply was awaited.

(2) It was reported in the press in December 1975 that a clash took place between Scheduled Caste share-croppers and land owners at Barasat in the district of 24-Parganas, in which some supporters of the landlords prevented the share-croppers from harvesting the crops. The matter was referred to the district authorities whose report was awaited.

(3) It was reported in the press that in Purulia district, 25 *Santhals* were arrested by Police in October 1980. The cause of the incident was reported to be forcible harvesting of crops by Scheduled Tribe persons. The case was referred to the District authorities whose report was awaited.

(4) It was reported in the press in August 1980 that a Scheduled Tribe person was killed and 3 others seriously injured in Dakhin Akash village of 24-Parganas. The accused wanted to forcibly convert the cultivable land into fisheries.

Small Farmers Development Agency Programme

5.29 The small and marginal farmers have not been able, in general, to adopt the advanced cropping technology in their farms due to lack of adequate credit facilities for such farmers resulting in the yield from their lands remaining very poor. The scheme of small farmers Development Agency was, therefore, started in the Fourth Five Year Plan to improve the economic conditions of the small farmers, marginal farmers and agricultural labourers in the rural areas. During the Fourth Plan, 87 such agencies were set up. During the Fifth Five Year Plan, their number increased to 160. At present there are 168 agencies covering 1,818 blocks in the country. The agencies provide subsidy to the target groups at the rate of 25 per cent for small farmers and 33⅓ per cent for marginal farmers and agricultural labourers, for investment in the field of crop, husbandry, minor irrigation and subsidiary occupations like dairy, poultry etc. In the case of community minor irrigation works, the subsidy is 50 per cent of the cost apportionable to small and marginal farmers. For the Tribal participants, the rate of subsidy is 50 per cent both for individual and community works. Instructions were issued by the Union Ministry of Agriculture that these agencies should adopt a positive approach to extend the benefits of various schemes to the Scheduled Caste and Scheduled Tribe persons. According to information furnished by the Ministry of Agriculture a total amount of Rs. 1941.16 lakhs was spent under the scheme during 1979-80 (up to January 1980), in all the SFDA's in the country, out of which an expenditure of Rs. 223.25 lakhs was incurred on Scheduled Caste/Tribe beneficiaries. The total expenditure incurred since the inception of the scheme up to January 1980 was Rs. 21,572 lakhs. However, the expenditure incurred on Scheduled Caste/Scheduled Tribe beneficiaries is not known. The physical and financial progress of all the SFDA Projects in the country is given in the table below :—

Item	During 1979-80 (Up to January 1980)	Cumulative total since inception up to January 1980	
1	2	3	
1. *Number of participants identified :*			
(*a*) S.C./S.T. . .	64,335	26,26,091	(15.85%)
(*b*) Total . . .	2,35,148	1,65,58,467	
2. *Number enrolled as members of Co-operatives :*			
(*a*) S.C./S.T. . .	25,788	9,57,070	(13.42%)
(*b*) Total . . .	95,737	71,27,809	
3. *Number of beneficiaries under :*			
(*i*) *Improved Agriculture.*			
(*a*) SC/ST . .	1,14,225	9,15,414	(15.33%)
(*b*) Total . .	4,32,256	59,67,601	
(*ii*) *Minor Irrigation :*			
(*a*) SC/ST . .	13,515	1,28,329	(14.9-%)
(*b*) Total . .	61,148	8,57,469	
(*iii*) *Animal Husbandry :*			
(*a*) SC/ST . .	20,220	1,65,790	(19.61%)
(*b*) Total . .	81,218	8,41,152	
(*iv*) *Village Industries :*			
(*a*) SC/ST . .	132	132	(24.22%)
(*b*) Total . .	545	545	
(*v*) *Others (Territory Sector) :*			
(*a*) SC/ST . .	377	377	(17.62%)
(*b*) Total . .	2,139	2,139	
(*vi*) *Total* . . .			
(*a*) SC/ST . .	1,48,469	12,10,042	
(*b*) Total . .	5,77,306	76,68,906	
4. *Loans disbursed (Rs. in lakhs) :*			
(*a*) *Through Co-operatives :*			
(*i*) Short-term .	2403.51	..	
(*ii*) Medium-term.	932.95	10,742.19	
(*iii*) Long-term .	1039.67	13,528.92	
(*b*) *Through Commercial Banks :*			
(*i*) Short-term .	414.14	..	
(*ii*) Medium-term.	1634.19	13,150.66	
(*iii*) Long-term .	218.11		
5. *Funds released (Rs. in lakhs)* . . .	1934.49	20,952.52	

It would be seen from the above table that out of the total number of 165.58 lakh participants identified under the Scheme upto January 1980, 26.26 lakhs belonged to the Scheduled Castes/Tribes, constituting 15.85 per cent. The total number of beneficiaries under the scheme was 76.69 lakhs out of which 12.10 lakh beneficiaries belonged to the Scheduled Castes|Tribes, constituting 15.77 per cent. Since the Scheduled Castes|Tribes constitute the bulk of the target groups under various schemes covered by the programme, the percentage of these communities covered under this scheme appears to be very small. *The Ministry of Rural Reconstruction should therefore issue necessary instructions to all the SFDA's to ensure that the benefits under the programme accrue to these communities in proportion to their percentages in the target groups and should in any case not be less than* 50 *per cent.*

5.30 All the SFDA's were also requested by this Organisation to furnish information regarding the benefits derived by the Scheduled Caste/Tribe persons from their schemes during the year 1979-80. However, the requisite information was received from the only 88 SFDA's. The benefits derived by the Scheduled Caste/Tribe persons from each of the SFDA's may be seen at Appendix LXIV. From 2nd October, 1980 the scheme was merged with the IRD Programme.

Allotment of House-sites to the landless workers

5.31 Housing is a State subject. Central financial assistance which forms part of the plan outlays of the States is given for all State sector programmes, including housing, in the shape of 'block loans' and 'block grants' by the Central Government without their being tied to any particular scheme or head of development. The State Governments are free to earmark funds for various State sector schemes, including housing, according to their requirements and priorities. The role of the Central Government *vis-a-vis* the social housing schemes, including rural housing, is confined to laying down broad principles of policy and giving such advice as may be sought by them from time to time for implementation of these schemes.

5.32 Two rural housing schemes, namely Rural House Sites-*cum*-Hut Construction for landless workers, and Village Housing Projects Scheme are in operation in various States. The number of house-sites allotted and houses built under the two schemes in various States are given in Statement Nos. 1 and 4 at Appendix LXV. It would be seen from Statement No. 1 of this Appendix that a total number of 118.16 lakh families were eligible for the allotment of house-sites, out of whom allotment was made to 77.92 lakh families till the end of September 1980. Out of these 20.53 lakh house-sites have been developed. The number of house/huts constructed till then was 9.62 lakhs, out of which 2.52 lakh houses/huts were constructed by allottees' efforts, while 7.10 lakhs were constructed by government efforts. Under the village Housing Projects Scheme, (Statement No. 2 of Appendix), 1.02 lakh houses were sanctioned, out of which 0.69 lakh houses had been completed, according to the information furnished by the Union Ministry of Works and Housing as on 31-3-1980.* An amount of Rs. 2556 lakhs was sanctioned under the scheme, out of which an amount of Rs. 1954 lakhs had been disbursed/spent. Separate information regarding the allotment of house-sites to Scheduled Caste/Tribe persons is not available. *Since the bulk of landless workers belong to Scheduled Castes/Tribes, it is desirable that the Union Ministry of Works and Housing should issue necessary guidelines to all the State Governments to maintain separate figures for the allotment of house-sites to Scheduled Caste/Tribe persons, in order to assess the benefits derived by members of these communities from these schemes.*

Special Housing programmes for Scheduled Castes and Scheduled Tribes

5.33 Housing Boards/Corporations have been established in a number of States to undertake special housing programmes. Some of these Corporations have made special provisions to assist the Scheduled Caste/Tribe persons to construct their houses. All the Housing Boards/Corporations were requested by this Organisation to furnish information regarding the benefits derived by Scheduled Caste/Scheduled Tribe persons from various housing schemes being implemented by them. The requisite information was, however, received from only few States and is given in the following paras :—

Andhra Pradesh Scheduled Castes and Scheduled Tribes Cooperative Housing Societies Federation

With the formation of the Directorate of weaker Sections Housing Programme, the Federation witnessed a rapid revival during the year 1980-81. The Federation is the agency through which the permanent housing programmes of the Directorate, like the cyclone-prone area permanent housing programme were being implemented. Up to the year 1980-81, 9548 permanent houses were being constructed in the rural areas, of which 1743 were with G.I.C. assistance, 6280 with HUDCO assistance and 1525 with loan assistance from commercial banks and the L.I.C. It was expected that by March 1980 another 10,000 houses would be constructed. In March 1979 the Federation drew a loan of Rs. 50 lakhs from the G.I.C. and it was expected that similar loan assistance of the order of Rs. 50 to 100 lakhs would be available during 1980-81. A project for constructing 25,000 houses in rural areas with an outlay of Rs. 10 crores and loan assistance of Rs. 5 crores was submitted by the Federation to the HUDCO. In the first phase, the HUDCO had sanctioned a loan of Rs. 1 crore and the sanction for the remaining Rs. 4 crores was awaited. A provision of Rs. 37.5 lakhs was

*Based on the progress reports received by the Ministry of Works and Housing from various State Governments for the periods varying from 1967 to 1979.

proposed for 1980-81 towards the share capital and managerial subsidy of the Federation.

Gujarat

The Gujarat Rural Housing Board was established in 1973 for implementing the housing schemes for low income group and economically weaker sections of the rural society. During 1979-80, 1067 and 156 Scheduled Castes and Scheduled Tribes respectively derived benefits from these schemes. A reservation of 10 per cent has been made by the Board for the Scheduled Caste/Scheduled Tribe persons for the above mentioned housing schemes, where the Board undertakes the construction of tenements. Under the housing scheme for economically weaker sections (those having monthly income up to Rs. 350), HUDCO contribute 50 per cent of the cost while the State Government contributes 30 per cent of the cost of a house in cases where the total cost of a house is upto Rs. 4,000. The remaining 20 per cent is borne by the beneficiaries, but the State Social Welfare Department gives subsidy of Rs. 800 to the economically weaker sections and Rs. 1,000 to the Scheduled Caste/Scheduled Tribe persons under the schemes, 42 such schemes were undertaken in 12 districts for the construction of 3,756 houses by the end of March, 1980 at a cost of Rs. 131.40 lakhs. During 1980-81, 51 new schemes were to be taken up for the construction of 6,000 houses in 13 districts of the State at an estimated cost of Rs. 242 lakhs.

Haryana

The Haryana Housing Board has reserved 19 per cent of the total houses constructed in each of its schemes to the applicants belonging to Scheduled Castes. The Board had so far allotted about 200 houses at different places in the State to members of the Scheduled Castes. The Board had informed that all the Scheduled Caste applicants who had applied for allotment of houses for various categories, had been allotted the same.

Himachal Pradesh

The Himachal Pradesh Housing Board has informed that 5% houses/plots are reserved for Scheduled Caste/Scheduled Tribe persons in each category of colonies established by the Boards.

It was recommended in Commissioner's earlier reports that all the housing boards should make reservation for Scheduled Castes/Scheduled Tribes for the allotment of houses/tenements constructed by them under various schemes, at least in proportion to their population in the States concerned. In pursuance of the above recommendations a number of housing boards/corporations have made reservations for Scheduled Castes and Scheduled Tribes for the allotment of houses to them. However, the reservations in most of the cases are not adequate. *It is, therefore, reiterated that reservations for Scheduled Castes and Scheduled Tribes for the allotment of houses/house-sites should be made by various housing boards, at least in proportion to their population in the respective States.*

Karnataka

The Karnataka State Scheduled Castes and Scheduled Tribes Cooperative Housing Corporation Ltd., was formed in 1966 for accelerating the progress of construction of houses for the Scheduled Castes and Scheduled Tribes. It was envisaged to advance loans amounting to Rs. 1,500, Rs. 2,000, Rs. 2,500 and Rs. 3,000 for construction of 4 types of houses. The loans were disbursed in 3 instalments, depending upon the progress of construction of houses and utilisation of the loans disbursed. The loan was repayable in 20 annual instalments, commencing after 18 months from the date of disbursement of the first instalment, with interest at the rate of 3 per cent per annum. The Corporation had so far sanctioned loans amounting to Rs. 485.58 lakhs for the constructions of 22,669 houses though the primary Scheduled Caste and Scheduled Tribe House Building Cooperative Societies. Out of these, 17,899 houses had been completed, 4,667 houses were in different stages of construction, while in 103 cases the work had not yet started. The State Government had contributed a sum of Rs. 150 lakhs as share capital to the Corporation. The Corporation also borrowed directly from the L.I.C. on Government guarantee at the rate of 7 per cent per annum and advanced loans to the Scheduled Caste/Scheduled Tribe members at 3 per cent per annum interest. The difference of 4 per cent interest was subsidised by the State Government to the Corporation. Out of the total loan of Rs. 437 lakhs released to members so far. by the Corporation through the primary societies, an amount of Rs. 201 lakhs was still overdue from members to the Corporation. With a view to reducing the loan liability of the poorer sections of the people, the State Government extended the benefit of the People's Housing Scheme to the loanees of this Corporation. in September, 1978 by sanctioning a subsidy at the rate of 2/5th of the cost per house in respect of the houses constructed. The Government also issued orders to write off the interest

and penal interest due to the loanees and ordered for recovery of the remaining loans in interest-free instalments. The Corporation had stopped sanction of fresh loans for construction of houses till the position of recovery of arrears, improved, but it was releasing the second and third instalments of the loans already sanctioned. House building loans and other facilities were also being provided to the Scheduled Castes and Scheduled Tribes by the State Government under Janata People's Housing Scheme implemented through the block agencies.

Kerala

The Kerala State Housing Board was not implementing any housing scheme exclusively for the benefit of the Scheduled Castes and Scheduled Tribes. But in the State Sub-plan for Scheduled Castes and Scheduled Tribes for 1979-80, it was proposed to spend Rs. 30 lakhs by the Board for the benefit of the Scheduled Castes/Scheduled Tribes under the Chengalchoola Slum Improvement Scheme being implemented by the Board. The scheme was intended to rehabilitate 700 families of the slum area, out of whom 398 families belong to Scheduled Castes/Scheduled Tribes. The total amount spent under the scheme till the end of 1979-80 was Rs. 51 lakhs, out of which the amount spent for Scheduled Castes and Scheduled Tribes was Rs. 29 lakhs. According to the regulations of the Housing Board, 20 per cent of houses/plots/flats of the housing scheme implemented by the Board were reserved for Scheduled Castes/Scheduled Tribes. During 1979-80, 16 houses were allotted to Scheduled Castes/Scheduled Tribes on this account.

Madhya Pradesh

According to available information no reservation has been made by the Housing and Environment Development of the State Government for allotment of various types of houses, *viz.* L.I.G., M.I.G., H.I.G. etc. However, it is reported that no Scheduled Caste/Scheduled Tribe person who gets himself registered for the allotment of a house under the scheme, is refused one. 16 houses of various categories were reported to have been allotted to Scheduled Caste/Scheduled Tribe persons.

Maharashtra

The Urban Housing schemes of the State Government are implemented through the Maharashtra Housing and Area Development Authority and the Regional Housing Boards set up by it. The Urban Housing Programme of the State Government mainly consists of loan-*cum*-subsidy schemes which cover industrial workers, economically weaker sections of the community and slum dwellers. The programmes also includes housing schemes for low-income and middle income-groups. Upto the end of 1968-69, over 75,000 tenements had been constructed under the urban housing schemes. During the 4th and 5th plan periods 10,000 and 15,000 tenements respectively were constructed under the schemes. Information regarding the benefits derived by the Scheduled Caste and Scheduled Tribe persons from these schemes are however, not available.

Rajasthan

The Rajasthan Housing Board has made a reservation of 14% for Scheduled Caste/Scheduled Tribes in the allotment of flats/houses under its various schemes. During 1979-80, 147 houses were allotted to the Scheduled Caste/Scheduled Tribe persons, fulfilling the required reservation of 14% for Scheduled Castes and Scheduled Tribes.

Tamil Nadu

Tamil Nadu Harijan Housing and Development Corporation completed the construction of 937 dwelling houses for Scheduled Caste and the construction of 1837 houses was in progress, during 1979-80. In addition 12 Scheduled Caste hostels were taken up for construction by the Corporation, out of which 10 were completed while 2 were in progress, 14 Community Halls and 5 school buildings were also taken up for construction out of which 5 community halls and 4 school buildings were completed during the year while the construction of the remaining was in progress. The Corporation had received an assistance of Rs. 180 lakhs from the Government for the construction of houses for Scheduled Castes, Rs. 200 lakhs for the construction of hostels, 8.16 lakhs for school buildings and 1.44 lakhs for houses for Scheduled Tribes. Thus, the total assistance received by the Corporation was Rs. 389.60 lakhs.

Uttar Pradesh

The various housing schemes in the State are implemented through various Development Authorities, Corporations, Municipal Boards and the U.P. Housing Board. According to the orders issued by the State Government, in all the schemes of housing and construction of shops, a reservation of 18% has been made for the Scheduled Castes. The Harijan and Nirbal Varg Avas Nigam also undertook the activity for providing houses to the Scheduled Caste and other weaker sections but was hampered in

its work for lack of institutional credit. The State Government proposed that the subsidy component for a house should be increased to Rs. 3,000 per house in plains areas. An outlay of Rs. 20 crores was proposed for the construction of 66,666 houses for the Scheduled Castes and other weaker sections during the Sixth Plan period.

Goa, Daman and Diu

The Goa, Daman and Diu Housing Board had reserved 2% and 1% flats/houses and plots under their various housing schemes for the members of the Scheduled Castes and Scheduled Tribes, respectively. The Board had so far allotted 2 houses to Scheduled Caste persons and one plot was proposed to be allotted to a Scheduled Caste person on priority basis. The Board had informed that no application received from Scheduled Caste/Scheduled Tribe person was pending with them.

Avoidance of Segregation of Scheduled Caste families in separate localities

5.34 In spite of the ambitious programmes for providing housing facilities to the Scheduled Caste and Scheduled Tribes throughout the country, the housing conditions of these communities continue to be very poor. It has been observed that the vital aspect of removal of segregation has not been paid the required attention, while implementing various housing schemes, with the result that even today segregated Scheduled Caste localities are found on the outskirts of most of the villages/towns. The Scheduled Castes still find it very difficult to find a house in a caste-Hindu locality. It was, therefore, recommended in commissioner's earlier reports that while implementing various housing schemes it should be ensured that the Scheduled Castes were not segregated in separate colonies but lived in mixed colonies alongwith other communities. It was also suggested that whenever any housing scheme was taken up specially for the Scheduled Castes, a suitable percentage, say, 10 per cent of the houses, should be earmarked for non-Scheduled Caste communities. It has, however, been observed that not much thought has been given to these recommendations. *The recommendations are therefore, reiterated.*

Reservation in allotment of Government accommodation

5.35 According to the instructions issued by the Union Minitstry of Works and Housing in September, 1975, 5 per cent clear vacancies in types III and IV have been reserved while in the case of types I and II, 10 per cent reservation has been made in the allotment of Government accommodation for Scheduled Caste and Scheduled Tribe employees entitled to these types of Government accommodations. Since the reservation made for the Scheduled Castes/Scheduled Tribes, for Government accommodation, was quite inadequate, as compared to the percentage of reservation made for employees belonging to these communities in the Central Government, it was recommended in Commission's earlier reports that the Ministry should increase the reservation for Scheduled Castes and Scheduled Tribes to 15% and 7½ per cent respectively, for the allotment of Government accommodation. It was also recommended that the orders of allotment should be extended to the Scheduled Caste/Scheduled Tribe employees entitled for Government accommodation upto type V. The matter regarding the increase in the percentage of reservation for Scheduled Caste/Scheduled Tribe employees in the allotment of government accommodation was also taken up with the Central Directorate of Estates, in pursuance of representation received from the Scheduled Caste employees in this regard. However, in spite of repeated requests, the Directorate has not so far agreed to increase the percentage of reservation for Scheduled Caste/Scheduled Tribe employees. *It is, therefore, reiterated that the Union Ministry of Works and Housing should look into the matter and take an early decision to increase the percentage of reservations for the allotment of Government accommodation to Scheduled Caste/Scheduled Tribe employees.*

CHAPTER 6

EDUCATIONAL DEVELOPMENT

Expenditure under the Backward Classes Sector

Spread of education among the Scheduled Castes and Scheduled Tribes is one of the most important programmes in the Backward Classes Sector of the Central and State Plans. Under the Central Sector, the scheme for the post-matric scholarships to the Scheduled Caste/Scheduled Tribe students is implemented, while the schemes for the award of Pre-matric Scholarships to Scheduled Caste/Scheduled Tribe students, Book Banks and Girls Hostels are financed jointly by the Centre and States on 50:50 basis. The expenditure incurred on various educational schemes under the State and Central Sectors during the Fifth Plan period and 1979-80 as well as the outlay made for the Sixth Five Year Plan, are given in the table below :—

(Rs. in Crores)

Category	Fifth Plan 1974—79	1979-80	Sixth Plan Outlay*
Scheduled Castes :			
(*i*) State . .	56.14	11.93	349.00
(*ii*) Centre** .	63.91	8.12	157.50
(*iii*) Total . .	120.05	20.05	506.50
Scheduled Tribes :			
(*i*) State . .	31.69	7.28	Included in
(*ii*) Centre** .	13.90	1.51	outlay for
(*iii*) Total . .	45.59	8.79	Scheduled Castes.

*Sixth Plan outlay is both for Scheduled Castes & Scheduled Tribes.

**Amounts released only.

It would be seen from the above table that the expenditure incurred/outlays made by the Central and State Governments, have been gradually increasing, indicating that the scope of various educational schemes being implemented by these Governments, is being gradually widened and more and more Scheduled Caste/Scheduled Tribe students are deriving benefits therefrom. The progress of some of the important educational schemes is discussed in the following paras :—

Enrolment of Scheduled Castes/Scheduled Tribes in Educational Institutions

Elementary Stage

6.2 The Directive Principles of the Constitution provide for free and compulsory education to all children up to the age of 14. With a view to fulfilling that objective, the Sixth Five Year Plan has set the target to enrol all children in the age group 6—14 years, as a time bound programme. It is proposed to achieve this objective in two stages, *i.e.* 95 per cent of enrolment in the age group 6—11 and 50 per cent in the age group 11—14 by 1985 and universal enrolment in the age group 6—14 by 1990.

All India Enrolment

6.3 In Commissioner's earlier Reports, the All India enrolment figures for Scheduled Castes and Scheduled Tribes as compared to those for the other communities were given up to the year 1977-78. The table below gives the progress of enrolment among the Scheduled Castes/Tribes as compared to the enrolment among the other communities for the years 1973-74 and 1978-79 :

	Enrolment ratio to the corresponding age groups			
	Class I—V		Class VI—VIII	
	(Age group 6—11)		(Age group 11—14)	
	1973-74	1978-79	1973-74	1978-79
Scheduled Castes	68.9	79.9	22.1	26.5
Scheduled Tribes	59.3	66.4	15.7	17.9
Other communities	90.7	87.1	40.4	42.1

It would be seen from the above table that, in the case of the Scheduled Castes the enrolment ratios to their corresponding age group in Classes I—V had increased from 68.9 per cent in 1973-74 to 79.9 per cent in 1978-79. But the position was far from satisfactory in the case of enrolment of Scheduled Castes in Classes VI—VIII, in which their enrolment ratio to their corresponding age group increased from 22.1 per cent in 1973-74 to only 26.5 per cent in 1978-79. In the case of the Scheduled Tribes the position was still worse. In their case, while in Classes I to V, the enrolment ratio increased from 59.3 per cent in 1973-74 to 66.4 per cent in 1978-79, in Classes VI to VII, however, the enrolment ratio which was only 15.7 per cent in 1973-74, could hardly reach 17.9 per cent in 1978-79. Thus, both for Scheduled Castes and Scheduled Tribes, in Classes I to V, the

enrolment ratios were still lagging behind the enrolment ratio for other communities which was 87.1 per cent. In Classes VI—VIII, the position of enrolment among Scheduled Castes and Scheduled Tribes in 1978-79 was still worse as compared to the corresponding enrolment ratio for the other communities which was 42.1 per cent. At this rate, it may perhaps take many more years to achieve the target of universal enrolment among the Scheduled Castes and Scheduled Tribes, specially, in the age group 11—14.

State-wise Enrolment

6.4 The State-wise figures of enrolment ratios in the age groups 6—11 and 11—14 among the general population, Scheduled Castes and Scheduled Tribes, during the years 1973-74 and 1978-79, may be seen at Appendix LXVI.

Enrolment of Scheduled Castes in Classes I to V

6.5 It would be seen from that Appendix that, in the case of Scheduled Castes in Classes I to V the enrolment ratio to their population in the corresponding age groups in 1978-79 were above 90 per cent in *Andhra Pradesh, Assam, Gujarat, Kerala, Maharashtra, Manipur, Punjab, Tamil Nadu, Tripura, Chandigarh, Delhi, Goa, Daman and Diu, Pondicherry* and *Sikkim.* The correspondnging enrolment ratios for *Himachal Pradesh, Jammu and Kashmir Karnataka, Orissa, Uttar Pradesh* and *West Bengal* were from 60 to 90 per cent. The position in *Bihar, Haryana, Madhya Pradesh* and *Rajasthan* was very bad, the corresponding enrolment ratios for these States being 45.2 per cent, 54.3 per cent, 53.4 per cent and 44.5 per cent, respectively. In *Madhya Pradesh,* the enrolment ratio for Scheduled Castes had actually fallen from 65.5 per cent in 1973-74 to 53.4 per cent in 1978-79.

Enrolment of Scheduled Castes in Classes VI to VIII

6.6 The position of enrolment of Scheduled Castes in Classes VI to VIII continued to remain quite unsatisfactory in 1978-79, in *Andhra Pradesh, Bihar, Haryana, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh, West Bengal, Arunachal Pradesh* and Sikkim, in which the corresponding enrolment ratios were less than 25 per cent. In some States these enrolment ratios had actually shown a fall in 1978-79 as compared to the 1973-74. For example, in *Bihar* the enrolment ratios fell from 10.6 per cent in 1973-74 to 10.2 per cent in 1978-79. Similarly, in *Orissa, Tamil Nadu, Tripura* and *Delhi,* the enrolment ratios fell from 16.8 to 14.5, from 45.4 to 41.2, from 39.2 to 28.3 and from 85.6 to 49.4 per cent, respectively.

Enrolment of Scheduled Tribes in Classes I to V

6.7 In the case of enrolment of Scheduled Tribes in Classes I to V in 1978-79, the progress was satisfactory in *Gujarat, Himachal Pradesh, Kerala, Karnataka, Manipur, Meghalaya, Nagaland, Uttar Pradesh, Dadra and Nagar Haveli, Goa, Daman and Diu* and *Lakshadweep,* where the enrolment ratios of Scheduled Tribes to their populations in the corresponding age groups were above 80 per cent. The corresponding enrolment ratios in *Andhra Pradesh, Assam, Bihar, Maharashtra, Orissa, Tamil Nadu, Tripura, West Bengal* and *Arunachal Pradesh,* were from 50 to 80 per cent. The position of enrolment of Scheduled Tribes in Classes I to V was bad in *Madhya Pradesh, Rajasthan* and *Andaman and Nicobar Islands,* where the corresponding enrolment ratios were less than 50 per cent. In *Assam, Madhya Pradesh* and *Tripura* the corresponding enrolment ratios fell from 100 per cent in 1973-74 to 68.8 per cent in 1978-79, from 61 per cent to 38 per cent and 72.8 per cent to 53.5 per cent, respectively.

Enrolment of Scheduled Tribes in Classes VI to VIII

6.8 Regarding the enrolment of Scheduled Tribes in Classes VI—VIII in 1978-79, the position was very bad in *Andhra Pradesh, Bihar Maanya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Tripura, West Bengal, Arunachal Pradesh* and *Dadra & Nagar Haveli,* where the enrolment ratios to their populations in the corresponding age group during the year 1978-79, were less than 20 per cent. The corresponding enrolment ratios in *Assam, Gujarat, Himachal Pradesh, Uttar Pradesh, Andaman & Nicobar Islands* and *Goa, Daman & Diu* were from 20 to 40 per cent. In *Kerala, Karnataka, Manipur, Meghalaya, Nagaland* and *Lakshadweep,* the corresponding enrolment ratios were above 40 per cent. The enrolment ratios actually fell in 1978-79 as compared to those in 1973-74 in *Assam, Bihar, Orissa* and *Tripura* from 40.6 per cent in 1973-74 to 39.7 per cent in 1978-79, from 17.6 per cent to 16.4 per cent, 12.8 per cent to 9.0 per cent and 17.6 per cent to 15.2 per cent, respectively. *As already recommended in Commissioner's earlier Reports, concerted efforts should be made by the Governments/Administrations of the States/Union Territories in which the enrolment position of Scheduled Castes and Scheduled Tribes, at primary and middle stages is not satisfactory, to increase the enrolment of students belonging to these communities, by giving them incentive like pre-matric stipends, payment of opportunity cost to their parents, free uniforms, books and stationery etc.*

Educational facilities in rural habitations predominantly populated by the Scheduled Castes and Scheduled Tribes

6.9 It has been observed that the enrolment position of Scheduled Castes/Scheduled Tribes at the primary and middle stages, in the rural areas, is worse than that in the urban areas. This is specially true of the population belonging to these communities living in rural habitations, the reason for this being the non-availability of educational facilities in these habitations. This problem was studied in detail in the Fourth All India Educational Survey conducted by the NCERT in 1978, *inter alia,* to assess the availability of educational facilities at the primary and middle stages, in all rural habitations in the country

All India Position

6.10 All India position regarding such facilities existing in all the habitations in the country as well as the habitations predominantly populated by Scheduled Castes/Scheduled Tribes, is given in the table below :—

All Habitations		Habitations predominantly populated by Sch. Castes		Habitations predominantly populated by Sch. Tribes	
Served within the habitation (Percentage)	Served up to 1 Km./ 3 Km. (Percentage)	Served within the habitation (Percentage)	Served up to 1 Km/ 3 Km. (Percentage)	Served within the habitation (Percentage)	Served up to 1 Km/ 3 Km. (Percentage)
Habitations with population of 300 or more served by primary Schools/Sections					
77.31	93.05 (upto 1 Km)	66.94	90.6 (upto 1 Km)	77.78	90.48 (upto 1 Km)
Habitations with population of 500 or more served by Middle Schools/Sections					
28.42	78.42 (upto 3 Kms)	13.47	75.27 (upto 3 Kms)	21.41	64.11 (upto 3 Kms.)

Facilities for Primary Schools

6.11 It would be seen from the above table that, in the case of all habitations with population of 300 or more, 77.31 per cent of the habitations were served by primary schools/sections, within the habitation and 93.05 per cent of the habitations were served by such schools upto a distance of 1 Km. The corresponding percentages of such habitations with predominantly Scheduled Castes population having primary schools/ sections within the habitations or up to a distance of 1 Km., were 66.94 and 90.65, respectively. Similar percentages for habitations predominantly inhabited by Scheduled Tribes were 77.78 and 90.48, respectively. It would also be seen that the percentage of such habitations with predominantly Scheduled Castes population having primary schools/sections within the habitations was much less, *viz.*, 66.94, as compared to the corresponding percentages of 77.31 for all habitations and 77.78 for habitations predominantly populated by Scheduled Tribes.

Facilities of Middle Schools

6.12 The position of the facilities for middle schools/sections in habitations with population of 500 or above, was worse. 28.42 per cent and 78.42 per cent of all habitations were served by such schools/ sections within the habitations or upto a distance of 3 Kms., respectively. Corresponding percentages for habitations predominantly populated by Scheduled Castes were 13.47 per cent and 75.27 per cent, respectively. For such habitations predominantly populated by Scheduled Tribes, the corresponding percentages were 21.41 and 64.11 respectively. The percentage of such habitations predominantly inhabited by Scheduled Castes and having primary schools/ sections within the habitations was the least, *viz.*, 13.47 among all the above mentioned categories, followed by such percentage of habitations predominantly populated by Scheduled Tribes, *viz.*, 21.41.

State-wise Position

6.13 The State-wise position of the availability of similar educational facilities in rural habitations may be seen in Statement Nos. 1 and 2 at Appendix LXVII.

Facilities of Primary Schools inhabitations with population of 300 or more

Scheduled Castes

6.14 It would be seen from the above mentioned Statement No. 1 that in *Andhra Pradesh, Assam, Gujarat, Haryana, Karnataka* and *West Bengal,* 80 to 90 per cent habitations with population 300 or more and predominantly populated by Scheduled Castes were served by primary schools/sections within the habitations. In *Manipur, Meghalaya* and *Punjab,* 90 to 100 per cent of such habitations were served by such schools within the habitations. The corresponding percentages for *Jammu & Kashmir, Maharashtra, Orissa, Tamil Nadu* and *Pondicherry* were 70 to 80. In *Kerala, Rajasthan, Tripura, Uttar Pradesh, Dadra & Nagar Haveli* and *Delhi,* less than 70 per cent habitations predominantly populated by Scheduled Castes were having the facility of primary schools/ sections within the habitations. In all the States except *Kerala,* and *Uttar Pradesh,* such habitations were served by primary Schools/sections upto 1 Km.

Scheduled Tribes

6.15 In the case of habitations with population of 300 or more predominantly populated by Scheduled Tribes, in *Assam, Gujarat, Himachal Pradesh, Maharashtra, Meghalaya* and *Orissa,* 80 to 90 per cent habitations were served by primary schools/sections within the habitations. In the case of *Manipur* and *Nagaland,* the corresponding percentages were between 90 to 100, while in the case of *Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Rajasthan, West Bengal, Arunachal Pradesh* and *Lakshadweep* the percentages of such habitations varied from 70 to 80. In *Kerala, Tamil Nadu, Tripura, Uttar Pradesh, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Goa, Daman & Diu* and *Mizoram,* less than 70 per cent of such habitations had the facility of having primary schools/ sections within their habitations. In *Assam, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Manipur, Nagaland, Orissa, West Bengal, Andaman & Nicobar Islands* and *Goa, Daman & Diu,* 90 to 100 per cent of such habitations were

served by primary schools/sections up to 1 Km. The corresponding percentages for *Andhra Pradesh, Karnataka, Uttar Pradesh, Dadra & Nagar Haveli* and *Lakshadweep* were 80 to 90; for *Rajasthan, Tripura* and *Tamil Nadu* these percentages were 70 to 80, while for *Kerala* and *Mizoram* these were less than 70 per cent.

Facilities of Middle Schools/Sections in habitations with population of 500 or more

Scheduled Castes

6.16 Similarly, it would be seen from the above mentioned Statement No. 2 that, in the case of rural habitations with population of 500 or more, predominantly populated by Scheduled Castes and served by middle schools/sections within the habitations, the position was far from satisfactory. Only *Gujarat, Kerala* and *Manipur* had 47.37 per cent, 37.50 per cent and 77.78 per cent such habitations respectively. The corresponding figures for *Assam, Himachal Pradesh, Jammu & Kashmir, Karnataka, Maharashtra, Orissa, Punjab, Tamil Nadu Tripura, West Bengal* and *Pondicherry* were 15 to 30 per cent while in *Rajasthan,* the corresponding percentage was 11.5. However, in *Andhra Pradesh, Bihar, Haryana, Madhya Pradesh* and *Uttar Pradesh,* the position was worse and less than 10 per cent of such habitations had this facility within the habitations. So far as rural habitations with population of 500 or more predominantly populated by Scheduled Castes and served by middle schools/sections upto 3 Kms., are concerned, in *Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Maharashtra, Manipur, Meghalaya, Orissa, Punjab, Tamil Nadu, Tripura, West Bengal, Chandigarh, Pondicherry* and *Delhi,* above 70 per cent of habitations had this facility. The corresponding percentages for *Haryana, Madhya Pradesh, Rajasthan* and *Uttar Pradesh* were 66.89, 62.15, 54.61 and 68.26, respectively.

Scheduled Tribes

6.17 In the case of rural habitations with population of 500 or more predominantly populated by Scheduled Tribes and served by middle schools/sections within the habitations, the percentages of such habitations in *Manipur, Goa, Daman & Diu, Lakshaddweep* and *Mizoram* were 50 to 70. The corresponding percentages for *Gujarat, Himachal Pradesh, Kerala, Meghalaya* and *Nagaland* were 30 to 50, while for *Assam, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Orissa, Tamil Nadu, Tripura, Uttar Pradesh, Andaman & Nicobar Islands, Arunachal Pradesh* and *Dadra & Nagar Haveli,* these percentages were 10 to 30. The position of *Andhra Pradesh* and *West Bengal* was very bad, with only 8.69 per cent and 5.80 per cent such habitations enjoying the facility. Regarding rural habitations with population of 500 or more predominantly populated by Scheduled Tribes and served by middle schools/sections up to 3 Kms., in *Assam, Gujarat, Himachal Pradesh, Manipur, Meghalaya, Nagaland, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Goa, Daman & Diu, Lakshadweep and Mizoram,* above 70 per cent of such habitations enjoyed this facility. The corresponding percentages for *Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tripura, Uttar Pradesh* and *West Bengal* were from 40 to 70. In *Tamil Nadu* and *Arunachal Pradesh,* the corresponding percentages were 33.02 and 37.87 respectively.

6.18 It would thus be seen from the above paras that all the rural habitations predominantly populated by Scheduled Castes and Scheduled Tribes, do not have the facility of a primary or middle school within or near the habitations. *It is, therefore, desirable that the State Governments/Union Territory Administrations should take early action to ensure that such rural habitations have primary and middle schools within a walking distance, to enable more Scheduled Caste/Tribe students from such habitations to be enrolled in these schools.*

Wastage of Education

6.19 Although enrolment of Scheduled Caste and Scheduled Tribe children in elementary classes is gradually increasing, yet it has been observed that most of the efforts made and money spent to achieve this, go waste because, a large number of children belonging to these communities drop out by the time they are due to complete the primary stage. Information regarding the percentage of wastage at primary stage among the Scheduled Caste/Scheduled Tribe children in various States/Union Territories during the years 1975-76 and 1976-77, is given in the table below :—

Name of the State/ Unoin Territory	Percentage of wastage among			
	Scheduled Castes		Scheduled Tribes	
	1975-76	1976-77	1975-76	1976-77
1	2	3	4	5
Andhra Pradesh	71.0	68.8	73.3	77.6
Assam	68.1	38.6	80.9	45.9
Bihar	76.0	74.2	78.0	82.6
Gujarat	62.7	51.7	65.4	64.3
Haryana	47.0	45.4	—@	—@
Hmachal Pradesh	39.8	33.4	28.9	46.5
Jammu & Kashmir	17.7	41.2	—@	—@
Karnataka	79.5	77.2	73.9	68.6
Kerala	30.2	11.1	45.0	25.8
Madhya Prdesh	73.3	79.8	82.1	87.6
Maharashtra	67.8	56.2	80.2	79.2
Maniur	87.6	87.7	82.1	81.3
Meghalaya	*	*	75.9	75.9
Nagaland	—	—	67.0	76.7
Orissa	75.6	77.7	85.9	86.4
Punjab	38.2	48.9	—@	—@
Rajasthan	64.6	67.5	79.2	78.3
Sikkim	—	N.A.	—	—
Tamil Nadu	57.0	55.0	70.3	55.3
Tripura	75.1	81.4	80.8	84.8
Uttar Pradesh	73.6	74.1	38.8	55.2
West Bengal	75.7	75.9	77.9	7.6
Andaman & Nicobar Islands	—	—	13.9	16.1

*Population of Scheduled Castes is negligible.
@No Scheduled Tribes.

1	2	3	4	5
Arunachal Pradesh	—	N.A.	84.4	84.1
Chandigarh .	40.5	35.3	—@	—@
Dadra & Nagar Haveli . .	68.2	77.7	87.9	89.7
Delhi . .	20.4	6.0	—@	—@
Goa, Daman & Diu . .	46.7	62.2	68.9	70.9
Lakshadweep .	—	—	48.6	23.6
Mizoram . .	—	—	61.9	62.2
Pondicherry .	50.5	49.4	—@	—@
ALL INDIA .	67.8	66.5	78.1	79.8

@No Scheduled Tribes.

Wastage among Scheduled Castes

6.20 It would be seen from the above table that among Scheduled Castes the all India percentage of wastage at the primary stage which was 67.8 in 1975-76, fell marginally to 66.5 in 1976-77. State-wise, the percentage of wastage among these communities in 1976-77 was higher than the all India percentage of 66.5 in *Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Manipur, Orissa, Rajasthan, Tripura, Uttar Pradesh* and *West Bengal.*

Wastage among Scheduled Tribes

6.21 Among Scheduled Tribes, the all India percentage of wastage which was 78.1 in 1975-76, increased to 79.8 in 1976-77. Thus, the percentage of wastage among the Scheduled Tribes was much higher than that among the Scheduled Castes. State-wise, the percentage of wastage among the Scheduled Tribes in 1976-77 was very high in *Andhra Pradesh* (77.6), *Bihar* (82.6), *Madhya Pradesh* (87.6), *Maharashtra* (79.2), *Manipur* (81.3), *Meghalaya* (75.9), *Nagaland* (76.7), *Orissa* (86.4), *Rajasthan* (78.3), *Tripura* (84.8), *West Bengal* (77.6), *Arunachal Pradesh* (84.1), *Dadra & Nagar Haveli* (89.7) and *Goa, Daman and Diu* (70.9).

6.22 It would thus be seen that in the above mentioned States/Union Territories, most of the Scheduled Caste/Scheduled Tribe children drop out at the primary stage itself. It was, therefore, recommended in Commissioner's previous Report that all the State Governments/Union Territory Administrations should take urgent steps to provide sufficient incentives to the Scheduled Caste/Scheduled Tribe children to enable them to continue in school and to ensure that wastage of education was reduced to the minimum. The action taken by various State Governments on that recommendation is not known. *The recommendation is, therefore, reiterated. In this connection, as already mentioned elsewhere in this Report, it is very important that the parents of the Scheduled Caste/Scheduled Tribe children who are enrolled, are compensated for the loss of the family income to which these children were contributing by their work, in the form of opportunity cost amounting to at least Rs. 20 per month per child. The State Governments should consider the desirability of introducing this incentive at an early date, in addition to providing other incentives like, pre-matric stipends, hostel facilities, free books, uniforms, extra coaching, etc., to ensure that the huge wastage of education among these communities is checked.*

National Adult Education Programme

6.23 The National Adult Education Programme was initiated on October, 1978, with a view to extending educational facilities to the entire population of illiterate persons in the age group 15—35 numbering about 10 crores. Since the incidence of illiteracy and social disability is much higher among the Scheduled Castes and Scheduled Tribes, priority was to be accorded to these communities, while organising the programme.

6.24 In its methods, the programme incorporates the essential features of non-formal education; thus giving special significance to environment and learners' needs; flexibility regarding duration, time, location, instructional arrangement etc., and diversification in curriculum and teaching and learning materials. Adult education is imparted to a group of 30 learners by means of specially developed reading and teaching materials. The programme is intended to be implemented in the form of compact projects, the areas of which are expected, by and large, to be coterminus with Development Blocks, though there can be smaller projects covering a part of a Block or larger projects covering upto two Blocks. A project is headed by a project officer and there is a supervisor for every 30 Adult Education Centres.

Progress of the Programme

6.25 The Working Group on Adult Education for the Sixth Plan 1978—83 had made recommendations* for giving priority to Scheduled Caste/Scheduled Tribe persons while implementing the programme, which were given in Commissioner's previous Report. These recommendations were incorporated by the Union Ministry of Education in the programme. Executive instruction were also issued by the Ministry to all the State Governments in this regard. The Government of India appointed a Committee under the Chairmanship of Dr. D. S. Kothari, in October, 1979, to review the programme in all its aspects. The Committee submitted its report in April, 1980 and the same was reported to be under the consideration of the Ministry of Education. An amount of Rs. 200 crores was allocated for the Plan period 1978—83 to be equally shared by the State Governments and the Central Government. During the years 1978-79 and 1979-80, an amount of Rs. 32.12 crores had been spent by the Union Ministry of Education and the State Governments on this programme. Information regarding the State-wise enrolment of general population as well as Scheduled Castes/Scheduled Tribes in all projects of Adult Education operated by

*Recommendations of the Working Group may be seen at Appendix LXVIII.

State Governments/Union Territory Administrations/ Universities/Voluntary bodies, etc., as on 31st January, 1980 is given in the table below :—

S. No.	State/Union Territory	Total	Scheduled Castes	Scheduled Tribes
1	2	3	4	5
1.	Andhra Pradesh	1,46,484	33,210	12,823
2.	Assam	97,272	5,402	4,910
3.	Bihar	2,56,149	59,823	35,618
4.	Gujarat	3,25,227	57,099	1,08,980
5.	Haryana	83,610	16,607	1,499
6.	Himachal Pradesh	27,051	4,632	1,383
7.	Jammu & Kashmir	42,296	5,594	..
8.	Karnataka	1,31,096	25,373	6,522
9.	Kerala	1,26,636	29,160	7,187
10.	Madhya Pradesh	1,76,281	31,630	52,583
11.	Maharashtra	4,59,299	76,115	49,638
12.	Manipur	34,908	471	15,387
13.	Meghalaya	9,650	..	8,328
14.	Nagaland	16,844	69	15,575
15.	Orissa	2,95,041	82,721	92,527
16.	Punjab	18,320	3,519	44
17.	Rajasthan	2,23,852	38,248	20,983
18.	Sikkim	11,574	..	..
19.	Tamil Nadu	4,00,092	79,601	5,550
20.	Tripura	43,425	9,956	14,897
21.	Uttar Pradesh	1,30,361	35,284	12,191
22.	West Bengal	1,10,104	7,225	1,876
23.	Arunachal Pradesh	5,646	..	5,479
24.	Andaman & Nicobar Islands	3,584	172	452
25.	Chandigarh	3,307	545	617
26.	Delhi	32,862	7,476	328
27.	Dadra & Nagar Haveli	3,163	15	3,148
28.	Goa, Daman & Diu	2,962	60	.
29.	Lakshadweep	315	..	315
30.	Mizoram	8,241	..	8,241
31.	Pondicherry	7,436	2,729	..
	TOTAL	32,33,088*	6,12,737	4,87,081
	PERCENTAGE TO TOTAL ENROLMENT	100.0	19.0	15.0

*Does not include enrolment in 2,070 Centres sanctioned to 45 voluntary agencies and 4 Nehru Yuvak Kendras (160). This may be roughly estimated at 62,000 (at 30 per centre). The total enrolment may thus be placed roughly at 3.3 millions.

6.26 It would be seen from the above table that, out of the total enrolment of 32.33 lakhs, the enrolment of Scheduled Castes and Scheduled Tribes was 6.12 lakhs and 4.87 lakhs constituting 19 per cent and 15 per cent of the total enrolment, respectively. Although, it would appear that the enrolment of Scheduled Caste/Scheduled Tribes persons was satisfactory since it was more than the percentages of their population to the total population, yet this is not so, if it is taken into consideration that the bulk of the illiterate adults belong to the Scheduled Castes and Scheduled Tribes. *It is, therefore, recommended that while implementing the programme, the State Governments/Union Territory Administrations should ensure that the guidelines issued by the Union Ministry of Education to give priority to Scheduled Caste/ Scheduled Tribe persons as well as to areas predominantly inhabited by these communities should be kept in view while opening Adult Education Centres, so that the bulk of illiterate Scheduled Caste/Scheduled Tribe adults are benefited by this programme.*

Non-Formal Education

6.27 A predominant majority of non-enrolled and non-attending children in the age group 6—14 belong to Scheduled Castes, Scheduled Tribes, etc. Even if formal schools are provided within easy walking distance from their homes, such children are not likely to join these schools, since they are required to work at home, to augment the family incomes. Another weakness of the formal schools system is that there is a huge drop-out at the elementary stage. Out of every 100 children who enter Class I, only about 40 complete Class V and only about 25 complete Class VIII. Therefore, even if the non-enrolled Scheduled Caste/Scheduled Tribe children are made to join formal schools, it is they who drop out soon after joining, to constitute the bulk of the drop outs.

6.28 It was to overcome this difficulty and to retain the enrolled children till the completion of Class VIII with a view to achieving universal Elementary Education that non-formal education was introduced for the children of age group 9—14. It was estimated that three-fourths of the non-enrolled children are in the nine educationally backward States, *viz., Andhra Pradesh, Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh* and *West Bengal*. Special Central Assistance was, therefore, provided to these States under a Centrally Sponsored Scheme for non-formal education for elementary age group children. An outlay of Rs. 25 crores was made under the scheme for the Sixth Plan period. The main objective of the non-formal education programme is also to provide the same content at the primary and middle stages as in the formal system, but in a graded and condensed form, so as to enable mature children in the age group 9—14 to pursue their courses in the part-time classes, self-study being one of the main features of this channel.

6.29 Information regarding the number of centres established and run for Scheduled Caste/Scheduled Tribe children as well as the extent of their coverage, under the Centrally Sponsored Scheme in 1980-81 is not available. *It is hoped that while implementing the scheme, the State Governments concerned will ensure that the bulk of the non-enrolled Scheduled Caste/Scheduled Tribe children in the age group*

9—14 *are actually benefited and statistics about it are also collected.*

Enrolment at High/Higher Secondary Stage

All-India Position

6.30 The all India percentages of enrolment of Scheduled Caste/Scheduled Tribe students to total enrolment at High/Higher Secondary stage, may be seen in the table below :—

	Enrolment of Sch. Caste to total enrolment (percentage)	Enrolment of Sch. Tribe to total enrolment (percentage)
1975-76	8.9	2.1
1976-77	9.3	2.2
1978-79*	9.9	4.2

*Including enrolment in 10+2 Classes.

It would be seen from the above table that, among the Scheduled Castes, the percentage of enrolment to total enrolment increased from 8.9 in 1975-76 to 9.3 in 1976-77 and 9.9 in 1978-79. The progress of enrolment appeared to be very slow and the percentage of enrolment among these communities was still much less than the percentage of their population, *viz.*, 15.5. Among the Scheduled Tribes, the percentage of enrolment increased from 2.1 in 1975-76 to 2.2 in 1976-77 and 4.2 in 1978-79. It would be seen that the percentage of their enrolment was still much less than the percentage of their population, *viz.*, 7.5.

State-wise Position

6.31 State-wise percentage of enrolment among the Scheduled Caste and Scheduled Tribe students in High/Higher Secondary Classes during the years 1975-76, 1976-77 and 1978-79 may be seen at Appendix LXIX.

Scheduled Castes

6.32 It would be seen from the above Appendix that, among the Scheduled Castes the percentage of enrolment to total enrolment in High/Higher Secondary Classes actually declined during the year 1978-79 as compared to the years 1975-76 and 1976-77 in *Bihar* (from 5.9 to 5.0), *Haryana* (from 10.2 to 7.7), *Himachal Pradesh* (from 13.8 to 12.5), *Meghalaya* (from 1.2 to 0.9), *Orissa* (8.9 to 8.5), *Punjab* (from 17.9 to 13.2), *Sikkim* (from 3.9 to 3.0), *Tamil Nadu* (15.0 to 12.5), *Tripura* (9.7 to 8.0), *Arunachal Pradesh* (1.2 to 0.3) and *Chandigarh* (from 7.0 to 2.0). It would also be seen that in *Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Chandigarh, Delhi* and *Pondicherry*, the percentages of enrolment of Scheduled Castes were much less than proportionate to their populations in the respective States.

Scheduled Tribes

6.33 Among Scheduled Tribes, the percentages of enrolment to total enrolment in these classes showed a decline in 1978-79 as compared to the corresponding percentages in 1976-77, in *Bihar* (5.4 to 4.3), *Himachal Pradesh* (2.4 to 2.1), *Maharashtra* (2.2 to 2.1), *Manipur* (20.6 to 19.6), *Tripura* (11.1 to 8.1), and *Dadra* and *Nagar Haveli* (32.8 to 30.0). In *Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tripura, Dadra* and *Nagar Haveli, Andaman* and *Nicobar Islands,* the percentages of enrolment of Scheduled Tribes in these classes were much less than proportionate to their population in the respective States.

6.34 It would be seen from the above paras that the enrolment position of Scheduled Caste and Scheduled Tribe students in High and Higher Secondary classes is far from satisfactory in a number of States mentioned above. On the whole, the enrolment position among the Scheduled Tribes was worse as compared to that among the Scheduled Castes. *It is desirable that the State Governments/Union Territory Administrations concerned should take necessary action to step up enrolment of students belonging to these communities, by giving them various incentives, like universal coverage of pre-matric stipends, rates of which should be increased taking into consideration the rise in the cost of living, hostel facilities, free books, etc.*

Kendriya Vidyalayas

6.35 The Kendriya Vidalaya Sanghthan is running 289* Kendriya Vidyalayas in the country, in which education is imparted upto 10+2 standard, primarily to the children of transferable employees. These vidyalayas are started at places where there is a sizeable concentration of Central Government employees including defence personnel as well as at places where Public Sector Undertakings are located and in campuses of institutions of higher learning. Admissions to these schools are made in accordance with the following priorities :—

(i) Children of transferable Defence personnel ;

(ii) Children of transferable Central Government employees ;

(iii) Children of officials of All India Services/ Autonomous bodies/projects fully financed by the Government of India and Public Undertakings/Corporations, etc., whose services may be transferable ;

(iv) Children of non-transferable Defence personnel and Central Government employees ;

(v) Other floating population which includes civilian population desirous of seeking the pattern of studies conducted in the Kendriya Vidalayas.

*As on 31st May 1980.

Reservation of seats for Scheduled Caste/Scheduled Tribe students.

6.36 Till 1976-77 no reservation of seats for Scheduled Caste/Tribe students was made for admission to these schools, though from 1972, all Scheduled Caste/Scheduled Tribe children coming under the above mentioned first three priority categories, whose services were transferable, were to be admitted to these schools, subject to vacancies being available for the purpose and conditions prescribed for admission were to be relaxed where necessary. In pursuance of repeated recommendations in Commissioner's earlier Reports, that, a specific percentage of seats in these schools should be reserved for the children of Scheduled Castes/Scheduled Tribes holding transferable posts in the Central Government, as well as prolonged correspondence made by Commissioner, the Kendriya Vidyalaya Sanghthan decided to reserve 15 per cent and 7½ per cent seats for Scheduled Caste and Scheduled Tribe candidates respectively, in respect of new admissions to Kendriya Vidyalayas from the academic year 1976-77. The reservation quota was to apply to the total number of children given fresh admission in a Kendriya Vidayalaya at the beginning of a session and not to the fresh admissions made in each class. It was, however, not clear as to how much relaxation was to be allowed in the minimum marks prescribed for admission of Scheduled Caste/Scheduled Tribe children to these classes. It was, therefore, recommended in Commissioner's 1974-75, 1975—77 and 1977-78 Reports that Scheduled Caste/Scheduled Tribe candidates should be given relaxation of 10 per cent in the minimum marks in the first instance and if still some seats remained vacant, a further relaxation in minimum marks should be allowed till all the reserved seats were actually filled by Scheduled Caste/Scheduled Tribe candidates. In pursuance of these recommendations, the Kendriya Vidyalaya Sanghthan issued instructions to all the Kendriya Vidyalayas in August, 1978 to ensure that the quota reserved for Scheduled Caste/Scheduled Tribe students was utilised to the maximum possible extent and for that purpose, issued the following guidelines:—

(i) The conditions of transferability of parents may be relaxed and children of even non-transferable Scheduled Caste/Scheduled Tribe employees may be admitted, where necessary ;

(ii) If any examination is held for admission to Kendriya Vidyalayas candidates belonging to Scheduled Castes/Scheduled Tribes may be allowed a concession of 5 per cent marks in the standard fixed for other candidates from the academic session 1979-80.

Relaxation of Minimum Standards for admission of Scheduled Castes/Scheduled Tribes to Kendriya Vidyalayas

6.37 It has since been decided by the Kendriya Vidyalaya Sangathan that Scheduled Caste/Scheduled Tribe candidates are to be assessed in interviews on relaxed standards. All Scheduled Caste, Scheduled Tribe candidates who possess the prescribed minimum qualifications, are now called for interviews irrespective of the marks obtained by them in evaluation of applications, instead of only a relaxation of 5 per cent marks allowed earlier. All Scheduled Caste/Scheduled Tribe candidates are generally to be interviewed in a separate session so that they are not judged in comparison with general candidates. Further, the grades obtained by Scheduled Caste/Scheduled Tribe candidates are to be enhanced by one Stage.

6.38 The above mentioned measures taken by the Kendriya Vidyalaya Sangathan to further relax the minimum standards for the admission of Scheduled Caste/Scheduled Tribe candidates to these schools, are welcome. It is not, however, known whether these guidelines are actually being followed by various Kendriya Vidyalayas at the time of admissions. The Union Ministry of Education was requested to furnish information regarding the number of Scheduled Caste/Scheduled Tribe students admitted to various Kendriya Vidyalayas during the year 1979-80. However, the requisite information is still awaited, in the absence of which it is not possible to assess whether the guidelines issued by the Sangathan to admit Scheduled Caste/Scheduled Tribe candidates to these schools on relaxed standards, are actually being followed by them or not. *It is, therefore, recommended that all the Kendriya Vidyalayas should relax the minimum standards for the admission of Scheduled Caste/Scheduled Tribe candidates, in accordance with the above mentioned guidelines issued by the Sangathan, in order to ensure that all the reserved seats are actually filled by candidates belonging to these communities. The Sangathan should also keep a strict watch to ensure that the guidelines issued by it are followed by all the Kendriya Vidyalayas.*

Facilities provided to Scheduled Caste and Scheduled Tribe students in Public Schools

6.39. Under the Government of India scheme of scholarships in residential secondary schools which include public schools, 500 scholarships are awarded to those students, the income of whose parents does not exceed Rs. 500 per month. This has been done with the intention to provide educational facilities to meritorious children of lower income groups who are otherwise unable to avail themselves of opportunities of studying in good residential schools. Seventy-five and twenty-five of these scholarships are reserved for candidates belonging to Scheduled Castes and Scheduled Tribes, respectively constituting 15 per cent and 5 per cent of the total number of scholarships, respectively. The Union Ministry of Education have also relaxed norms for award of scholarships to Scheduled Caste and Scheduled Tribe students in these schools. For the purpose of qualifying in the all-India examination, a general candidate has to pass in all subjects with minimum of 33 per cent of marks in each subject. But in the case of Scheduled Caste and Scheduled Tribe candidates, pass marks are 28 per cent with 5 marks to be added in respect of candidates failing in one

paper. The number of scholarships reserved for Scheduled Caste/Scheduled Tribe candidates, applications received from these candidates, scholarships awarded to them during the years 1978-79 and 1979-80 may be seen in the table given below :—

Year	Total number of scholarships	Number of scholarships reserved for		Number of applications received from		Number of students awarded scholarships	
		S.C.	S.T.	S.C.	S.T.	S.C.	S.T.
1	2	3	4	5	6	7	8
1978-79 .	500	75	25	75	44	39	21
1979-80 .	500	75	25	104*	...	38	12

*Separate figures for Sch. Castes/Sch. Tribes were not available.

It would be seen from the above table that against 75 and 25 scholarships reserved for Scheduled Caste and Scheduled Tribe students, only 39 and 21 scholarships respectively, were awarded to them during the year 1978-79. Similarly, during the year 1979-80, against 75 and 25 scholarships reserved for Scheduled Caste and Scheduled Tribe students, only 38 and 12 scholarships respectively, were awarded to them. This position was rather disquieting. However, during the academic year 1980-81, the quota of scholarships for Scheduled Caste and Scheduled Tribe candidates was fully utilised and 100 scholarships were offered to students belonging to these communities. The improved performance of students belonging to these communities in public schools is quite encouraging. In this regard, it would not be out of place to mention that the Indian Public Schools' Conference Sanawar informed that Scheduled Caste and Scheduled Tribe students who had been selected by the Government of India, were quite successful in public schools and their contribution had been significant to the life of the school. Keeping in view the good performance of Scheduled Caste and Scheduled Tribe students in the public schools, *it is suggested that a separate scheme of merit scholarships for Scheduled Caste and Scheduled Tribe students in residential schools should be introduced under which there should be no restriction on the number of scholarships to be awarded to these students.*

6.40. It is evident that the Government of India scheme of Merit Scholarship in approved residential schools aims to fulfil the needs of only 100 Scheduled Caste and Scheduled Tribe students every year, which is rather a very small number at all-India level. In order to enable students of these communities to go in for higher technical and medical education, attempts will have to be made from lower stage of education for which public schools can play a very important role in bringing talented Scheduled Caste and Scheduled Tirbe students up to the required standard for admission to the technical and medical colleges. *It is also suggested that all the State Governmen s/Union Territory Administrations should hold a talent test at the elementary, middle, high and higher secondary stages of education to find out talented boys and girls among the Scheduled Caste and Scheduled Tribe students and assist them financially to get admission to public schools. This will ensure that talented students among these communities are available for admission in medical, engineering and other higher courses.*

Industrial Training Institutes

6.41 Under the Craftsman Training Scheme of the Directorate General of Employment and Training, Ministry of Labour, 356 Industrial Training Institutes in the country are imparting training in engineering and non-engineering trades. Seats are reserved for both Scheduled Caste and Scheduled Tribe candidates in these institutes in proportion to the percentage of their population in the States/Union Territories concerned. They are admitted to these institutes against the reserved quota after they obtain the minimum percentage of qualifying marks. Statewise and tradewise information furnished by the Ministry of Labour regarding the total number of trainees including the enrolment of Scheduled Caste and Scheduled Tribe trainees as on 31-12-1979 may be seen at Statement Nos. I and II of Appendix LXX.

6.42 It may be seen that the percentage of Scheduled Caste and Scheduled Tribe trainees in all the institutes was 13.3 and 3.5 against the corresponding percentage of Scheduled Caste and Scheduled Tribe population to total population being 15.5 and 7.5 respectively. The percentage of Scheduled Caste and Scheduled Tribe trainees in these Institutes as on 31-1-1974 was 12.1 and 2.7 respectively. The increase in percentage of trainees of both the categories from 1974 to 1979 is marginal and cannot be considered adequate. If we compare the Statewise position in 1979 with that of the position obtaining as on 31-1-1974 we would find that percentage of Scheduled Caste trainees declined in *Himachal Pradesh, Karnataka, Kerala, Manipur, Orissa, Rajasthan, Tamil Nadu, Tripura* and *Pondicherry*. The position in regard to Scheduled Caste candidates in the States of *Madhya Pradesh, Punjab* and *Goa* remained stationary during this period. Similarly the percentage of Scheduled Tribe trainees also declined in *Gujarat, Karnataka, Orissa, Punjab, Uttar Pradesh, Arunachal Pradesh* and *Delhi* during this period. The downward trend in spite of concessions is very discouraging. *It was recommended in earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes that the Ministry of Labour as well as the State Governments/ Union Territory Administrations concerned in which the enrolment had registered decrease should enquire into the causes and make earnest efforts to remove the lacunae by opening more I.T.Is. and vocational guidance centres to attract more Scheduled Caste and Scheduled Tribe candidates.* It is not known if any such exercise was undertaken by the Ministry of Labour and the concerned State Governments/ Union Territory Administrations With the declining enrolment and the number of I.T.Is. and vocational guidance centres, it may be inferred that not much serious effort was made in this direction *It is,*

therefore, reiterated that the Ministry of Labour and the concerned States and Union Territories should make serious efforts to go into the causes of decline and take suitable remedial measures as suggested in the earlier Report. One of the main reasons why **Scheduled Caste and Scheduled Tribe students are not attracted to these institutes** may be inadequate stipends and hostel facilities. All the Scheduled Caste and Scheduled Tribe trainees are paid a fixed amount as stipend. Some State Governments also give additional stipends. It has been observed that by and large the amount given as stipend by the State Government has not been adequate to give an incentive to the Scheduled Caste and Scheduled Tribe students to join the Institutes. During the year 1978-79, an effort was made to collect information from different State Governments regarding the stipends given to Scheduled Caste/Tribe students. Information received in respect of 12 State Governments/Union Territory Administrations may be seen in the table below :—

S. No.	Name of State/Union Territory	Rate of stipend paid to S.C./S.T. trainees in I.T.Is.
1.	Haryana	Rs. 45
2.	Nagaland	Rs. 100
3.	Pondicherry	Rs. 45
4.	Goa Daman & Diu . . .	Rs. 60
5.	Dadra & Nagar Haveli . .	Rs. 100
6.	Mizoram : Electrician . .	Rs. 100
	Wireman, Fitter etc.	Rs. 75
7.	Himachal Pradesh . . .	Rs. 45
8.	Karnataka	Rs. 45
9.	Madhya Pradesh	Rs. 65
10.	Kerala (Engineering Courses) .	Rs. 60*
11.	Chandigarh	Rs. 45
12.	Tamil Nadu	Rs. 45 For Sch. Castes
		Rs. 82.50 For Sch. Tribes

*Rate of lump sum grant to the Ist Year students is Rs. 100 and IInd Year students is Rs. 75.

6.43 It may be seen from the above table that different States/Union Territories have different rates of stipends. While in *Nagaland, Dadra* and *Nagar Haveli* and *Mizoram* it is Rs. 100.00, in States/Union Territories like *Haryan, Himachal Pradesh, Karnataka, Pondicherry* and *Chandigarh,* the rates are as low as Rs. 45.00. It may also be mentioned here that the rates of post-matric scholarships to Scheduled Caste and Scheduled Tribe students pursuing post-matric courses are much higher in comparison to the amount of stipends paid to students in I.T.Is. by most of the States. As a result of this, most of the Scheduled Caste and Scheduled Tribe students prefer to go in for college education rather than joining I.T.Is. *It is, therefore, recommended that the rates of these stipends should be appreciably increased after taking into consideration the cost of living index to enable Scheduled Caste and Scheduled Tribe students to meet the hostel and other expenses as well as to give them incentive to join these institutes.*

6.44 It may also be pointed out that during the Fifth Plan period considerable investment was made by the Centre as well as by the State Governments in opening new projects in tribal areas which require various categories of unskilled, semi-skilled and skilled posts. It, therefore, becomes necessary that the project authorities located in different areas should establish contacts with State Tribal Welfare Departments, district authorities and training institutes in the areas so that the required quota of trained Scheduled Tribe candidates may be secured for different categories of posts in these areas.

Concessions allowed to Scheduled Castes and Scheduled Tribes in the matter of admission to various educational and technical institutions

Enrolment at College Stage

6.45 According to the guidelines issued by the Union Ministry of Education, from time to time, to all the State Governments/Union Territory Administrations as well as Universities, 20 per cent of the seats in all educational and technical institutions should be reserved for the Scheduled Castes and the Scheduled Tribes, with a distinct reservation of 15 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes. This reservation is inter-changeable, *i.e.,* if sufficient number of candidates are not available to fill the seats reserved for Scheduled Tribes, these can be filled up by suitable candidates from Scheduled Castes and *vice versa.* Where admissions are restricted to candidates who obtain a certain minimum percentage of marks and not merely the passing of certain examinations, 5 per cent reduction for Scheduled Castes and Scheduled Tribes was recommended, provided that the lower percentage prescribed did not fall below the minimum required to pass the qualifying examination. The Ministry had also suggested that, in case the 20 per cent seats earmarked for the Scheduled Castes and Scheduled Tribes remained unfilled, a further relaxation in marks could be given to them, in order to merits *inter se* among them so that all the reserved seats were filled by candidates belonging to these categories.

6.46 In this connection, it may be pointed out that the Scheduled Tribes constitute 7.5 per cent of India's population. However, while in the case of services, the Government of India have issued instructions to reserve 7½ per cent posts for the Scheduled Tribes, in the case of various educational and technical institutions, instructions have been issued to reserve 5 per cent seats for students belonging to these communities. *It is, therefore, recommended that the Union Ministry of Education should look into the matter and consider the desirability of issuing revised guidelines to various State Governments/Universities to reserve 7½ per cent seats for these communities in these institutions.*

Reservation of seats for Scheduled Castes/Scheduled Tribes in proportion to their population

6.47 It may also be pointed out that different State Governments/Union Territory Administrations have different percentages of Scheduled Caste/Scheduled Tribe populations. Reservation of a uniform percentage of seats for these communities in educational institutions in different States does not, therefore, appear to be logical. The existing guidelines issued by the Government of India in this regard need therefore to be reviewed. *It is felt that while in the case of all Central Universities/Institutions, a uniform reservation of 15 per cent and 7½ per cent seats should be made for Scheduled Castes/Scheduled Tribes, respectively, in the case of other educational and technical institutions, revised guidelines should be issued by the Ministry of Education to reserve seats for Scheduled Caste/Scheduled Tribe candidates, in proportion to their populations in the respective States/Union Territories. In the case of States/Union Territories like Meghalaya, Nagaland, Mizoram, etc. having predominant populations of Scheduled Tribes and negligible or no population of Scheduled Castes, guidelines in this regard should suggest that although all the seats should not be reserved for the Scheduled Tribes, the State Governments/Union Territory Administrations and Universities concerned should ensure that the benefits of various technical and educational institutions are derived mainly by the Scheduled Tribes.*

S.C.T. Cell set up by University Grants Commission

6.48 A S.C.T. Cell was set up by the University Grants Commission in January, 1979 and was recently augmented, *inter alia* with a view to vigorously watching the effective implementation of reservation orders in favour of Scheduled Castes and Scheduled Tribes, relating to access of higher education to students belonging to these communities. It is the responsibility of the Cell to circulate the decisions of the Government of India and the University Grants Commission among Universities and Colleges and to collect regularly, an annual factual position regarding coursewise admission, by reservation, to candidates belonging to Scheduled Castes and Scheduled Tribes for different courses, by a stipulated date and to take follow up action wherever required. The Cell collected information regarding the actual admissions made by Universities and Colleges to various courses of studies from among these two communities for the year 1977-78 and made an analysis thereof. The courses were divided as under-graduate, post-graduate and above. These were also sub-divided as courses in Arts, Science, Commerce and Education, Engineering and Technology, Medicine, Agriculture, Veterinary Science, Law and others, with the break up separately for Scheduled Caste and Scheduled Tribe communities, giving the individual position in respect of these communities for under-graduate and post-graduate courses.

Actual admissions of Scheduled Castes/Scheduled Tribes to under-graduate and post-graduate Courses

6.49 Information regarding the actual admissions of Scheduled Castes and Scheduled Tribes to under-graduate and post-graduate courses, separately grouped into 10 areas of learning, is given in the table below. In addition, similar information in respect of these courses grouped as professional and non-professional, is given at the bottom of the table.

Group	Percentages of Sch. Caste/Sch Tribe enrolment to total enrolment			
	Scheduled Caste students		Scheduled Tribe students	
	U.G. Course	P.G. Course	U.G. Course	P.G. Course
1	2	3	4	5
1. Arts . .	10.4%	10.5%	0.2%	1.7%
2. Science .	4.4%	3.6%	0.8%	0.7%
3. Commerce .	4.7%	5.2%	1.3%	1.0%
4. Education .	6.1%	3.6%	2.0%	1.0%
5. Engineering & Technical .	6.1%	2.9%	0.9%	0.5%
6. Medicine .	8.5%	4.3%	1.9%	0.7%
7. Agriculture .	6.0%	2.8%	0.4%	0.4%
8. Veterinary Science .	5.6%	1.5%	1.4%	..
9. Law . .	6.8%	1.8%	1.9%	0.2%
10. Others . .	13.5%	1.7%	0.5%	0.4%
1. Professional .	6.8%	3.2%	1.6%	0.5%
2. Non-professional . .	7.7%	8.1%	1.6%	1.4%

The above mentioned position is against the reservation of 15 per cent seats for Scheduled Castes and 5 per cent seats for Scheduled Tribes.

Scheduled Castes

6.50 It would be seen that in the under-graduate courses, the Scheduled Castes had been able to get less than 10 per cent seats in all the areas except arts courses, in which also they could get only 10.5 per cent seats. The percentages of seats secured by them in courses relating to Science (4.4%), Commerce (4.7%), Engineering and Technology (6.1%), Medicine (8.5%), Veterinary Science (5.6%), Education (6.1%), Law (6.8%), were very small as compared to the 15 per cent seats reserved for them. In all the Professional courses clubbed together, the Scheduled Castes had been able to secure only 6.8 per cent seats while in non-professional courses, they had been able to get only 7.7 per cent seats. In Post-graduate courses the position of Scheduled Castes was worse. Except in arts courses in which they could secured 10.5 per cent seats, the percentages of seats secured by them were less than 5 per cent in almost all the areas of learning.

Scheduled Tribes

6.51 So far as the Scheduled Tribes are concerned, it would be seen that the position regarding the percentages of seats actually secured by them in various categories was extremely bad, both in under-graduate as well as post-graduate courses. It woud be seen that in no course they could secure more than 2 per cent seats. In under-graduate courses, the percentages of seats secured by them were as low as 0.2 in Arts courses, 0.8 in Science courses, 0.9 in Engineering and Technology and 0.4 in Agriculture. In Post-graduate courses, the corresponding percentages were 0.7 for Science courses, 0.5 in Engineering and Technology courses, 0.7 in Medical courses, 0.4 in Agriculture courses, 0.2 in Law courses and nil in Veterinary Science courses. It would be seen that the overall position of actual admission of Scheduled Caste/ Scheduled Tribe students in various courses was far from satisfactory. But the position of Scheduled Tribes in this regard was much worse than that of even Scheduled Castes.

6.52 Information regarding the actual admission of Scheduled Castes/Tribes made to various courses of Study, course-wise, region-wise, level-wise, State-wise and University-wise, is given in Statement Nos. 1 to 63 at Appendix LXXI. Some of the conclusions derived from the analysis of some of the above mentioned Statements are given in the following paras :—

State-wise reservation of seats in under-graduate Courses

6.53 It would be seen from above mentioned Statement No. 4 that some State/Union Territories like *Andhra Pradesh, Assam, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Maharashtra, Punjab, Tamil Nadu* and *Delhi* had made reservations for Scheduled Castes/Scheduled Tribes in under-graduate courses in educational institutions, either in proportion to their populations in those States or more than proportionate to their populations. However, in some other States like *Bihar, Himachal Pradesh, Madhya Pradesh, Meghalaya, Orissa, Rajasthan, Uttar Pradesh* and *West Bengal* having sizeable Scheduled Caste/ Tribe populations, the percentages of reservations made for these communities were much less than proportionate to their populations in those States. Even within some States different Universities had reserved different percentages of seats for Scheduled Caste/ Scheduled Tribe candidates. For example, in *Bihar,* while the State Government had issued instructions for reservation of 20 per cent seats for Scheduled Castes/ Scheduled Tribes, the Universities of Bhagalpur, Magadh, L. N. Mithila, Patna, Ranchi and Rajindra Agriculture, had reserved 3 per cent, 15 per cent, 5 per cent, 15 per cent, 30 per cent and 25 per cent seats, respectively for these communities. In *Kerala,* while the State Government had suggested that 20 per cent seats should be reserved for Scheduled Caste/ Scheduled Tribe students, the Kerala Agriculture University had reserved 10 per cent seats. In *Madhya Pradesh,* the State Government had reserved 33 per cent seats while the J.N.K. Viswa Vidyalaya had reserved 10 per cent seats. In *West Bengal,* the State Government had reserved 20 per cent seats for Scheduled Castes/Scheduled Tribes, Calcutta and Uakatiya Universities had reserved 10 per cent seats each, Ravindra Bharti had reserved 5 per cent seats, and Krishi Vishwa Vidyalaya had reserved 5 per cent seats in Agriculture and 14 per cent seats in Animal Husbandry. It was also observed that no reservation of seats had been made for Scheduled Castes/Scheduled Tribes by South Gujarat University (*Gujarat*), Ravi Shankar and Vikram Universities (*Madhya Pradesh*), S.N.D.T. Women's University (*Maharashtra*), Rajasthan University and Birla Institute of Technology and Science (*Rajasthan*), Aligarh Muslim University, Allahabad University, Kashi Vidyapith, Lucknow University, N.D. University of Agriculture and Technology and Gurukul Kangri (*Uttar Pradesh*), and Burdwan University (*West Bengal*). It is desirable that as already suggested above, the State Governments and Universities which had not yet made reservation of seats for Scheduled Castes/Scheduled Tribes, in proportion to their populations in the respective States/ Districts should take early action to do so. *It is deplorable that in spite of the instructions issued by the Ministry of Education and the State Governments concerned, some Universities mentioned above have still not made any reservation of seats for Scheduled Caste/Scheduled Tribe students. The State Governments concerned and the University Grants Commission should look into the matter and take early action to persuade these Universities to make reservation of seats for Scheduled Castes/Scheduled Tribes in proportion to their populations in the States/Districts concerned.*

District-wise Enrolment

6.54 Statement No. 6 indicates the enrolment of Scheduled Castes/Scheduled Tribes at Graduate and Post-graduate levels, district-wise, in various States/ Union Territories. In under-Graduate courses, in the case of Scheduled Castes, one district in Jammu & Kashmir had no enrolment. In the case of Scheduled Tribes, however, out of the total number of 375 districts in the country in respect of which colleges and universities had sent information, 71 districts had no enrolment, out of which 11 districts were located in *Bihar,* 4 in *Kerala,* 6 each in *Madhya Pradesh* and *Tamil Nadu,* 35 in *Uttar Pradesh,* 2 each in *Andhra Pradesh* and *Gujarat* and one each in *Himachal Pradesh, Karnataka, Maharashtra, Rajasthan* and *West Bengal.* In Post-graduate courses 25 districts had no enrolment of Scheduled Castes, out of which 2 were located in *Bihar,* one each in *Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Punjab, Uttar Pradesh* and *West Bengal,* 5 each in *Madhya Pradesh* and *Rajasthan* and 3 in *Maharashtra.* Similarly, 95 districts had no enrolment of Scheduled Tribes in Post-graduate courses, out of which 9 were located in *Andhra Pradesh,* 5 each in *Bihar, Gujarat* and *Maharashtra,* 1 in *Himachal Pradesh,* 2 each in *Karnataka, Orissa* and *West Bengal,* 7 in *Kerala,* 15 in *Madhya Pradesh,* 6 in *Rajasthan,* 7 each in *Kerala* and *Tamil Nadu* and 29 in *Uttar Pradesh.* It would be seen that the number of districts having no enrolment •

of Scheduled Tribes at Graduate and Post-graduate level was much-more than the number of districts having no enrolment of Scheduled Castes.

6.55 It would be observed that in some districts in different States having sizable Scheduled Tribe populations, the enrolment of Scheduled Tribe students in under-graduate courses, was poor. For example, in Ranchi, Santhal Parganas, Singhbhum, Palamau, Hazari Bagh and Dhanbad districts of Bihar* having 58.08 per cent, 36.22 per cent, 46.12 per cent, 19.09 per cent, 10.99 and 10.61 per cent Scheduled Tribe populations, the Coefficient of Equality of Scheduled Tribes at under-graduate level was 58, 32, 17, 19 Nil and 21, respectively. In Post-graduate courses, in all the districts of *Bihar,* including the above mentioned districts, the Coefficient of Equality was nil. In some districts of *Madhya Pradesh*** having sizable Scheduled Tribe populations like, Bastar (68.20 per cent), Betul (30.50 per cent), Chhindwara (35.17 per cent), Mandla (60.54 per cent), Raigarh (47.28 per cent) and Shahdol (48.23 per cent), the Coefficient of Equality for Scheduled Tribes for under-graduate courses was 68, 7, 6, 36, 26 and 15 respectively. Corresponding Coefficient of Equality of Scheduled Tribes in Post-graduate courses in these districts was 76, 7, 4, 32, 25 and 0, respectively. In Dhulia, Nasik and Thana district of *Maharashtra*† having 37.05 per cent, 23.69 per cent and 25.40 per cent Scheduled Tribes population, the Coefficient of Equality of these communities at under-graduate level was as low as 16, 6 and 3, respectively. Corresponding Coefficient Equality for Post-graduate courses was only 7, 3 and 0 respectively. Similarly, the Coefficient of Equality of Scheduled Tribes in under-graduates courses in Keonjher, Koraput and Mayurbhanj districts of *Orissa,*‡ having Scheduled Tribes populations of 46.96 per cent, 56.34 per cent and 58.56 per cent was as low as 7, 5 and 19, respectively. There was no enrolment at Post-graduate level in these districts. In districts having predominant Scheduled Tribe populations in other States also the enrolment position was very bad. ***The State Governments/Union Territory Administrations having sizable Scheduled Tribes populations in their States/Union Territories would therefore, analyse the situation in each of the indentified districts with low percentages of enrolment of Scheduled Tribes and formulate special programmes for spread of higher education among these communities. Similar steps should also be taken in respect of Scheduled Castes.***

Enrolment in Medical Colleges

Under-Graduate Courses

6.56 According to the instructions issued by the Ministry of Health and Family Welfare to various State Governments/Universities, 15 per cent and 5 per cent seats for Under-graduate courses in the 107 Medical Colleges in the country, should be reserved for the Scheduled Castes and Scheduled Tribes, respectively. The reservations for Scheduled Castes and Scheduled Tribes are interchangeable, *i.e.,* if sufficient number of students are not available to fill the seats reserved for Scheduled Tribes, the unfilled seats may be utilised for suitable candidates from the Scheduled Castes and *vice versa.* According to available information, various State Governments have also issued instructions to the Medical Colleges/Universities in their respective States to reserve seats for Scheduled Castes and Scheduled Tribes in under-graduate medical courses. The percentages of seats reserved for Scheduled Caste and Scheduled Tribe candidates in medical colleges in different States are given below :—

Name of State/ Union Territory	Percentage of seats reserved for			
	Scheduled Castes		Scheduled Tribes	
1	2		3	
Andhra Pradesh	14	(13.27)**	4	(5.12)**
Assam	N.F.	(6.10)	N.F.*	(10.99)
Bihar	14	(14.28)	9	(8.75)
Gujarat	7	(6.84)	13@	(14.07)
Haryana	20	(18.88)	..	..
Himachal Pradesh	15	(22.23)	5	(4.10)
Jammu & Kashmir	N.F.	(8.3)	N.F.	..
Karnataka	15	(13.14)	3	(0.99)
Kerala	8	(8.30)	2	(0.90)
Madhya Pradesh	15	(13.09)	15	(23.56)
Maharashtra	13	(6.00)	7	(7.62)
Rajasthan	8	(15.82)	6	(12.17)
Orissa	15	(15.09)	5	(23.13)
Tamil Nadu	18 both for SC/ST	(17.75)		(1.09)
Punjab	25	(24.71)	..	
Uttar Pradesh	18	(21.00)	2	(0.23)
West Bengal	15	(19.90)	5	(5.87)
Delhi	15	(15.6)	5	..
Goa, Daman & Diu	15	(1.9)	15	(0.82)
Pondicherry	9 Seats	(15.5)	3 Seats	(—)

*Not furnished by State Government.

**Figures in brackets indicate percentage of population of Scheduled Castes/Scheduled Tribes in State.

@Including Denotified Tribes.

It would be seen from the above table that, in some States, *viz., Himachal Pradesh, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh* and *West Bengal,* the percentages of seats reserved for Scheduled Caste/Scheduled Tribe students are less than proportionate to the population of these communities in the respective States. ***It is desirable that the above mentioned State Governments should consider the desirability of reserving seats for Scheduled Caste and Scheduled Tribe students in medical colleges at least in proportion to the Scheduled Caste/Scheduled Tribe populations in their States.***

*Statement No. 28.

**Statement No. 33 of Appendix.

†Statement No. 34 of Appendix.

‡Statement No. 36 of Appendix

Reservation of seats in Medical Colleges under control of or aided by Central Government

6.57 The percentages of seats reserved for Scheduled Caste/Scheduled Tribe candidates in under-graduate courses in the medical colleges under the control of, or aided by the Central Government, are given below :—

Medical College	Percentage of seats reserved for	
	Scheduled Castes	Scheduled Tribes
1	2	3
Jawahar Lal Institute of Post-graduate Medical Education & Research, Pondicherry . .	15	5
All India Institute of Medical Sciences	15	5
Lady Harding Medical College, New Delhi	15	5
University College of Medical Sciences, New Delhi . . .	15	5
Mahatma Gandhi Institute of Medical Sciences Sevagram, Vardha .	20 per cent for both	
College of Medical Sciences, Banaras Hindu University . .	20 per cent for both	
Jawaharlal Nehru Medical College, Aligarh Muslim University .	—Nil—	

It would be seen from the above table that Aligarh Muslim University which is a Central University, has not made any reservation for Scheduled Caste and Scheduled Tribe students in their medical college. In this connection, it was repeatedly recommended in Commissioner's earlier Reports that the Union Ministry of Education and the University Grants Commission should take necessary action to persuade the University to make the prescribed reservation of seats for Scheduled Caste/Scheduled Tribe students in their medical college. According to available information, however, the University has not so far, made any reservation for the students belonging to these communities. *The recommendation is, therefore, reiterated.*

Relaxation in minimum standards allowed to Scheduled Caste/Scheduled Tribe students for admission to Medical Colleges

6.58 The Medical Council of India has recommended relaxation of the eligibility criteria for admission to the seat reserved for Scheduled Caste/Scheduled Tribe candidates at under-graduate level in Medical Colleges. The Council has decided that, in respect of candidates belonging to Scheduled Castes/Tribes, the minimum marks required for admission shall be 40 per cent in lieu of 50 per cent for general candidates. Where the seats reserved for Scheduled Caste/Scheduled Tribe students in any State cannot be filled for want of the requisite number of candidates fulfilling the minimum requirements prescribed from that State, then such vacant seats may be filled up on all-India basis with Scheduled Caste and Scheduled Tribe candidates getting not less than the minimum pass percentage or reverted to the general category. Information regarding the relaxation in the minimum standards for admission of Scheduled Caste/Scheduled Tribe candidates to under-graduate courses, allowed by various State Governments/Union Territory Administrations, is given below :—

Name of State/Union Territory	Percentage of relaxation in minimum marks for admission allowed to Scheduled Castes/ Scheduled Tribes
Andhra Pradesh	5
Bihar	10 (1977 to 1979) (usual 5%)
Himachal Pradesh. . . .	5
Karnataka	5
Kerala	10
Madhya Pradesh	15 to 30
Maharashtra	5
Rajasthan	15
Punjab	5
Uttar Pradesh	15
West Bengal . . .	5
Delhi	5
Goa, Daman & Diu . . .	5
Pondicherry	10

It would be seen from the above table that various State Governments have allowed different percentages of relaxation in marks for admission of Scheduled Castes/Scheduled Tribes to under-graduate medical courses. *It is desirable that all the State Governments/ Union Territory Administrations should allow a reduction in the minimum marks for admission of Scheduled Caste/Scheduled Tribe candidates to medical colleges at least to the extent of 10 per cent, as recommended by the Medical Council of India. The State Governments who have not so far allowed the required relaxation to the candidates belonging to these communities in this regard, should take early action to do so now.*

Madhya Pradesh

6.59 In this connection, it was reported that, in *Madhya Pradesh*, as a result of the competitive examination for admission to medical colleges, held in May 1980, 618 general candidates with 50 per cent and above marks and 28 Scheduled Caste/Scheduled Tribe candidates with 35 per cent and above marks were declared qualified for admission. However, the State Government, later dispensed with the minimum marks for Scheduled Caste and Scheduled Tribe students and decided to offer all the 216 seats reserved for Scheduled Castes and Scheduled Tribes, to the candidates belonging to these communities, irrespective of the marks obtained by them. It is reported that the action of the State Government was challenged by

the Indian Medical Association and some of the affected candidates approached the State High Court, who quashed the Government's decision to admit Scheduled Caste and Scheduled Tribe candidates irrespective of the marks obtained by them. The State Government later filed an appeal in the Supreme Court asking for the stay of the orders of the State High Court. In its interim decision of 16th February, 1981, the Supreme Court was reported to have observed that the impunged order of the High Court should not be suspended and directed the State Government to allot the vacant seats on the basis of the original rules prescribing the minimum qualifying marks. The State Government was again reported to have decided in March 1981 to relax the minimum qualifying marks to 30 per cent of aggregate marks for Scheduled Caste and 20 per cent of the aggregate marks for Scheduled Tribe candidates to fill up the 188 vacant seats. Besides lowering the minimum qualifying aggregate marks, the State Government also did away with the condition of obtaining the minimum qualifying marks in each subject, separately. On this basis, the State Government was reported to have admitted 123 Scheduled Caste/Scheduled Tribe candidates to medical colleges in the beginning of March 1981. However, it was reported that the State High Court had again stayed the State Government's order regarding admission of these candidates, in pursuance of the petition filed by a general category candidate.

Admission of Scheduled Caste/Scheduled Tribe Students to Medical Colleges in States other than ones where they are domiciled/other than ones from where they pass the qualifying examinations

6.60 It has been observed that according to rules framed by different universities, Scheduled Caste/Scheduled Tribe students are admitted to medical courses only in those States, where they are domiciled, in view of the Constitutional provision that lists of Scheduled Castes and Scheduled Tribes are prepared State-wise. In this connection, a case came to the notice of this Organisation, in which according to a representation received in July 1980, a candidate belonging to a Scheduled Caste, who was a domicile of Punjab, was refused admission by the Medical College, Amritsar, on the plea that she had passed her qualifying examination from the Delhi Board of Education. The matter was taken up by the Commissioner for Scheduled Castes and Scheduled Tribes with the Chief Minister of the State, pointing out that, it was a settled Government policy that, the Scheduled Caste students should be eligible for admission to various medical colleges of the State of their domicile, and requesting the State Government to issue suitable instructions to the Guru Nanak Dev University as well as the Medical College Amritsar, to consider the desirability of admitting the Scheduled Caste candidate against the reserved seat. It was also pointed out to the State Government that, the Inter-State area restrictions in the case of lists of Scheduled Castes and Scheduled Tribes, imply that only the persons belonging to a specific community and residing in a specific area, which had been assessed to qualify for the Scheduled Castes' status, could benefit from the educational and other facilities provided to them. It was, therefore, pointed out that, imposition of the condition by the State Government that, the Scheduled Caste candidates for admission to the Medical College, Amritsar, should have passed the last qualifying examination from a University in Punjab, did not appear to be justified. The State Government replied that, according to the criteria laid down by them for admission to M.B.B.S./B.D.S. courses in the State Medical Colleges for the year 1980-81, all reserved seats (except in the case of nominees of the Central Government) were to be filled up from amongst the candidates of Punjab domicile, who had passed their pre-medical or equivalent examinations from the Punjab University Chandigarh or Punjabi University, Patiala or Guru Nanak Dev University, Amritsar. The State Government further informed that these criteria had been in vogue since 1977 and that a number of writ petitions filed from 1977 to 1980 by Scheduled Caste candidates domiciled in *Punjab* who had passed their qualifying examinations from Universities/Boards other than those mentioned above, were dismissed. The State Government, therefore, concluded that the criteria laid down by them in this regard were constitutionally sound. The State Government, however, did not agree to admit the representationist against a reserved seat because she had not passed her qualifying examination from any of the above mentioned three universities.

6.61 The State Government also approached the Medical Council of India requesting them to allow some extra seats, so that those Scheduled Caste candidates who were domiciles of the State but had passed their qualifying examinations from Universities/Boards other than the three above mentioned universities and could not secure admissions to medical colleges in Punjab, could be accommodated. The Medical Council however, refused to permit the creation of extra seats in the State Medical Colleges to accommodate additional Scheduled Caste candidates. The matter was also discussed by the Punjab Vidhan Sabha Committee on the Welfare of Scheduled Castes/Backward Classes in its meeting held in September 1980, in which it was recommended that the criteria for admission to M.B.B.S./B.D.S. courses for the next year *viz.*, 1981-82 should be suitably changed so that no category was discriminated against. The State Government informed that in pursuance of the Committee's recommendation, the matter regarding the modification of the admission criteria in this regard would be considered by them while formulating the admission criteria for the year 1981-82. The action taken by the State Government in this regard is not known. The fact, however, remains that the representationist could not be admitted to a medical college against a reserved seat in the State of her domicile. *There appears to be no justification in refusing admission to her in the State of her domicile, simply because of the reason that she had passed her qualifying examination from a Board outside the State. It is, therefore, recommended that the State Government should look into the matter and take early action to suitably change the criteria for the admission of Scheduled Caste candidates belonging to Punjab against reserved seats, in order to*

ensure that the candidates belonging to these communities who happen to pass their qualifying examinations from Boards/Universities outside the State, due to pressure of circumstances, are not refused admission in the medical colleges in the State, on this account.

Performance of Scheduled Caste/Scheduled Tribe students in Medical Colleges

6.62 As mentioned in Commissioner's previous Report, it was revealed in a Study conducted by a Study Team of this Organisation in *Madhya Pradesh*, in 1979 that, the performance of Scheduled Caste/Scheduled Tribe students admitted to Medical Colleges on relaxed standards, was not satisfactory.

6.63 In another study, reported to have been conducted in the Medical Faculty at *Baroda (Gujarat)*, from April 1976 to October 1980, it was revealed that, during the 4½ years period, out of 120 candidates belonging to Scheduled Castes and Scheduled Tribes, who appeared for the final M.B.B.S. Examination, only 58 could get through. Of these 58 students, 21 passed in the first attempt, 24 in the second, 9 in the third and 4 in the fourth attempt. 62 candidates could not get through even after the fourth attempt. In 1980, out of the 28 Scheduled Caste/Scheduled Tribe students who appeared for the final M.B.B.S. examination, only 13 could get through. Out of these 13, 3 passed in the fourth attempt and 7 in the second attempt. Only 3 students could pass in the first attempt. It was also revealed that the students who stood first among the reserved category, secured 186 marks less than the first meritorious candidate in the open competitive list and 36 marks less than the last meritorious candidate. The findings of the study are disquieting. In this connection, the University Grants Commission has made provision for remedial courses for the weaker students to come up to the required level. For this purpose, University Grants Commission assistance is available to universities/colleges on a 100 per cent basis. However, it is learnt that the response from the Universities/colleges to this scheme has not been encouraging. The University Grants Commission has also suggested to the Universities/Colleges to start preparatory courses for the students belonging to Scheduled Caste/Scheduled Tribe communities during holidays and vacations, to make up their deficiencies and to improve their communication skills. *It is desirable that all the State Governments should look into the matter and ensure that various universities/colleges start remedial courses and coaching classes for weak Scheduled Caste/Scheduled Tribe students in medical colleges, to enable them to pull on well in their studies along with general candidates.*

Actual enrolment of Scheduled Caste and Scheduled Tribe students in under-graduate Medical courses

6.64 Information* regarding the State-wise number of total, Scheduled Caste and Scheduled Tribe students enrolled in under-graduate medical courses, the percentage of Scheduled Caste/Scheduled Tribe enrolment to total enrolment and the coefficient of equality of Scheduled Caste and Scheduled Tribe students for the year 1977-78, is given in the table below :—

S. No.	Name of the State/Union Territory	Total	S.C.@	C.E.*	S.T.@	C.E.*
1	2	3	4	5	6	7
1.	Andhra Pradesh	7,564	1,059 (14.0)	105	265 (3.5)	38
2.	Assam	2,062	N.A.	N.A.	N.A.	N.A.
3.	Bihar	9,188	N.A.	N.A.	N.A.	N.A.
4.	Gujarat	5,915	130 (2.2)	31	140 (2.4)	17
5.	Haryana	1,072	73 (6.8)	36	..	..
6.	Himachal Pradesh	313	42 (13.4)	57	10 (3.2)	78
7.	Jammu & Kashmir	985	10 (1.0)	12	—	—
8.	Karnataka	8,195	526 (6.4)	44	131 (1.6)	180
9.	Kerala	3,579	318 (8.9)	95	40 (1.1)	96
10.	Madhya Pradesh	5,081	117 (2.3)	17	175 (3.4)	14
11.	Maharashtra	15,170	1,715 (11.3)	181	488 (3.2)	42
12.	Meghalaya	—	—	—	—	—
13.	Orissa	2,069	N.A.	N.A.	N.A.	N.A.
14.	Punjab	3,023	414 (13.7)	56	—	—
15.	Rajasthan	3,092	224 (7.2)	44	108 (3.5)	29
16.	Tamil Nadu	9,065	1,746 (19.3)	109	268 (3.0)	278
17.	Uttar Pradesh	8,670	300 (3.5)	16	37 (0.4)	182
18.	West Bengal	5,178	932 (18.0)	91	69 (1.3)	19
19.	Delhi	2,554	156	39	—	—
	ALL INDIA GRAND TOTAL	92,775	7,763 (8.4)	56	1,731 (1.9)	25

@Figures in brackets indicate percentages.

*C.E. indicates Coefficient of Equality which compares the percentage of Scheduled Caste/Scheduled Tribe enrolment to total enrolment with the percentage of Scheduled Castes/Scheduled Tribes population to total population. Statistically, it can be expressed as under :—

$$\frac{\text{Enrolment of Scheduled Caste/Scheduled Tribe}}{\text{Total Enrolment}} \times \frac{100}{\text{Population of Scheduled Caste/Scheduled Tribe}}{\text{Total Population}}$$

Scheduled Castes

6.65 It would be seen from the above table that, out of the total number of 92,775 students enrolled to these courses in all the States, 7,763 belonged to the Scheduled Castes, constituting 8.4 per cent. The all-India co-efficient of equality of the Scheduled Castes for these courses was 56. State-wise, the enrolment position of Scheduled Castes in these courses was satisfactory in *Andhra Pradesh, Kerala, Maharashtra, Tamil Nadu* and *West Bengal*. Where the co-officient of equality for Scheduled Castes was 105, 95, 181, 109 and 91, respectively. In other States, the co-efficient of equality for Scheduled Castes was less than 60. In *Gujarat, Jammu & Kashmir, Madhya Pradesh* and *Uttar Pradesh* the enrolment position of these communities was very unsatisfactory, the percentage of their enrolment to total enrolment being 2.2, 1.0, 2.3 and 3.5, respectively. The corresponding co-efficient of equality of these communities was 31, 12, 17 and 16, respectively.

Scheduled Tribes

6.66 Among the Scheduled Tribes the all-India enrolment position in these courses was still worse. The percentage of their enrolment in all States to total enrolment was only 1.9 and the co-efficient of equality for these communities was 25. State-wise, enrolment position of these communities was very bad in *Andhra Pradesh, Gujarat, Madhya Pradesh, Maharashtra, Rajasthan* and *West Bengal*, their co-efficient of equality in these States being 38, 17, 14, 42, 29 and 19, respectively.

College-wise enrolment of Scheduled Caste/Scheduled Tribe students in under-graduate Medical Courses in 1979-80

6.67 An attempt was also made by this Organisation to collect information regarding the enrolment of Scheduled Caste and Scheduled Tribe students in under-graduate courses during 1979-80 from different medical colleges in the country. The available information received from only 53 medical colleges is given in the table below :—

State/Name of Medical College	Number of seats reserved in the first year for		Number of Sch. Caste/Sch. Tribe students admitted in the first year	
	Sch. Castes	Sch. Tribes	Sch. Castes	Sch. Tribes
1 2	3	4	5	6
1. *Andhra Pradesh*				
Andhra Medical College, Visakhapatnam @ (P) . . .	17	5	18	9
Kakatia Medical College, Warangal (P) .	14	4	14	4
2. *Bihar*				
Bhagalpur Medical College, Bhagalpur (P)	7	4	Nil	3
3. *Himachal Pradesh*				
Snowdon Medical College, Simla (P) . .	10	3	5	1
4. *Karnataka*				
Bangalore Medical College (P) . . .	15	3	31	8
St. John Medical College, Bangalore (P) .	11 (both SC/ST)		3 (both SC/ST)	
J. L. N. Medical College, Belgaum (Pte.) .	15	3	11	2
H. K. E. Society's M. R. Medical College, Gulbarga (Pte) . ..	16	3	5	1
J. J. M. Medical College, Dhavangere (Pte.)	19	4	10	3
5. *Kerala*				
Kalicut Medical College (P) . . .	16	4	18	1
Medical College, Kottayam (P) . . .	8	2	7	1
T. D. Medical College, Alleppey (Pte) . .	10 for both		7	2
6. *Maharashtra*				
Government Medical College, Nagpur (P) .	26	14	28	14
Miraj Medical College (Pte) . . .	13	7	15	3
L. T. M. Memorial Medical College, Bombay (Pte) . . .	8	4	7	4
M. G. Institute of Medical Sciences, Wardha (Pte) . . .	8	4	8	4
Armed Forces Medical College, Pune (P)	10 seats for SC/ST		—	—
7. *Rajasthan*				
S. M. S. Medical College, Jaipur (P)	78 seats		30	14
Medical College, Udaipur (P)			11	11
Medical College, Bikaner (P)			7	1
S. N. Medical College, Jodhpur (P)			7	6
J. L. N. Medical College, Ajmer (P)			2	3

@(P) indicates Public College and (Pte) indicate Private College.

1	2	3	4	5	6
8.	*Tamil Nadu*				
	Madras Medical College (P)	188 seats (both for SC/ST)		165	8
	Stanley Medical College, Madras (P)				
	Kilpauk Medical College, Madras (P)				
	Chengalpattu Medical College, Madras (P)				
	Coimbatore Medical College (P)				
	Thanjavur Medical College (P)				
	Madurai Medical College (P)				
	Tirunelvelli Medical College (P)				
	Christian Medical College, Vellore (Pte)				
9.	*Punjab*				
	Medical College, Patiala (P)	37 for both		35	..
	Medical College, Amritsar (P)	37 for both		40	..
	Dayanand Medical College, Ludhiana (Pte)	12 for both		1	..
	Christian Medical College, Ludhiana (Pte)	12 for both		3	1
10.	*Uttar Pradesh*				
	King George Medical College, Lucknow (P)	34	4	33	4
	G. S. V. Memorial Medical College, Kanpur (P)	34	4	33	4
11.	*Delhi*				
	Lady Hardinge Medical College, New Delhi (P)	19	6	23	2
	University College of Medicine (P)	15	5	13	..
12.	*Orissa*				
	M. K. C. Medical College, Behrampur (P)	15	5	6	4
13.	*West Bengal*				
	N. P. S. Medical College, Calcutta (P)	21	7	27	1
14.	*Goa, Daman & Diu*				
	Goa Medical College, Panaji (P)	9	9	1	..
15.	*Pondicherry*				
	JIPMER Pondicherry (P) (Central Government)	9	3	10	3
16.	*Madhya Pradesh*				
	Gandhi Medical College, Bhopal (P)	..	..	6	15
	Gajra Raja Medical College, Gwalior (P)	216 seats are reserved in all the Medical Colleges of Madhya Pradesh, both for SC/ST		9	6
	M. G. M. Medical College, Indore (P)			11	17
	Medical College, Jabalpur (P)			31	11
	J. L. N. Memorial Medical College, Raipur (P)			15	26
	S. S. Medical College, Rewa (P)			25	4

@(P) indicates Public College and (Pte) indicates Private College.

6.68 It would be seen from the above table that the enrolment position of Scheduled Caste and Scheduled Tribe students was far from satisfactory in Bhagalpur Medical College (*Bihar*), Snowdon Medical College, Simla (*Himachal Pradesh*), St. John Medical College, Bangalore (*Karnataka*), M. R. Medical College, Gulbarga (*Karnataka*), J. J. M. Medical College, Devangere (*Karnataka*), D. N. Medical College, Ludhiana (*Punjab*), Christian Medical College, Ludhiana, (*Punjab*), M. K. C. G. Medical College, Behrampur (*Orissa*) and Gandhi Medical College, Panaji (*Goa, Daman & Diu*). *It is desirable that the State Governments/Universities concerned should look into the matter and take necessary steps to increase the enrolment of Scheduled Caste/Scheduled Tribe students in the under-graduate medical courses in their respective States.* In this connection, the Medical Council of India has recommended that the State Government and Universities should arrange special coaching classes for Scheduled Caste/Scheduled Tribe candidates before the qualifying competitive examination to enable them to come up to the appropriate standard for admission to the medical courses. It was learnt that the Government of *Madhya Pradesh* proposed to start a scheme to give special coaching in Science/Maths/Biology to selected Scheduled Caste/Scheduled Tribe students at the stage of higher secondary/first year of B.Sc. in selected schools and colleges before their admission to professional courses to enable them to improve their educational performance as well as to enable them to compete well in the entrance test for admission to medical and engineering colleges. However, information regarding the progress of the scheme is not available. It was recommended in the Commissioner's previous Report that all the State Governments/Union Territory Administrations should take similar steps to start schemes for special coaching classes for Scheduled Caste and Scheduled Tribe candidates. The action taken by various State Governments in this regard is not known. *The recommendation is, therefore, reiterated.*

Inter-changeability of seats reserved for Scheduled Caste/Scheduled Tribe candidates

6.69 As mentioned in the above paras, the seats reserved for Scheduled Caste/Scheduled Tribe candidates are inter-changeable, *i.e.,* if a sufficient number of Scheduled Tribe students are not available to fill the seats reserved for candidates belonging to these communities, the unfilled seats may be utilised for suitable candidates from the Scheduled Castes and the *vice versa*. It has been observed that, in a number of cases suitable candidates belonging to Scheduled Tribes are not available to fill the seats reserved for these communities and such unfilled seats are utilised by suitable Scheduled Caste candidates. According to available information, the number of seats reserved for Scheduled Caste/Scheduled Tribe candidates in the first year of the under-graduate medical courses in various medical colleges as well as the number of seats actually filled by the candidates belonging to

these communities, indicating inter-changeability of seats filled, is given below :—

Name of Medical College	Number of seats in the first year for		Number of students admitted in the Ist year	
	Sch. Castes	Sch. Tribes	Sch. Castes	Sch. Tribes
1	2	3	4	5
1. Calicut Medical College, (Kerala) (P). . .	16	4	18	1
2. Miraj Medical College, (Maharashtra) (Pte) .	13	7	15	3
3. Lady Hardinge Medical College, New Delhi (P)	19	6	23	2
4. N. R. S. Medical College, Calcutta (West Bengal) (P) . . .	21	7	27	1

Post-graduate Courses

6.70 According to the instructions issued by the Government of India in the then Ministry of Health and Family Planning in 1972, to the Vice-chancellors of universities having Medical Faculties and all the State Governments/Union Territory Administrations, 20 per cent of the seats in post-graduate medical and dental colleges should be reserved—15 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes, without seriously affecting the standards of medical education. It was also suggested by the Ministry that these candidates should be given a concession of 5 per cent in the minimum percentage of marks required for admission to any of these courses. It was further suggested that in case 20 per cent seats earmarked for these communities remained unfilled a further relaxation in marks could be given to them in order of merit, *inter se*, among themselves, so that all the seats were filled by candidates belonging to these categories. These instructions were also sent to the All India Institute of Medical Sciences, New Delhi and the Post-graduate Institute of Medical Sciences, Chandigarh in October, 1974. According to available information, the percentage of seats reserved for Scheduled Caste/Scheduled Tribe students in Post-graduate medical courses by different State Governments/Union Territory Administrations is given in the table below :—

State	Percentage of seats reserved for	
	Sch. Castes	Sch. Tribes
1	2	3
Andhra Pradesh . .	14	4
Assam	N.F.	N.F.
Bihar		
Magadh Medical College, Gaya	14	9
Gujarat		
N. H. L. Municipal Medical College, Ahmedabad	7	13
Haryana . . .	N.F.	N.F.
Karnataka . . .	15	3
Himachal Pradesh . .	N.F.	N.F.
Kerala	8	2
Jammu & Kashmir . .	N.F.	N.F.
Maharashtra . . .	13	7
Madhya Pradesh . .	15	5
Orissa		
M. K. C. G. Medical College, Behrampur . .	5	15
S. C. B. M. Medical College, Cuttack . .	10	10
Punjab	25	
Rajasthan . . .	8	6
Tamil Nadu . . .	18 per cent for both	
West Bengal . . .	15	5
Uttar Pradesh . . .	N.F.	N.F.
Delhi	15	5
Medical Colleges controlled by Government of India		
All India Institute of Medical Sciences, New Delhi	*25% for those who have served in rural areas for more than 2 years etc., candidates from backward areas, SC/ST candidates and those working under the Family Welfare Programme.	
P.G. Institute, Chandigarh	20 per cent for Scheduled Castes and Scheduled Tribes.	
JIPMER, Pondicherry	25 per cent for Scheduled Caste/ Scheduled Tribe and rural candidates.	

*From January 1981 session, 20 per cent of the total number of seats are reserved for S.C./S.T. candidates and 5 per cent for candidates belonging to backward areas, rural areas and those working under the Family Welfare Programme. All candidates who have secured 50 per cent marks in the aggregate in all the M.B.B.S. Professional Examinations are called for the written test. Two separate merit lists (one for Sch. Castes/Sch. Tribes and another for the remaining categories) are prepared and the selection of candidates against the 25 per cent reserved seats is made purely in order of merit.

It would be seen from the above table that a number of State Governments/Union Territory Administrations have not made any reservation for Scheduled Caste and Scheduled Tribe candidates in the matter of admission to post-graduate medical courses. *It is, therefore, desirable that the State Governments/Unoin Territory Administrations concerned who have not yet made the required reservation of seats for candidates belonging to these communities may consider the desirability of doing so at an early date.*

Commissioner's visit to Bihar

6.71 In this connection, during Commisioner's visit to Patna in July some representatives of the Bihar Scheduled Caste and Scheduled Tribe Medical College Association represented to him the reservation

in post-graduate courses of Scheduled Caste and Scheduled Tribe students in the medical colleges in *Bihar* was stopped in 1979 by the then State Government without issuing any orders, after consulting the then Prime Minister of India. The Association requested that the existing orders regarding reservation of seats as well as relaxation of minimum standards for admission of Scheduled Caste/Scheduled Tribe students to these courses should be implemented by the State Government. The matter was taken up by the Commissioner with the Chief Minister of the State and the State Government was requested to make necessary reservation of seats for Scheduled Caste and Scheduled Tribe candidates as suggested by the Union Ministry of Health. The action taken by the State Government in this regard is not, however, known.

Relaxation allowed in the minimum standards for admission of Scheduled Castes/Scheduled Tribes to post-graduate courses

6.72 The Medical Council of India have not provided for any relaxation in the minimum standard for the admission of Scheduled Caste/Scheduled Tribe candidates to post-graduate medical courses. However, as mentioned in the above para, the Union Ministry of Health had issued guidelines to all the State Governments and the Universities concerned to give a concession of 5 per cent in the minimum percentage of marks required for admission of candidates belonging to these categories, in these courses. So far as the Medical Institutions controlled by the Central Government, *viz.*, All India Institute of Medical Sciences, New Delhi, Post-graduate Institute of Medical Sciences, Chandigarh and JIPMER, Pondicherry, are concerned, no relaxation is allowed to Scheduled Caste/Scheduled Tribe candidates for admission to post-graduate courses in these Institutes. Regarding the provisions made by various State Governments in this regard, available information in respect of the relaxation in minimum marks allowed to Scheduled Caste/Scheduled Tribe candidates for admission to these courses is given in the table below :—

State	Percentage of relaxation in minimum marks allowed to Scheduled Caste/ Scheduled Tribe candidates
1	2
Andhra Pradesh	
Kakatia Medical College, Warrangal @(P)	Nil
Guntur Medical College (P)	Nil
Andhra Medical College, Visakhapatnam (P)	5 per cent
Assam	N.F.*
Karnataka	
Government Medical College, Bellary (P)	5 per cent
J. N. Medical College, Belgaum	Nil
J. J. M. Medical College, Davangere (Pte)	Nil
Jammu & Kashmir	N.F.*
Orissa	10
Bihar	5 per cent for Sch. Tribes only
Kerala	
Calicut Medical College (P)	Nil
Medical College, Kottayam (P)	10
Maharashtra	
Government Medical College, Nagpur (P)	Nil
Swamy Ramteerath Rural Medical College, Ambegaon (P)	10
Punjab	Nil
Tamil Nadu	Marks relaxed till the reserved seats are filled.
Rajasthan	Nil
Uttar Pradesh	Nil
West Bengal	
Calcutta Medical College	7 per cent
Delhi	
Maulana Azad Medical College (P)	5 per cent
University College of Medical Sciences (P)	Nil
Haryana	Nil
Gujarat	
N. H. L. Municipal Medical College, Ahmedabad (Pte)	5 per cent

*Not furnished by State Government.
@(P) indicates Public College and
(Pte) indicates Private College.

6.73 It would be seen from the above table that a number of State Governments as well as Medical Institutes controlled by the Central Government have not made any provision for relaxation of minimum marks prescribed for admission of Scheduled Caste/ Scheduled Tribe candidates to these courses. As already mentioned in Commissioner's earlier Reports, the Union Ministry of Health and Family Welfare had then informed that the response of various State Governments to the Ministry's instructions in this regard was not encouraging. It was also mentioned in the earlier Reports that after reconsidering the whole matter, the Department of Health was of the view that post-graduate medical education could not be equated with under-graduate medical courses because the former was a specialised training in selected branches of medicine and specialisation played a prominent role in medical care, medical teaching and research programme of the country. The Ministry was, therefore, of the view that it would not be proper to lower the standard of post-graduate medical education by reservation of seats or relaxation of minimum marks for admission to such courses and nothing should be done which might have the effect of reducing the standards or quality of teaching particularly at the post-graduate level. It was also observed in our earlier Reports that the views of the Ministry did not appear to be logical because the minimum standard was to be lowered only for the admission of Scheduled Caste/Tribe candidates to these courses but the standard of the examinations

which they were required to pass, to complete the course, was not to be lowered. It was suggested that after admission to post-graduate courses Scheduled Caste/Scheduled Tribe candidates should be given special coaching for about 3 to 6 months before the commencement of these courses to bring them at par with the general candidates. It was, therefore, recommended in Commissioner's 1974-75, 1975—77, 1977-78 and 1978-79 Reports that the Ministry should reconsider their stand and persuade the State Governments/Union Territory Administrations who had not yet made the required reservation of seats as well as relaxation of minimum standards for admission of Scheduled Caste/Scheduled Tribe candidates to post-graduate medical courses, to do so at an early date. According to available information, no decision has so far been taken by the Ministry to relax the minimum standards for the admission of Scheduled Caste and Scheduled Tribe candidates to these courses. ***The recommendation is, therefore, reiterated.***

Enrolment of Scheduled Caste and Scheduled Tribe ***students in post-graduate Medical Courses during*** 1977-78

6.74 State-wise* information regarding the total, Scheduled Caste and Scheduled Tribe enrolment at post-graduate level as well as the percentages of Scheduled Caste enrolment to total enrolment and the co-efficient@ of equality for these communities for the year 1977-78. is given in the table below :—

S. No.	Name of the State/Union Territory	Total	S.C.	C.E.	S.T.	C.E.
1	2	3	4	5	6	7
1.	Andhra Pradesh	926	49 (5.3)	40	..	..
2.	Assam	111	N.A.	N.A.	N.A.	N.A.
3.	Bihar	142	N.A.	N.A.	N.A.	N.A.
4.	Gujarat	848	4 (0.5)	7	4 (0.5)	4
5.	Haryana	98	N.A.	N.A.	N.A.	N.A.
6.	Himachal Pradesh	N.A.	—1	..	..	..
7.	Jammu & Kashmir	66	..	..	..	..
8.	Karnataka	664	49 (7.4)	50	..	..
9.	Kerala	493	51 (10.3)	110	..	..
10.	Madhya Pradesh	462	N.A.	N.A.	N.A.	N.A.
11.	Maharashtra	2,560	290 (11.3)	181	66 (2.6)	34
12.	Orissa	155	N.A.	N.A.	N.A.	N.A.
13.	Punjab	522	..	..	..	..
14.	Rajasthan	578	4 (0.7)	4	..	..
15.	Tamil Nadu	800	23 (2.9)	16	..	..
16.	Uttar Pradesh	665	N.A.	N.A.	N.A.	N.A.
17.	West Bengal	376	..	..	..	..
18.	Delhi	313	..	..	..	..
	All India Total	9,779	470 (4.3)	29	70 (0.7)	9

**Source :* University Grants Commission.
@For C.E. see footnote at para 6.65.

Scheduled Castes

6.75 It would be seen from the above table that against the total enrolment of 9,779 students in post-graduate courses in all the States, the enrolment of Scheduled Caste students was 470, constituting 4.3 per cent. The co-efficient of equality for these communities was 29. State-wise, the enrolment position of Scheduled Castes was deplorable in *Jammu & Kashmir, Punjab, West Bengal* and *Delhi* in which the enrolment of students belonging to these communities was nil. In *Gujarat, Rajasthan* and *Tamil Nadu* also, the enrolment position of these communities was far from satisfactory, their co-efficient of equality being only 7, 4 and 16, respectively. In *Andhra Pradesh* and *Karnataka,* the co-efficient of equality for Scheduled Castes was 40 and 50, respectively. Only in *Kerala* and *in Maharashtra,* the enrolment position of these communities as compared to the general candidates was satisfactory, their co-efficient of equality in these States being 110 and 181, respectively.

Scheduled Tribes

6.76 The enrolment position of Scheduled Tribes in post-graduate medical courses was even worse. Out of the total enrolment of 9,779 students in these courses in all the States, the enrolment of Scheduled Tribe students was only 70, constituting 0.7 per cent of the total enrolment. The co-efficient of equality for these communities was only 9. State-wise, the enrolment position of Scheduled Tribes to these courses in *Andhra Pradesh, Karnataka, Kerala, Rajasthan, Tamil Nadu* and *West Bengal,* was deplorable, their enrolment to these courses being nil. In *Gujarat* and *Maharashtra* also, the enrolment of these communities was far from satisfactory, their co-efficient of equality being as low as 4 and 34, respectively.

College-wise enrolment of Scheduled Caste/Scheduled Tribe students in Post-graduate Medical Courses during the year 1979-80.

6.77 All the Medical Colleges in the country were requested by this Organisation to furnish information regarding the enrolment of Scheduled Caste/Scheduled Tribe students to Post-graduate medical courses, during the year 1979-80. However, the requisite information was furnished by only 27 colleges and is given in the table below :—

Name of Medical College	Number of seats reserved in 1st year		Number of students admitted to 1st year	
	Sch. Castes	Sch. Tribes	Sch. Castes	Sch. Tribes
1	2	3	4	5
Andhra Pradesh				
Kakatia Medical College, Warrangal	6	2	1	..
Guntoor Medical College	17	5	17	6
Andhra Medical College, Vishakhapatnam	12	4	18	..

1	2	3	4	5
Bihar				
Magadh Medical College, Gaya .	7	4	..	
Gujarat				
Smt. N. H. L. Municipal Medical College, Ahmedabad	20 seats			20 seats
Haryana				
Rohtak Medical College	No reservation		N.A.	N.A
Kerala				
Kalicut Medical College . .	6	2	8	3
Medical College, Kottayam .	2	1	2	
Karnataka				
Government Medical College, Bellary	15	3	3	..
J. N. Medical College, Belgaum .	4	1	..	..
J. J. M. Medical College, Davengere	..	..	2	1
Maharashtra				
Government Medical College, Nagpur	3	2	18	15
Maharashtra Swami Ramteerath, Rural Medical College, Ambagaon .	7	3	8	..
Orissa				
M. K. C. G. Medical College, Behrampur	2	5	1	..
S. C. B. M. Medical College, Cuttack	10	10	5	3
Punjab				
Medical College, Amritsar .	2	2	2	
Rajasthan				
S. P. Medical College, Bikaner . .	8	6	7	1
S. M. S. Medical College, Jaipur	14	10	..	2
Tamil Nadu				
Madras Medical College . .	121 for both		63	3
Uttar Pradesh				
Institute of Medical Sciences, B.H.U.	..	..	..	..
G. S. V. Memorial Medical College, Kanpur . .	..	..	..	..
West Bengal				
Calcutta Medical College . .	24	8	30	..
Bardwan Medical College . .	N.A.	N.A.	3	1
Chandigarh				
P. G. Institute of Medical Education & Research, Chandigarh .	N.A.		8	2
Pondicherry				
JIPMER Pondicherry	22 Seats		9	..
Delhi				
Maulana Azad Medical College . .	27	9	34	2
University College of Medical Sciences	1	1	..	..

It would be seen from the above table that the enrolment position of Scheduled Castes/Scheduled Tribes, specially the Scheduled Tribes was very unsatisfactory in Kakatia Medical College, Warrangal, *Andhra Pradesh,* Government Medical College, Bellary, *Karnataka,* J. N. Medical College, Belgaum, *Karnataka* M.K.C.G. Medical College, Behrampur, *Orissa,* Magadh Medical College, Gaya, *Bihar,* S.M.S. Medical College, Jaipur, *Rajasthan,* Institute of Medical Sciences, B.H.U. *Uttar Pradesh,* G.S.V. Memorial Medical College, Kanpur, *Uttar Pradesh* and Rohtak Medical College, *Haryana. It is recommended that the Central and State Governments concerned should take necessary action to increase the enrolment of Scheduled Caste/Scheduled Tribe students to the post-graduate medical courses.*

Situation in Gujarat

Reservation of seats for Scheduled Castes/Scheduled Tribes in Post-graduate medical Courses

6.78 In *Gujarat,* 7 per cent of the seats in post-graduate medical courses are reserved for Scheduled Castes and 13 per cent for Scheduled Tribes, Notified Tribes and Denotified Tribes, since 1975. In addition, 5 per cent seats are reserved for candidates belonging to Backward Classes from the academic year 1979-80. It was later provided in November, 1978 that the seats for Housemen and Registrars reserved for Scheduled Castes, Scheduled Tribes, Notified Tribes and Denotified Tribes, would be filled according to a 100 point roster system prescribed by the State Government. According to an amendment issued by the State Government in December, 1978, various subjects in each of the categories of posts of Housemen and Registrars were to be arranged in alphabetical order, as Anaesthesiology, Burns and Plastic Surgery, E.N.T., etc. The roster was to be applied to each of these subjects category-wise, in a chronological order. For example, for the subject in Anaesthesia, it would begin at serial No. 1 of the roster, for Burns and Plastic Survey, it would begin at Serial No. 2 and No. 1 therein would become No. 101, so as to make it 100 point cycle. In the subject of Surgery like-wise, it would begin at Serial No. 3 and Nos. 1 and 2 would become Nos. 101 and 102, respectively and similarly for other subjects arranged in alphabetical order.

The system of inter-changeability of seats of Housemen and Registrars reserved for Scheduled Caste/Scheduled Tribe/Notified Tribe/Denotified Tribe candidates was also introduced from November, 1978. Before December, 1980, there was no provision for the carry-forward of unfilled seats reserved for Scheduled Castes/Scheduled Tribes etc. However, from December, 1980, it was also provided that, if suitable candidates belonging to the specific community for whom reservation was made, were not available, the unfilled seat would be given to another candidates on merit and that roster point would be carried forward for the next occasion.

Anti-Reservation Stir

6.79 It was reported that out of 64 posts of Housemen for which applications were invited by the Dean, J.J.B. Medical College, Ahmedabad, in the last week of December, 1980, 27 were reserved for Scheduled Caste/Scheduled Tribe constituting 42 per cent of the total posts offered. House-job is treated as the first year of the Post-graduate medical courses. The reserved seats had accumulated due to the application of the system of carry-forward during the earlier years. The students of the college placed certain demands before the State Government in December, 1980 *viz.*, (i) abolition of the system of reservation for Scheduled Castes/Scheduled Tribes, etc., at post-graduate level in medical colleges, (ii) abolition of the system of 'carry-forward' of unutilised seats, (iii) number of post-graduate seats in reserved category should be decreased, (iv) the number of seats in un-reserved category should be increased, etc. The students of that college resorted to a lightning strike on 5-1-1981. They damaged glass panes of doors and windows, tube-lights and furniture of the office of the State Directorate of Medical Education and Research. On 7-1-1981, some officers of the State Government considered the demands of the medical students, as a result of which the system of 'carry-forward' was abolished by the State Government on 9-1-1981. On 14-1-1981, the representatives of the medical students met the State Chief Minister and pressed their demand for complete abolition of the system of reservation for Scheduled Castes/Scheduled Tribes/Notified Tribes/Denotified Tribes, etc. They also demanded abolition of M.Sc (Medical) courses as well as introduction of residency system, expansion of hostel facilities, abolition of inter-changeability of reserved seats and introduction of some minimum standard for reserved seats. The State Government clarified that abolition of reservation of seats was not possible but any other reasonable solution could be considered. On 17-11-1981, the system of inter-changeability of unutilised reserved seats was abolished. However, the State Government did not consider it necessary to prescribe any additional standard for admission to Post-graduate courses so far as reserved seats were concerned since only M.B.B.S. candidates were eligible for admission to these courses. In spite of the abolition of the 'carry-forward' and inter-changeability systems by the State Government, some Government vehicles in the Civil Hospital, Ahmedabad compound were set ablaze and damaged, and the medical students gave a call for indefinite strike. By this time, Scheduled Caste/Scheduled Tribe medical students started a counter agitation, with the support of the O.B.C. Associations. From 23-1-1981 onwards, medical students continued their discussions with the Ministers and officers of the State Government. The Government clarified to the students that it could consider any solution which provided enough posts for meritorious students but also would ensure reservation of seats for Scheduled Caste/Scheduled Tribe, etc., students. In the meantime, pressure and agitation on behalf of Scheduled Caste/Scheduled Tribe students was also started for maintaining the reservation of seats and re-introduction of the systems of 'carry-forward' and 'inter-changeability' of unutilized reserved seats. The agitation of medical students could not remain peaceful and many cases involving law and order problem took place in the localities near the B. J. Medical College, Ahmedabad and in some other localities in the city, involving injuries to human beings and damage to property. The students of other Medical Colleges located at Baroda, Surat and Jamnagar also started giving full support to the agitation. The State Government had therefore to order the closure of all the four Medical Colleges in the State for six months. The State Government also decided to get the Medical College hostels vacated. Writ petitions filed by Medical students against State Government orders closing down the colleges and hostels were dismissed by the State High Court. On 11-2-1981, the students of Surat Medical College withdrew their strike and the same day, orders were issued by the State Government to open the college and its hostel. On 13-2-1981, the State Government appointed a Committee to study the remaining demands of the Medical students. Discussions of the representatives of the Medical students with the Ministers and officers of the State Government as well as Ministers of the Central Government continued. In response to the medical students' demand that meritorious students should not suffer on account of reserved seats and that the number of seats in the general pool should be increased, the State Government agreed to create additional seats to the extent of utilisation of reserved seats and to make these available on open merit, without reservation. For example, in the case of Surat Medical College, the State Government accepted the demand of students of Surat Medical College for the creation of additional seats of Housemen and Registrars to the extent of the seats allotted to Scheduled Caste/Scheduled Tribe, etc., candidates, and the students withdrew the strike. The College was therefore re-opened on 11-2-1981. The State Government was reported to be prepared to make similar arrangements in other medical colleges so that candidates, on the basis of merit, were ensured sufficient number of seats.

6.80 Regarding grievance of medical students in respect of reservation of subjects for reserved seats, as a result of which the students admitted on open merit did not get choice of subjects adequately, the State Government offered that, all open merit students would be permitted to select subjects according to

their choice on merit. If the Government wanted to provide facilities to students belonging to reserved categories in any particular branch, it would create additional seats alongwith the necessary additional teaching staff etc., so that no student with merit was left out.

6.81 Yet another demand of the medical students was that if reservation in the seats of Housemen was continued, there should be no reservation in the seats of Registrars. The State Government, in this regard, agreed to create additional seats of Registrars to the extent of utilisation of reserved seats and made additional seats available to candidates on merit.

6.82 In spite of the positive response of the State Government to the demands of the medical students, the agitation continued. The agitation resulted in violence, arson, loss of life and destruction of public and private property. It was reported that, 40 persons had lost their lives as a result of various incidents connected with the agitation and damage to public/private property to the extent of about Rs. 23 lakhs had been caused. Besides, 264 agitators and 294 policemen were injured in various incidents. The acts of violence which started in the beginning of January, 1981 in Ahmedabad, spread to other places in the State, like Baroda, Mehsana, Khaida etc., and 18 out of the 19 districts in the State were affected.

6.83 While conceding the above mentioned demands of the medical students, the Government of *Gujarat* expressed the view that, it would in no case accept the demand of the agitators in the State to abolish the reservation of seats for Scheduled Caste/Scheduled Tribe students in the Post-graduate medical courses. The Government of India also supported the view of the State Government in this regard. The Lok Sabha as well as the State Legislature unanimously adopted Motions, expressing concern and anguish over the situation prevailing in the State over the reservation issue. In the Motion, firm commitment to the National Policy on Reservation, as enshrined in the Constitution, was reiterated.

6.84 The efforts of the Central and State Governments to find a way to stop the agitation continued. In view of the action taken by the State Government to meet their various demands and the assurances of the Government, the medical students unconditionally called off their 102 days old agitation on the 13th April, 1981.

6.85 In this connection, it may be pointed out that, the guidelines issued by the Union Ministry of Health provide that the seats reserved for Scheduled Caste/Scheduled Tribe candidates in medical colleges at Post-graduate level, are inter-changeable. *The above mentioned recent decision of the State Government to stop inter-changeability of seats among Scheduled Castes/Scheduled Tribes therefore needs a review by the Gujarat Government.*

Indian system of Medicine—Ayurvedic Colleges Under-graduate Courses

6.86 An attempt was made by this Organisation to collect information regarding the percentage of seats reserved by various State Governments for the admission of Scheduled Caste/Scheduled Tribe candidates to under-graduate courses in Ayurvedic Colleges during 1979-80 in their respective States. The requisite information was, however, received from only some State Governments and is given below :—

State	Percentage of seats reserved for	
	Scheduled Castes	Scheduled Tribes
1	2	3
1. Andhra Pradesh	14	4
2. Gujarat	20% both for SC/ST	
3. Haryana	20% both for SC/ST	
4. Himachal Pradesh . . .	14	4
5. Karnataka	15	3
6. Kerala	8	2
7. Maharashtra	13	7
8. *Orissa*		
Gopalbandhu Ayurvedic Mahavidyalaya, Puri	5% both for SC/ST	
9. *Punjab*		
Shri Lakshmi Narain Ayurvedic College, Amritsar . . .	3 seats (6%)	

It would be seen from the above table that in Ayurvedic Colleges in *Himachal Pradesh,* as well as in Gopalbandhu Ayurvedic Mahavidyalaya, Puri (*Orissa*) and Shri Lakshmi Narain Ayurvedic College, Amritsar (*Punjab*), the percentages of seats reserved for Scheduled Caste/Scheduled Tribe candidates were much less than the percentages of Scheduled Caste/Scheduled Tribe populations in these States. *It is therefore, recommended that the State Governments concerned should ensure that reservation of seats in these colleges is made at least in proportion to the percentage of population of these communities, in these States.*

Actual enrolment of Scheduled Caste/Scheduled Tribe students in Ayurvedic Colleges in 1979-80

6.87 Information collected by this Organisation regarding the total number of seats in various Ayurvedic Colleges in the country, number of seats reserved for Scheduled Caste/Scheduled Tribe candidates, number

of reserved seats actually filled by candidates belonging to these communities and the percentage of relaxation in the minimum standards allowed to them for admission to these courses, in respect of the colleges from which the requisite information was received, is given in the table below :—

Name of the Ayurvedic College	Percentage of relaxation in marks allowed		Number of seats reserved for		Number of students admitted in 1st year	
	S.C.	S.T.	S.C.	S.T.	S.C.	S.T.
1	2	3	4	5	6	7
Andhra Pradesh						
Government Ayurvedic College, Hyderabad	5% for both		7	2	3	..
A. L. Government Ayurvedic College, Warrangal	5% for both		4	1	4	..
Dr. N. Ram Shashtry Government Ayurvedic College, Vijayawada	Pass Marks		4	1	3	..
Gujarat						
Sheth J. P. College, Bhavnagar	5% for both		3	2	..	..
Government Ayurvedic Pharmacy College, Rajpipla	40% qualifying marks for both		2	4	..	..
Shri Bala Hanuman Ayurvedic Mahavidhayalaya, Lodra	5% for both		2	4	..	..
Haryana						
Shrikrishna Ayurvedic (G) College, Kurukshetra	5% for both		10 seats for both		..	..
Mahila Ayurvedic Degree College, Sonepat	5% for both		10 seats for both		1	..
Himachal Pradesh						
Government Ayurvedic College, Paprola, Kangra	5% for both		7	2	7	2
Kerala						
Vaidhyaratnam P. S. Varier Ayurveda College, Kottaka	Nil		2	1	Nil	Nil
Government Ayurvedic College, Trivandrum	37% qualifying marks for both		4	1	5 seats for both	
Government Ayurveda College, Trippunithura	Nil		2	1	1	..
Karnataka						
Government College of Indian Medicine	..	..	4	1	..	..
Shri B. M. K. Ayurved Mahavidhayalaya, Sahapur, Belgaum	5% for both		N.A.	N.A.	N.A.	N.A.
Ayurveda Mahavidhayalaya, Bijapur	5% for both		4	1	..	..
Maharashtra						
Aryangla Vaidyak Mahavidhayalaya, Satara	..	..	6	4	4	3
Gangadhar Shastri Gune Ayurved Mahavidhayalaya, Ahmednagar	35% qualifying marks		4	2	4	2
Ayurvedic Mahavidhayalaya, Bombay	35% and above qualifying marks		3 for both		1	..
Government Ayurvedic College, Nagpur	N.A.		6	4	7	3
Government Ayurvedic College, Nanded	Separate merit list is prepared for admission of S.C./S.T.		6	4	7	2
Ayurvedic Mahavidhayalaya, Nasik	Nil		5	3	7	1
Shuddha Ayurvedic Mahavidhayalaya, Sholapur	Nil		6	4	2	..
R. A. Podar Ayurvedic Medic College, Worli, Bombay	..	..	8	4	8	..
Shri Ayurved Mahavidhayalaya, Nagpur	N.A.		7	4	5	1
Orissa						
Gopabandhu Ayurvedic Mahavidhyalaya, Puri	As filled by the Selection Committee		2 seats for both		2	..
Punjab						
Shri Lakshmi Narayan Ayurvedic College, Amritsar	Nil		3 seats for both		3	..

It would be seen from the above table that the number of seats actually filled by Scheduled Caste/ Scheduled Tribe candidates was much less than the number of seats reserved for them in (1) Government Ayurvedic College, Hyderabad, (2) Mahila Ayurvedic Degree College, Sonepat (*Haryana*), (3) Government Ayurved College, Trippurithura (*Kerala*), (4) Ayurvedic Mahavidyalaya, Bombay (*Maharashtra*), (5) Shuddha Ayurvedic Mahavidyalaya, Sholapur (*Maharashtra*), (6) Shri Ayurved Mahavidyalaya, Nagpur (*Maharashtra*). The actual admission of Scheduled Caste/Scheduled Tribe candidates was nil in Sheth J. P. College, Bhavnagar (*Gujarat*), Government Ayurvedic Pharmacy College, Rajpipla (*Gujarat*), Shri Bala Hanuman Ayurvedic Mahavidyalaya, Lodra (*Gujarat*), Shri Krishna Ayurvedic College, Kurukshetra (*Haryana*), Government College of Indian Medicine (*Karnataka*), Ayurveda Mahavidhyalaya, Bijapur (*Karnataka*) and Vaidhyaratnam P. S. Ayurveda College, Kottaka (*Karnataka*).

Relaxation of Minimum Standards for admission to Under-graduate Ayurvedic Courses

6.88 Regarding relaxation in minimum standards for the admission of Scheduled Caste/ Scheduled Tribe candidates to these colleges, it would be seen that no relaxation is allowed by Aryangla Vaidyak Mahavidyalaya, Satara (*Maharashtra*), Ayurvedic Mahavidyalaya, Nasik (*Maharashtra*), Shuddha Ayurvedic Mahavidyalaya, Sholapur (*Maharashtra*) R. A. Podar Ayurvedic Medical College, Worli, Bombay, Government College of Indian Medicine (*Karnataka*), Vaidhyaratnam P. S. Ayurvedic College, Kottaka (*Kerala*) and Government Ayurveda College, Tirrunithura (*Kerala*). *It is, therefore, recommended that the above mentioned State Governments should look into the matter and take necessary steps like relaxation of minimum standards for admission to these courses, to ensure that all the seats reserved for Scheduled Caste/Scheduled Tribe candidates in Ayurvedic Colleges in their respective States, are actually filled by the candidates belonging to these communities.*

Post-graduate Courses

6.89 Information about the relaxation of minimum standards for admission to Post-graduate Ayurvedic courses, the percentage of seats reserved for Post-graduate courses in various Ayurvedic Colleges, the number of seats reserved for Scheduled Caste/Scheduled Tribe students and the actual enrolment of students belonging to these communities, during the years 1979-80, was received only from few Ayurvedic Colleges and is given in the table below :—

Name of Ayurvedic College	Percentage of relaxation in minimum marks allowed to		Number of seats reserved for		Number of students admitted in the 1st year	
	S.C.	S.T.	S.C.	S.T.	S.C.	S.T.
1	2	3	4	5	6	7
Andhra Pradesh						
Government Ayurvedic College, Hyderabad	..	..	1* (14)	1* (4)	..	..
Bihar						
M. R. Institute of Indian Medicine, Manoharpur	.	.	3 (5)	3 (5)	..	..
Gujarat						
Arya Kanya Shudha Ayurved Mahavidhyalaya, Baroda	5% for both		1 seat both for SC/ST (5 for both)		.	..
Kerala						
P.G. Centre in Ayurveda, Ayurveda College, Trivendrum	5% for both		2 seats for both (10% for both)		3 for SC/ST	
Karnataka						
Udupi Ayurvedic College, Dakshila, Kannada	5% for both		4 (15)	1 (5)	..	..
Ayurveda Mahavidhyalaya, Hubli	5% for both		4 (15)	1 (3)	..	..
Tarnath Ayurvedic College, Bellary	5% for both		4 (15)	1 (3)	..	..
Madhya Pradesh						
Government Ayurvedic College, Indore	N.A.		3 (15)	3 (15)	.	..
Maharashtra						
D. M. Ayurvedic Mahavidhyalaya, Yavatmal	..		7 (13)	4 (7)	7	2

*Figures in brackets indicate percentages of seats reserved.

It would be seen from the above table that in the above mentioned colleges in *Bihar* and *Gujarat*, the percentages of seats reserved for Scheduled Caste/ Scheduled Tribe candidates were much less than the percentages of Scheduled Caste/Scheduled Tribe

populations in these States It would also be seen that except in *Kerala* and *Maharashtra*, not even a single Scheduled Caste/Scheduled Tribe student was admitted against the reserved seats in *Andhra Pradesh, Bihar, Gujarat, Karnataka* and *Madhya Pradesh*

Relaxation of Minimum Standards for admission to Post-graduate Ayurvedic Courses

6 90 In *Gujarat, Kerala* and *Karnataka* relaxation of 5 per cent in the minimum marks for admission to these courses was allowed to Scheduled Caste/Scheduled Tribe candidates However, no such relaxation was allowed in *Andhra Pradesh, Bihar* and *Maharashtra It is, therefore, desirable that the State Government concerned should look into the matter and ensure that seats for Post-graduate courses in Ayurvedic Colleges are reserved for Scheduled Castes/Scheduled Tribes, at least in proportion to their populations in the respective State It should also be ensured that all the reserved seats are actually filled by the candidates belonging to these communities by giving them relaxation in the minimum standard for admission to these courses.*

Technical Education

Under-graduate Courses

6 91 In pursuance of the recommendations of the All India Council for Technical Education made by it in December 1963, the Union Ministry of Education issued guidelines to all the State Governments and Universities, in April 1964 that 20 per cent of seats in all technical institutions should be reserved for Scheduled Castes and Scheduled Tribes with a distinct reservation of 15 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes This reservation was inter-changeable, i e, if a sufficient number of candidates was not available to fill the seats reserved for Scheduled Tribes they could be filled up by suitable candidates from Scheduled Castes and *vice versa* A minimum qualifying standard was to be prescribed for admission to any technical institution Students belonging to Scheduled Castes and Scheduled Tribes were to be eligible for admission to the reserved seats if they attained this minimum, without any reference to the gap between their marks and marks of the last person admitted to the open seats Where admissions were restricted to candidates who obtained a certain minimum percentage of marks and not merely the passing of a certain examination, a 5 per cent reduction could be allowed for Scheduled Castes and Scheduled Tribes provided that the lower percentage prescribed did not fall below the minimum required to pass the qualifying examination

Reservation of seats for Scheduled Caste/Scheduled Tribe candidates

6 92 Available information regarding the percentage of reservation made by different State Governments for admission of Scheduled Caste/Scheduled Tribe candidates to under-graduate courses in Engineering Colleges as well as the percentage of relaxation allowed to them for admission to these courses during the year 1979-80, is given below —

State	Percentage of reservation made for		Percentage of relaxation in minimum marks allowed to SC/ST candidates
	S C	S T	
1	2	3	4
Andhra Pradesh	14	4	N A
Assam			
Regional Engineering College, Silchar	15	5	5
Gujarat			
Birla Vishwakarma Mahavidyalaya Engineering College, Vallabhvidyanagar	20% both for S C & S T		15% in theory and 10% in practical in qualifying examination
Haryana	15	5	
Jammu & Kashmir	N A		5
Karnataka	15	3	15
Madhya Pradesh	15	18	Pass marks in qualifying examination.
Maharashtra	13	7	5
Punjab	25% for both		5
Rajasthan			
Faculty of Engineering, University of Jodhpur	16	12	5
Uttar Pradesh	15	5	Special consideration for S C & S T
West Bengal	15	5	N A
Delhi	15	5	10 per cent
Goa	9 seats	3 seats	N A.

It would be seen from the above table that Governments of *Madhya Pradesh* and *West Bengal* had not reserved seats for Scheduled Caste and Scheduled Tribe candidates in Engineering Colleges, in proportion to the population of these communities in those States It is desirable that these State Governments as well as the Governments of other States/Union Territories who have not reserved seats for Scheduled Castes and Scheduled Tribes in Engineering Colleges, in proportion to their population in the respective States, should look into the matter and take early action to do so It has also been observed that two private Engineering Colleges in *Karnataka, viz*, Manipal Institute of Technology and M S Ramaiah Institute of Technology, Bangalore have not reserved any seat for Scheduled Caste and Scheduled Tribe candidates *The State Government and the University concerned should look into the matter and take necessary action to persuade these colleges to make the prescribed reservation of seats for Scheduled Caste and Scheduled Tribe candidates and also make necessary relaxation of minimum marks for admission of Scheduled Caste and Scheduled Tribe candidates to these colleges*

Enrolment of Scheduled Caste/Scheduled Tribe students in Engineering Colleges in 1977-78

Under-graduate Courses

6.93 State-wise information regarding the enrolment of Scheduled Caste/Scheduled Tribe students in Engineering Colleges at graduate level during the year 1977-78, the percentages of Scheduled Caste/Scheduled Tribe enrolment to total enrolment and the co-efficient of equality for Scheduled Castes and Scheduled Tribes is given in the table below :—

S. No.	Name of the State/Union Territory	Total	S.C.	C.E.*	S.T.	C.E.
1	2	3	4	5	6	7
1.	Andhra Pradesh	7,622	554@ (7.3)	55	92 (1.2)	23
2.	Assam . .	1,220	..	..	..	..
3.	Bihar . .	5,455	360 (6.6)	44	195 (3.6)	41
4.	Gujarat .	7,429	95 (1.3)	19	49 (0.7)	5
5.	Haryana .	1,504	29 (1.9)	10	4 (0.3)	..
6.	Himachal Pradesh ..		..	..	..	..
7.	Jammu & Kashmir	842	22 (2.6)	32	3 (0.4)	..
8.	Karnataka .	14,776	1,020 (6.9)	47	29 (0.2)	21
9.	Kerala . .	3,605	84 (2.3)	25	10 (0.3)	29
10.	Madhya Pradesh .	6,991	387 (5.5)	40	86 (1.2)	6
11.	Maharashtra	9,835	579 (5.9)	94	174 (1.8)	24
12.	Meghalaya .	..	..	..	..	..
13.	Orissa . .	2,102	104 (4.9)	33	36 (1.7)	7
14.	Punjab .	2,939	134 (4.6)	19	5 (0.2)	154
15.	Rajasthan .	2,570	174 (6.8)	42	120 (4.7)	39
16.	Tamil Nadu .	12,008	1,141 (9.5)	53	14 (0.1)	9
17.	Uttar Pradesh	6,246	446 (7.1)	34	18 (0.3)	136
18.	West Bengal .	6,224	495 (8.0)	41	..	..
19.	Delhi . .	1,211	N.A.	N.A.	N.A.	N.A.
	All India Total	92,579	5,624 (6.1)	41	835 (0.9)	12

*C.E. stands for co-efficient of equality.

@Figures in brackets indicate percentage of enrolment.

Scheduled Castes

6.94 It would be seen from the above table that, out of the total enrolment of 92,579 students in all the Engineering Colleges in the country, 5,624 belonged to the Scheduled Castes, constituting 6.1 per cent of the total enrolment. The co-efficient of equality for Scheduled Castes in all the Engineering Colleges was 41. State-wise, the enrolment position of Scheduled Castes was far from satisfactory in almost all the States except *Maharashtra*, in which the co-efficient of equality for these communities was 94. The enrolment position of these communities in these courses was very bad in *Gujarat, Haryana, Jammu & Kashmir, Kerala, Orissa, Punjab* and *Uttar Pradesh*, in which the co-efficient of equality for Scheduled Castes was as low as 19, 10, 32, 25, 33, 19 and 34, respectively.

Scheduled Tribes

6.95 The enrolment position of Scheduled Tribes in these courses was even worse. In their case, the total enrolment in these courses was 835, constituting 0.9 per cent of the total enrolment in all Engineering Colleges. The All India co-efficient of equality for these communities was as low as 12. State-wise, the enrolment position of these communities was very bad in *Gujarat, Madhya Pradesh, Orissa* and *Tamil Nadu*, where the co-efficient of equality for these communities was only 5, 6, 7 and 9, respectively. In other States like *Andhra Pradesh, Bihar, Karnataka, Kerala, Maharashtra* and *Rajasthan*, the co-efficient of equality varied from 20 to 40.

6.96 Thus it would be seen that the enrolment position of Scheduled Caste and Scheduled Tribe students in Engineering Courses at graduate level was highly unsatisfactory. As compared to the enrolment of Scheduled Castes, the enrolment position of Scheduled Tribes was still worse. *It is, therefore, desirable that State Governments concerned should make concerted efforts to increase the enrolment of students belonging to these communities, to these courses, by relaxing the minimum standards prescribed for admission to these courses as well as by arranging pre-admission coaching classes for students belonging to these categories.* Information collected by this Organisation in respect of the total number of seats in the first year and number of seats reserved for Scheduled Caste/Scheduled Tribe students in 35 colleges from which the information was received, may be seen at Appendix LXXII.

Post-graduate Courses

6.97 State-wise information regarding the total, Scheduled Caste and Scheduled Tribe enrolments in Engineering Colleges, the percentages of Scheduled Caste and Scheduled Tribe enrolment to total enrolment as well as co-efficient of equality of these

communities at post-graduate level during the year 1977-78 is given in the table below :—

S. No.	Name of the State/Union Territory	Total	S.C.	C.E.*	S.T.	C.E.
1	2	3	4	5	6	7
1.	Andhra Pradesh	528	21 (4.0)	30	..	..
2.	Assam	20	..	..	..	..
3.	Bihar	144	..	N.A.	..	N.A.
4.	Gujarat	244	3 (1.2)	17	..	.
5.	Haryana	66	..	.	..	..
6.	Himachal Pradesh	..	..	..	..	..
7.	Jammu & Kashmir	..	..	..	..	..
8.	Karnataka	491	5 (1.0)	7	2 (0.4)	45
9.	Kerala	95	..	..	..	..
10.	Madhya Pradesh	327	2 (0.6)	19	..	..
11.	Maharashtra	491	16 (3.3)	53	16 (3.3)	44
12.	Meghalaya	..	..	..	..	..
13.	Orissa	60	..	..	..	..
14.	Punjab	261	..	..	..	..
15.	Rajasthan	136	23 (16.9)	103	10 (7.4)	61
16.	Tamil Nadu	792	23 (2.9)	16	..	..
17.	Uttar Pradesh	1,033	38 (3.7)	17	..	..
18.	West Bengal	499	23 (5.1)	29	..	..
19.	Delhi	133	N.A.	N.A.	N.A.	N.A.
	All India Total	5,270	154 (2.9)	19	28 (0.5)	7

*C.E. stands for coefficient of equality. Figures in brackets indicate percentage of enrolment.

Scheduled Castes

6.98 It would be seen from the above table that out of the total enrolment of 5,270 students to post-graduate courses in all the Engineering Colleges in the country, the enrolment of Scheduled Castes, was only 154, constituting 2.9 per cent of the total enrolment in these courses. The co-efficient of equality of Scheduled Castes in these courses was 19. State-wise, the enrolment position of Scheduled Castes in post-graduate Engineering courses was very unsatisfactory. In *Assam, Bihar, Haryana, Kerala, Orissa* and *Punjab,* the enrolment of Scheduled Castes in these courses was nil. In *Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh, Tamil Nadu* and *Uttar Pradesh,* the percentages of enrolment of Scheduled Caste students in these courses was as low as 4.0, 1.2, 1.0, 0.6, 2.9 and 3.7, respectively. The co-efficient of equality of Scheduled Castes in these States was 30, 17, 7, 19, 16 and 17, respectively.

Scheduled Tribes

6.99 Among Scheduled Tribes, the position of enrolment in these courses was rather deplorable. The enrolment of Scheduled Tribe students to these courses was nil in *Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Kerala, Madhya Pradesh, Orissa, Tamil Nadu, Uttar Pradesh* and *West Bengal.*

6.100 *The State Governments and Universities concerned should, therefore, take necessary action to increase the enrolment of Scheduled Caste and Scheduled Tribe students in post-graduate Engineering courses by reserving seats for students belonging to these communities, at least in proportion to their populations in the respective States and also by giving them suitable relaxation in minimum standards for admission to these courses.*

Indian Institutes of Technology

Reservation of seats for Scheduled Caste/Scheduled Tribe candidates in under-graduate courses

6.101 At each of the 6 Indian Institutes of Technology in the country, located at Bombay, Delhi, Kanpur, Kharagpur, Madras and Varanasi, 15 per cent of the seats are reserved for Scheduled Caste candidates and 5 per cent for Scheduled Tribe candidates in the various under-graduate courses. Direct admission of Scheduled Caste/Tribe candidates who secured more than 50 per cent marks in the qualifying examinations was also made to these Institutes, before 1979, besides admission through the Joint Entrance Examination, in which a cut-off value of marks to be obtained by the Scheduled Caste/Scheduled Tribe candidates was prescribed at about 2/3rd of the cut-off value prescribed for general candidates. The method of direct admission of Scheduled Caste/Scheduled Tribe candidates was stopped from the academic year 1979 and since that year admission of candidates belonging to these communities is made only through Joint Entrance Examination. The upper age limit for Scheduled Caste/Scheduled Tribe candidates is relaxable by 5 years. It was decided by the Government of India in 1980 to extend all the concessions available to Scheduled Caste/Scheduled Tribe candidates for admission to the I.I.Ts., to the Neo-Buddhists, who formerly belonged to the Scheduled Castes.

6.102 In the academic session 1979-80, out of a total number of 1,741 seats offered for admission, 260 seats were reserved for Scheduled Castes and 87 seats for Scheduled Tribes. The Ministry of Education furnished information in respect of only 5 I.I.Ts., *viz.,* Madras, Kanpur, Kharagpur, Delhi and Bombay, in respect of the admission made on the basis of Joint Entrance Examination. Against these seats, 112 seats were offered to Scheduled Caste candidates, out of which only 88 were availed of by them. 24 seats were offered to Scheduled Tribe candidates, out of which only 14 were availed of by them. During the academic session 1980-81, I.I.T. Delhi compiled data in respect of the admissions made on the basis of Joint Entrance Examination, for all the Indian Institutes of Technology. Out of the total number of

1,858 seats offered for admission in all these Institutes, 279 and 93 seats were reserved for Scheduled Caste and Scheduled Tribe candidates, respectively. A total number of 59,621 candidates were registered for the J. E. Examination, out of whom 46,683 candidates completed the examination, 2,094 general candidates, 167 Scheduled Caste candidates and 27 Scheduled Tribe candidates were called for counselling. In this connection, it may be pointed out that in the first merit list, only 123 Scheduled Caste and 19 Scheduled Tribe candidates were included. However, on a special consideration and on further reduction of the minimum academic requirements, additional 44 Scheduled Caste and 8 Scheduled Tribe candidates were later included in the merit list and called for counselling. Out of these, 1,684 general candidates, 152 Scheduled Caste and 20 Scheduled Tribe candidates were offered admission. 127 seats reserved for Scheduled Castes and 73 seats reserved for Scheduled Tribes could not be filled because suitable candidates belonging to these communities were not available in spite of the further relaxation in academic requirements allowed to them on special consideration, in addition to the normal relaxation allowed in these requirements. It is understood that the reserved seats which could not be filled due to non-availability of suitably qualified Scheduled Caste/Scheduled Tribe candidates were kept vacant. Thus, it would be seen that the performance of the Scheduled Caste and Scheduled Tribe candidates in the Joint Entrance Examination was not satisfactory.

6.103 In pursuance of Commissioner's recommendations in the earlier Reports, the Ministry of Education took up a proposal to start Special Coaching Centres for Scheduled Caste/Scheduled Tribe candidates in different parts of the country, on the analogy of such centres already started by the Ministry of Home Affairs for Engineering Services and Administrative Services examinations. These centres were proposed to be started with a view to improving the performance of Scheduled Caste/Scheduled Tribe candidates in the Joint Entrance Examination. According to available information the proposed centres have still not been started. *It is, therefore, reiterated that the Ministries of Education and Home Affairs should look into the matter and consider the desirability of starting the proposed Special Coaching Centres early, in order to ensure that all the seats reserved for Scheduled Caste/Scheduled Tribe candidates in various I.I.Ts are actually filled by them.*

6.104 It was learnt that a large number of Scheduled Caste/Tribe students of various I.I.Ts. were expelled from these Institutes because of their poor performance during the last few years, or they had to leave their studies because they found it difficult to complete the courses. An attempt was made to collect the data regarding the number of Scheduled Caste and Scheduled Tribe students admitted to I.I.Ts. expelled therefrom, etc. The I.I.Ts. Bombay, Madras, Kharagpur, Kanpur and Varanasi furnished the requisite information for the years 1973 to 1980, which is given at Appendix LXXIII. Consolidated information in respect of all the above mentioned I.I.Ts is given below :—

S. No.	Years	Number of S.C./S.T. students in various I.I.Ts					
		Admitted	Graduated	Continuing for graduation	Left voluntarily	Asked to discontinue due to poor performance	Transferred to other I.I.Ts
1	2	3	4	5	6	7	8
1.	1973	168	80	16	45	26	1
2.	1974	218	96	54	47	19	2
3.	1975	218	67	78	69	4	..
4.	1976	195	12	120	53	10	..
5.	1977	207	..	160	36	11	..
6.	1978	133	..	114	15	4	..
7.	1979	89	..	81	8	..	..
8.	1980	142	..	139	3	..	..
TOTAL		1370	255	762	276	74	3

It would be seen from the table that from the years 1973 to 1980, a total number of 1,370 Scheduled Caste and Scheduled Tribe students were admitted to these Institutes out of whom, 255 have graduated so far, 762 are continuing their courses, 276 had left these Institutes voluntarily, 74 were asked to discontinue due to poor performance and they left, while 3 were transferred to other institutes. Thus, 350 or 25.5 per cent of the total number of Scheduled Caste/Tribe students admitted to these Institutes during these years, either left these Institutes voluntarily, or were asked by the Institutes to discontinue their studies. *It is felt that when Scheduled Caste/Scheduled Tribe students have to leave these Institutes after studying there for a number of years, it causes them a lot of hardship, suffering and frustration and they feel stranded in the midst of their academic careers and find it difficult to adjust in a different academic line.*

Death of an ex-student belonging to a Scheduled Caste, in I.I.T., Kanpur

6.105 In this connection, it was reported that an ex-student of I.I.T., Kanpur belonging to a Scheduled Caste community was found hanging from the ceiling fan by a rope, on the 30th September, 1980, in his room. The police declared it as a case of suicide. According to the information furnished by the I.I.T., the late ex-student was admitted to the I.I.T. in 1973, alongwith other Scheduled Caste/Tribe candidates after relaxing the minimum academic standard required for admission. Special attention was paid to these students and special arrangements made to facilitate execution of their academic programmes. However, for the ultimate completion of the programmes, they had to pass with minimum performance standards, all of the courses included in their programmes, though it might take a period significantly longer than 5 years. The academic performance

of the students concerned was reported to be poor. In the case of the deceased Scheduled Caste student in 5½ years, he was able to clear only 25 courses out of 55 or so, required for the completion of the programme. His cumulative performance index was also below the one required for the award of a degree. The Institute advised his termination from the programme, in 1975 but on a special appeal from him, the Board of Governors gave him another chance to show improvement and subsequently he was given reduced load so that he could show better performance. However, even with all these arrangements, he was not able to come up to the mark. The Senate considered the case of the student concerned in December, 1978 and dismissed the late Scheduled Caste student alongwith 4 other students in their own interest. Following his dismissal, he made a representation to the Senate. His case was discussed by the Senate Under-graduate Committee of the Institute in January, 1979 and by the Academic Senate in August, 1979 and the earlier decision of the Senate terminating his programme was upheld. On further follow-up by his father the matter was again taken up by the Board of Governors in January, 1980. However, no change in the earlier decision of the Senate was made.

6.106 According to the Institute, no guidelines were readily available with the I.I.Ts when the first batch of Scheduled Caste/Tribe students was admitted without any screening, although efforts were made by the Academic Senate, its sub-Committee and the Counselling Service, to evolve guidelines to monitor and advise the students belonging to these communities. According to the Institute, after the formulation of proper guidelines for the special steps to be taken for the Scheduled Caste/Scheduled Tribe students admitted to the I.I.Ts on relaxed standards, later the number of students who were asked to discontinue their courses gradually fell.

Expulsion of Scheduled Caste/Scheduled Tribe students in I.I.Ts

6.107 A view has been expressed that if a Scheduled Caste/Scheduled Tribe student who is admitted to an I.I.T., has passed the first year of his course successfully, it should be the responsibility of the I.I.T. to help him by additional coaching, reduced work-load, etc., if necessary, but he should, on no account be asked to discontinue his studies. *It is felt that if the students belonging to these communities are asked to leave their courses after completion of 2 or 3 years in the I.I.Ts, they find themselves lost, because they cannot then secure admission to any other Engineering College and feel frustrated due to ruin of their academic careers. It is, therefore, felt that if at all a Scheduled Caste/Tribe student has to be asked to discontinue his courses because of his continuous poor performance, it should be done at the close of the very first year of his course, when he has still got enough time to secure admission in other Colleges, or other academic fields. It is, therefore, desirable that the Ministry of Education should look into the matter and frame necessary guidelines for all the I.I.Ts in this regard, to avoid frustration among Scheduled Caste/Scheduled Tribe students*

6.108 The Union Ministry of Education have informed that, all the students of the I.I.Ts including the Scheduled Castes and Scheduled Tribes who do not come up to the prescribed academic standards are given fair opportunity to improve and only as a last resort are asked to leave the Institutes, as per rules. The Ministry also informed that they were seized of the problem and that the Minister for Education had discussed this issue with the Directors of all the I.I.Ts in July, 1980 who were asked to consider special steps to be taken to help the Scheduled Caste/Scheduled Tribe students, to improve their academic standards and also to follow a uniform policy in dealing with academically poor Scheduled Caste/Scheduled Tribe students. In this connection, the I.I.Ts have taken the following steps to improve the standards of Scheduled Caste/Scheduled Tribe students so as to bring them at par with other students :—

(i) The period of the first 2 semesters may be extended from about 8 months to about 10½ months keeping the weaker students in separate batches giving them extensive coaching.

(ii) Special coaching is given to weaker students during the first and 2nd semesters.

(iii) The weaker Scheduled Caste/Scheduled Tribe students are given reduced work-load, *i.e.*, they are asked to take lesser number of subjects. This may lead to longer duration of courses, but will make it easier for the Scheduled Caste/Scheduled Tribe students to get through.

(iv) After a review of performance of such students at the end of each year they may be put on regular stream depending upon their performance.

The steps taken by various I.I.Ts to improve the academic standards of the weaker Scheduled Caste/Scheduled Tribe students are welcome. *It is desirable that the Ministry of Education should continuously monitor the action taken by different I.I.Ts in this regard and ensure that Scheduled Caste/Scheduled Tribe students are given necessary assistance through various steps mentioned above in order to improve the academic performance of the students belonging to these communities.*

Post-graduate Courses

6.109 At post-graduate level, only 5 per cent seats are reserved for Scheduled Caste and Scheduled Tribe candidates combined. Information regarding the number of reserved seats actually filled by students belonging to these communities in various I.I.Ts during the year 1979-80, was not received from the Ministry of Education, in the absence of which it is not possible to assess the progress of post-graduate education among

the Scheduled Castes and Scheduled Tribes in the I.I.Ts. In this connection, it was recommended in Commissioner's 1973-74 Report and reiterated in Commissioner's 1978-79 Report that the percentage of seats reserved for Scheduled Caste/Scheduled Tribe candidates for post-graduate courses should be increased to 20 and various steps like further lowering the minimum standards prescribed for their admission should be taken to ensure that all the reserved seats were actually filled by candidates belonging to these communities. The Ministry of Education have not so far decided to increase the percentage of seats reserved for Scheduled Caste/Scheduled Tribe candidates in the I.I.Ts at post-graduate level. *The recommendation is, therefore, reiterated.*

Enrolment to Courses in Agriculture

Under-graduate Courses

6.110 State-wise information regarding the total enrolment as well as the enrolment of Scheduled Castes, Scheduled Tribes and the percentage of Scheduled Caste and Scheduled Tribe enrolment to total enrolment to courses in Agriculture, at under-graduate level and the co-efficient of equality of these communities for these courses during the year 1977-78 is given in the table below :—

S. No.	Name of the State/Union Territory	Total	S.C.	C.E@	S.T.	C.E.
1	2	3	4	5	6	7
1.	Andhra Pradesh	1,500	N.A.	N.A.	N.A.	..
2.	Assam . .	312	N.A.	N.A.	N.A.	N.A.
3.	Bihar . .	576	33 (5.7)	38	16 (2.8)	32
4.	Gujarat .	1,535	48 (3.1)	44	19 (1.2)	9
5.	Haryana .	826	23 (2.8)	15	19 (2.3)	..
6.	Himachal Pradesh	314	N.A.	N.A.	N.A.	N.A.
7.	Jammu & Kashmir	254	N.A.	N.A.	..	..
8.	Karnataka .	1,818	167 (9.2)	63	20 (1.1)	124
9.	Kerala . .	503	32 (6.4)	68	7 (1.4)	135
10.	Madhya Pradesh	1,506	N.A.	N.A.	N.A.	N.A.
11.	Maharashtra	4,204	164 (3.9)	62	32 (0.8)	11
12.	Orissa . .	507	N.A.	N.A.	N.A.	N.A.
13.	Punjab .	1,162	122 (10.5)	43	..	..
14.	Rajasthan .	1,048	36 (3.4)	21	3 (0.3)	2
15.	Tamil Nadu .	1,476	149 (10.1)	57	..	..
16.	Uttar Pradesh	9,083	757 (8.3)	38	5 (0.1)	45
17.	West Bengal	559	112 (20.0)	101	..	..
	All India Grand Total	27,183	1,643 (6.0)	40	121 (0.4)	5

C.E. @ Co-efficient of equality.

Figures in brackets indicate percentages of enrolment.

Scheduled Castes

6.111 It would be seen from the above table that, out of the total enrolment of 27,183 in the country, the enrolment of Scheduled Castes was 1,643 constituting 6.0 per cent of the total enrolment. The co-efficient of equality of Scheduled Castes in these courses was 40 State-wise, the enrolment position of Scheduled Castes was far from satisfactory in *Bihar, Gujarat, Haryana, Punjab, Rajasthan* and *Uttar Pradesh,* where the co-efficient of equality of these communities was as low as 38, 44, 15, 43, 21 and 38, respectively. In other States like *Karnataka, Kerala, Maharashtra* and *Tamil Nadu* also, the co-efficient of equality of these communities was not satisfactory.

Scheduled Tribes

6.112 The enrolment position of Scheduled Tribes in these courses was deplorable. Among these communities, the enrolment to these courses was only 121 constituting 0.4 per cent of the total enrolment and their co-efficient of equality in these courses was only 5. State-wise, leaving aside *Karnataka* and *Kerala,* their enrolment position to these courses was very bad. In *Bihar, Gujarat, Maharashtra, Rajasthan* and *Uttar Pradesh,* the co-efficient of equality of these communities was 32, 9, 11, 2 and 45, respectively. In *Tamil Nadu* and *West Bengal* the enrolment of Scheduled Tribes to these courses was nil. Thus, it would be seen that the enrolment position of Scheduled Castes and Scheduled Tribes, specially of Scheduled Tribes, to under-graduate courses in agriculture was very bad. *It is, therefore, desirable that the State Governments concerned should take necessary steps to increase the enrolment of Scheduled Caste and Scheduled Tribe candidates to these courses by allowing relaxation in the minimum standards for admission of the candidates belonging to these communities to these courses.*

Post-graduate Courses

6.113 State-wise information regarding the total enrolment to post-graduate courses in agriculture, enrolment of Scheduled Castes and Scheduled Tribes, the percentages of their enrolment to total enrolment and the co-efficient of equality of these communities during 1977-78 may be seen below :—

S. No.	Name of the State/Union Territory	Total	S.C.	C.E.	S.T.	C.E.
1	2	3	4	5	6	7
1.	Andhra Pradesh	201	N.A.	..	N.A.	..
2.	Assam . .	76	3 (4.0)*	70	8 (10.5)	73
3.	Bihar . .	149	1 (0.7)	5	..	..
4.	Gujarat .	210	..	N.A.	N.A.	N.A.
5.	Haryana .	337	N.A.	N.A.	..	..
6.	Himachal Pradesh	87	N.A.	N.A.	N.A.	N.A.

*Figures in Brackets indicate percentages.

1	2	3	4	5	6	7
7. Jammu & Kashmir	..	..	..	..	..	..
8. Karnataka	626	39 (6.2)	42	..	..	
9. Kerala	95	8 (8.4)	90	..	..	
10. Madhya Pradesh	359	N.A.	N.A.	N.A.	N.A.	
11. Maharashtra	683	51 (7.5)	120	10 (1.5)	20	
12. Meghalaya	..	..	..	..	..	
13. Orissa	110	N.A.	N.A.	N.A.	N.A.	
14. Punjab	258	1 (0.4)	2	..	..	
15. Rajasthan	214	N.A.	N.A.	N.A.	N.A.	
16. Tamil Nadu	298	22 (7.4)	42	..	..	
17. Uttar Pradesh	1,655	12 (0.7)	3	..	..	
18. West Bengal	284	N.A.	N.A.	N.A.	N.A.	
19. Delhi	134	24 (17.9)	115	3 (2.2)	..	
All India Grand Total	5,776	161 (2.8)	19	21 (0.4)	5	

Scheduled Castes

6.114 It would be seen from the above table that out of the total enrolment of 5,776 to Post-graduate courses in various agricultural institutions in the country, the enrolment of Scheduled Castes was 161, constituting 2.8 per cent, against their population of 15.5 per cent. The co-efficient of equality of Scheduled Castes in these courses was only 19. State-wise, the enrolment position of Scheduled Castes to these courses was very unsatisfactory in *Bihar, Punjab* and *Uttar Pradesh*, their co-efficient of equality being 5, 2 and 3, respectively. In *Karnataka* and *Tamil Nadu* also, their co-efficient of equality was only 42 each.

Scheduled Tribes

6.115 The enrolment of Scheduled Tribes to these courses was only 21, constituting 0.4 per cent of the total enrolment and their co-efficient of equality was only 5. In *Bihar, Karnataka, Kerala, Tamil Nadu* and *Uttar Pradesh*, the enrolment of Scheduled Tribes to these courses was nil. It would be seen that the enrolment position of Scheduled Castes and Scheduled Tribes in the post-graduate courses of agriculture was still worse as compared to the under-graduate courses. *The State Governments concerned should, therefore, consider the desirability of taking special steps to increase the enrolment of these communities to these courses.*

Enrolment of Scheduled Castes and Scheduled Tribes in Agricultural Research Institutes

6.116 An attempt was made to collect information regarding the enrolment of Scheduled Caste/Scheduled Tribe students, the percentage of seats reserved for them and the relaxation of marks allowed to them, from the 8 Agricultural Research Institutes in the country, *viz.*, Indian Agricultural Research Institute, New Delhi; Central Arid Zone Research Institute, Jodhpur; Central Rice Research Institute, Cuttack; Indian Veterinary Research Institute, Izzatnagar; Indian Technological Research Institute, Bombay; National Dairy Research Institute, Karnal; Indian Lac Research Institute, Jhansi and Institute of Agricultural Research Statistics, New Delhi during the year 1979-80. The requisite information was, however, furnished by only 3 Institutes and is given in the table below :—

S. No.	Name of the Agriculture Research Institute	Name of the course	Total No. of seats	Total No. of seats actually filled	No. of seats reserved for		No. of students admitted		Remarks
					SC	ST	SC	ST	
1	2	3	4	5	6	7	8	9	10
1.	Indian Veterinary Research Institute, Izzatnagar.	1. Ph.D.	N.A.	12	2	1	..	..	
		2. NDPVM	20 seats in each Course	61	..	..	1	1	Only the Candidates sponsored by the State Animal Husbandry Deptt. are admitted.
		3. NDAH							
		4. NDPH							
		5. NDAR							
		6. NDBP							
		7. NDEHMS							
		8. Short term Training Courses in specialised areas.	10 seats in each area	105	..	..	1	5	—do—
2.	Indian Lac Research Institute, Ranchi.	Improved methods of Lac cultivation — Regular Course.	21	11	..	..	3	4	All SC/ST candidates who applied were admitted.
3.	Indian Agriculture Research Institute, New Delhi.*	1. M.Sc. (Open Competition).	48	53	8	2	13	2	
		2. Ph.D. (Open Competition).	96	86	14	5	7	2	
				316	22	7	25	14	

*The information furnished by Indian Agriculture Research Institute, New Delhi relates to seats filled by open competition only.

6.117 It would be seen from the above table that in the Institute at Izzatnagar, only in Ph.D. courses, reservation of 15 per cent and 5 per cent was made for Scheduled Castes and Scheduled Tribes, respectively. A relaxation of 5 per cent in the minimum standard was also allowed to these candidates for admission to these courses. It would, however, be seen that no Scheduled Caste/Tribe student was admitted against the reserved seats in these courses during the year 1979-80. In the Indian Agricultural Research Institute, New Delhi, 15 per cent and 5 per cent seats filled by open competition were reserved for Scheduled Castes and Scheduled Tribes, respectively in the M.Sc. and Ph.D. Courses. Relaxation of 10 per cent in the minimum standard was also allowed for Scheduled Caste and Scheduled Tribe candidates for admission to these courses. While it was encouraging that out of 8 and 2 seats in M.Sc. reserved for Scheduled Castes and Scheduled Tribes, 13 and 2 Scheduled Caste and Scheduled Tribe candidates, respectively were admitted, the position was not satisfactory in the case of admission to Ph.D. in which, against 14 and 5 seats reserved for Scheduled Castes and Scheduled Tribes, only 7 Scheduled Caste and 2 Scheduled Tribe students respectively, were admitted. The reason given by the Institute for not filling the remaining reserved seats, was lack of suitable candidates. In Indian Veterinary Research Institute, Izzatnagar and Indian Lac Research Institute, Ranchi, no reservation of seats for Scheduled Caste and Scheduled Tribe candidates had been made in any other courses, although in the latter Institute, all the Scheduled Caste and Scheduled Tribe candidates who applied for various courses, were admitted. In this connection, it was recommended in Commissioner's earlier Reports that 15 per cent and 5 per cent of seats should be reserved for Scheduled Caste and Scheduled Tribe candidates, respectively, in the various Agricultural Research Institutes run by the Central and State Governments. Apparently, not much thought appears to have been given by the Central and State Governments concerned to that recommendation. *The recommendation is therefore reiterated. For Scheduled Tribes 7½ per cent seats should be reserved. It is also recommended that, while sponsoring the candidates for admission to various Agricultural Research Institutes, the State Governments concerned should ensure that at least 15 per cent and 7½ per cent of the candidates whose names are sponsored, belong to the Scheduled Castes and Scheduled Tribes.*

I.C.A.R. Junior and Senior Fellowships

6.118 According to available information, 20 per cent of ICAR junior and senior fellowships under the regular programme are reserved for Scheduled Caste and Scheduled Tribe candidates. All the eligible candidates are provided fellowships, irrespective of their merit position. The number of junior and senior fellowships awarded to Scheduled Caste/Scheduled Tribe candidates from the year 1976-77 to 1979-80 may be seen from the table below :—

S. No.	Year	Senior Fellowships	Junior Fellowships
1.	1976-77	8	22
2.	1977-78	7	33
3.	1978-79	10	29
4.	1979-80	5	52

6.119 It would be seen from the above table that the number of junior fellowships awarded to Scheduled Caste/Scheduled Tribe candidates increased from 22 in 1976-77 to 52 in 1979-80. However, the number of senior fellowships remained almost static during these years.

6.120 A new scheme relating to Human Resource Development for backward/tribal areas was also started by the I.C.A.R. during the year 1980 and it was expected to have a sizeable component of fellowships for Scheduled Castes/Tribes.

Krishi Vigyan Kendra

6.121 The I.C.A.R. has been operating a research project called the Krishi Vigyan Kendra to demonstrate the use of modern technology in agriculture, to impart skill training to practising farmers, school drop-outs and farm-youths and farm-women. Realising the importance of vocational training, the National Commission on Agriculture had recommended that one Krishi Vigyan Kendra should be established in each district by the end of the Sixth Five Year Plan and three Krishi Vigyan Kendras per district, should be established by the year 2000. It was learnt that the I.C.A.R. had established 31 Kendras by the middle of 1980, in different parts of the country. *It is desirable that while establishing Krishi Vigyan Kendras, the I.C.A.R. should give priority to districts having predominant Scheduled Caste/Scheduled Tribe population.*

Backward Classes Hostels

6.122 It has been observed that the Scheduled Caste/Tribe students generally do not have necessary facilities at home for studies, unlike the general students who are far better placed in this respect. Most of the Scheduled Caste/Scheduled Tribe students being first generation learners, also do not have the facility of proper guidance by their parents. Hostels, which provide proper atmosphere for studies as well as facilities for coaching and guidance, therefore, play a very important role in the promotion of education among the Scheduled Caste/Tribe students. In this connection, a study was made by the Government of *Karnataka* on the performance of hostellers in S.S.L.C. Examination held during April, 1978, which revealed that, the

performance of the Scheduled Caste and Scheduled Tribe hostellers in that examination was far better as compared to that of the candidates who had no hostel facilities. In the case of Scheduled Castes, while among day scholars only 35 per cent of the students who appeared for the above mentioned examination, could pass, among the hostellers, the pass percentage was as high as 53.5. Similarly, among the Scheduled Tribes, only 37.2 per cent of the students, who appeared in the examination, could pass, but the corresponding percentage among the Scheduled Tribe hostellers was 68.00. According the findings of the study, facilities in hostels like free boarding, lodging, supply of textbooks and stationery, special coaching etc., were mainly responsible for the better performance of the Scheduled Caste/Tribe hostellers as compared to the day-scholars.

State-wise number of Backward Classes Hostels

6.123 Provision of backward classes hostels for the Scheduled Castes and Scheduled Tribes is one of the important programmes included in the Five Year Plans of the various State Governments. An attempt was made by this Organisation to collect information regarding the number of such hostels as well as the number of inmates in these, during the year 1979-80. The information received from various State Governments in this regard, is given in the table below :—

S. No.	Name of State/Union Territory and year	No. of Hostels			Number of inmates			
		S.C.	S.T.	Total	S.C.	S.T.	Others	Total
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh (1979-80)	1,392	324	1,716	N.A.	N.A.	N.A.	19,920
2.	Bihar (1979-80)	235	263	468	N.A.	N.A.	N.A.	18,720
3.	Gujarat (1979-80)	675	932	1,607	7,985	17,340	369	25,694
4.	Himachal Pradesh (1978-79)	..	10	10	13	260	61	334
5.	Karnataka (1978-79)	583	20	603	29,185	931	1,814	31,870
6.	Kerala (1979-80)	85	6	91	N.A.	N.A.	N.A.	3,640
7.	Madhya Pradesh (1978-79)	273	1,349	1,622	5,895	31,618	270	37,783
8.	Maharashtra (1976-77)	N.A.	N.A.	1,303	29,445	11,265	16,057	56,767
9.	Meghalaya (1978-79)	..	5	5	.	..	..	..
10.	Nagaland (1978-79)	..	359	359	..	9,870	..	9,870
11.	Orissa (1977-78)	N.A.	N.A.	1,003	N.A.	N.A.	N.A.	45,000
12.	Rajasthan (1979-80)	152	187	339	N.A.	N.A.	N.A.	13,500
13.	Tamil Nadu (1979-80)	672	23	695	39,519	845	2,854	43,218
14.	Tripura (1978-79)	62*	..	62*	257	1,057	..	1,314
15.	Uttar Pradesh (1973-74)	95	1	96	3,800	40	.	3,840
16.	Arunachal Pradesh (1978-79)	..	187	187	6,553*	..	..	6,553*
17.	Andaman & Nicobar Islands (1977-78)	..	2	2	..	54	..	54
18.	Dadra & Nagar Haveli (1979-80)	9*	..	9*	10	603	..	613
19.	Lakshadweep (1978-79)	..	5	5	..	281	..	281
20.	Mizoram (1978-79)	..	65	65	..	675	..	675
21.	Pondicherry (1979-80)	12	..	12	760	..	220	980

*For Scheduled Castes/Scheduled Tribes.

It would be seen from the above table that the number of backward classes hostels continued to be inadequate in *Bihar, Rajasthan, Himachal Pradesh, Kerala* and *Uttar Pradesh.* In this connection, it was recommended a number of times in Commissioner's earlier Reports that the State Governments concerned should take necessary action to increase the number of hostels in their respective States having large Scheduled Caste/ Scheduled Tribe populations. However, the number of these hostels in the above mentioned States still continues to be quite small. *It is, therefore, reiterated that the Governments of the States with large Scheduled Caste/Tribe populations, in which the number of Backward Classes Hostels is still inadequate, should take urgent steps to increase the number thereof adequately.*

Construction of Hostel buildings for Scheduled Caste/ Tribe students by Scheduled Castes/Scheduled Tribes Finance & Development Corporations

6.124 In *Tamil Nadu,* a scheme has been recently started for the construction of hostels for Scheduled Caste/Tribe students by the Tamil Nadu Harijan Housing and Development Corporation. According to available information, the Corporation had constructed 56 hostels for Scheduled Castes and one hostel for Scheduled Tribes up to the period ending March, 1980. The total cost of construction of these hostels was Rs. 227.59 lakhs and Rs. 3.26 lakhs for Scheduled Castes and Scheduled Tribes Hostels, respectively. The sanctioned strength of these hostels was 5,550 for Scheduled Caste hostels and 75 for the Scheduled Tribe hostel. In *Madhya Pradesh,* the Central Bank of India, the lead Bank in the State has taken up a scheme of financing for construction of hostels for Scheduled Castes and Scheduled Tribes at a concessional rate of interest of 4 per cent. The Bank has set apart finance upto Rs. 50 lakhs for hostels to be set up at different places in the State by Antyavasayu Development Corporation, which is providing margin money. The above mentioned schemes started in *Madhya Pradesh* and *Tamil Nadu* are welcome. An attempt was made to collect information regarding similar schemes in other States/Union Territories. According to the information received, no such scheme has been introduced in *Haryana, Karnataka, Kerala, Assam, Orissa, Himachal Pradesh, Rajasthan, Tripura, Punjab, Maharashtra, West Bengal* and *Gujarat. It is, therefore, recommended that the State Governments concerned should follow the example of Tamil Nadu and Madhya Pradesh and start similar schemes for the construction of Backward Classes Hostels by the Scheduled Castes and Scheduled Tribes Finance and Development Corporation and Banks.*

Rates of stipends in Backward Classes Hostels

6.125 As already observed in Commissioner's earlier Reports, the rates of grants-in-aid per inmate paid by various State Governments to the aided hostels run by non-official organisations as well as the rates of stipends paid to the inmates of the Government hostels, were fixed long back and the same became quite inadequate because of the steep rise in prices. It was observed that the hostel authorities were finding it very difficult to run the hostels with these grants-in-aid. In this connection, it was revealed during a visit by a Study Team of this Organisation to a Girls High School Hostel for Scheduled Castes, Mathabhange, in Tufan Ganj Sub-Division of Cooch Behar District, *West Bengal* during May, 1980 that, the students had to spend about Rs. 130.00 per month per inmate in the hostel while the rate of stipend they received was only Rs. 75.00 per month, from which they had to meet the boarding expenses also. The students claimed that, over and above the amount of stipend, the expenditure had to be borne by their parents. *It is, therefore, recommended that the Government of West Bengal should increase the rates of stipends to the inmates of the backward classes hostels. Other State Governments/Union Territory Administrations should also review the rates of such stipends in their respective States and consider the desirability of increasing these adequately, taking into consideration the rise in the price level.*

Girls Hostels

6.126 It has been observed that the Scheduled Caste and Scheduled Tribe girls have lagged far behind the Scheduled Caste/Tribe boys, and even girls from the general population, in the matter of education. It was with a view to giving impetus to girls' education among these communities that, the Centrally Sponsored Scheme of construction of girls hostels was started during the Third Five Year Plan. The scope of the scheme which initially provided for the construction/ extension of hostel buildings, was widened during the Fifth Five Year Plan, to include provision for the construction of buildings, award of stipends, maintenance of hostels and facilities for meeting special requirements of Scheduled Caste/Tribe girls. The integrated scheme was designed to enable the hostels to develop into multipurpose institutions where Scheduled Caste/Tribe girls may be trained in arts, crafts, skills, games, house-keeping, etc. The ceiling limit of grant-in-aid for construction of girls' hostel buildings was revised in May, 1979, according to which, in the plains areas, the maximum grant-in-aid that can be given under the scheme is Rs. 3,350 per student if accommodation only is provided and Rs. 4,630 per student if accommodation as well as ancillary facilities like dining hall, kitchen, etc., are also provided. In the hilly areas, the maximum grant-in-aid that can be given under the scheme is Rs. 5,500 per student if accommodation only is provided and Rs. 7,600 per student if accommodation as well as ancillary facilities like dining hall. kitchen etc., are also provided. From the year 1979-80 the financing of the scheme is done on a sharing basis between the Centre and the States.

State-wise number of Girls' Hostels for Scheduled Castes/Scheduled Tribes

6.127 The number of girls hostels for Scheduled Castes in various States/Union Territories and the expenditure incurred on them during the Fifth Plan

period as well as 1978-79 and 1979-80, given below :—

(Rs. in lakhs)

S. No.	Name of State/Union Territory	No. of S.C. girls' hostels upto the end of 1978-79	Amount released for Scheduled Caste Girls Hostels during				
			Fifth Plan period 1974–78	1978-79	Centre	State	Total Centre & state share
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	279	22.40	10.00	40.00	40.00	80.00
2.	Assam	4	8.00	2.00	2 00	2.00	4.00
3.	Bihar	9	3.25	1.00	3.50	3.50	7.00
4.	Gujarat	75	6.15	5.00	5.50	5.50	11.00
5.	Haryana	4	1.40	0.50	0.50	0.50	1.00
6.	Himachal Pradesh	4	3.30	1.00	0.45	0.45	0.90
7.	Jammu & Kashmir	3	5.35	2.00	..	..	..
8.	Karnataka	131	5.80	1.50	0.85	0.85	1.70
9.	Kerala	32	6.50	2.00	3.00	3.00	6.00
10.	Madhya Pradesh	41	6.30	1.50	9.17	9.17	18.34
11.	Maharashtra	35	7.10	3.50	2.00	2.00	4.00
12.	Manipur	5	1.00	0.50	0.50	0.50	1.00
13.	Orissa	52	7.00	2.00	5.50	5.50	11.00
14.	Punjab	6	2.90	1.00	0.75	0.75	1.50
15.	Rajasthan	10	9.93	3.00	1.25	1.25	2.50
16.	Tamil Nadu	150	11.79	1.50	50.00	50.00	100.00
17.	Tripura	2	1.50	0.50	2.50	2.50	5.00
18.	Uttar Pradesh	33	16.30	6.00	10.50	10.50	21.00
19.	West Bengal	40	18.70	5.00	5.00	5.00	10.00
20.	Pondicherry	1	0.59	0.50	..	..	..
	TOTAL	916	145.26	50.00	142.97	142.97	285.94

Scheduled Castes

6.128 It would be seen from the above table that the number of girls hostels for Scheduled Castes was quite inadequate in *Assam, Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Uttar Pradesh* and *West Bengal. It is therefore, recommended that the above mentioned State Governments should look into the matter and take early action to increase the number of girls' hostels, in order to provide education among Scheduled Caste girls.* During the Fifth Five Year Plan, an expenditure of Rs. 145.26 lakhs was incurred on the scheme in all the States. During 1978-79, an expenditure of Rs. 50 lakhs was incurred under the scheme. During 1979-80, the year from which, the financing of the scheme is being done on a sharing basis between the Centre and the States, a total expenditure of Rs. 285.94 lakhs was incurred, out of which, the shares of the Centre and States were Rs. 142.97 lakhs each. During the Sixth Five Year Plan, an outlay of Rs. 13 crores has been made under the scheme. The number of girls hostels for Scheduled Castes in the country increased to 1,053 at the end of the year 1979-80 against 916 at the end of 1978-79.

6.129 The Government of *Madhya Pradesh* sanctioned opening of 9 Post-matric hostels for Scheduled Tribe and Scheduled Caste girls during 1980-81. Each of these hostels will have accommodation for 50 girls. The hostels will be opened at Bhopal, Indore, Sagar, Raipur and Ujjain. The State Government also sanctioned 72 Middle School hostels for Scheduled Caste/Scheduled Tribe girls during the year. Each of these hostels will have accommodation for 20 girls.

Scheduled Tribes

6.130 Information regarding the number of girls hostels for Scheduled Tribes functioning in different States/Union Territories is still awaited from the Union Ministry of Home Affairs.

Reservation of seats for Scheduled Caste and Scheduled Tribe students in general hostels

6.131 The problem of admission of Scheduled Caste and Scheduled Tribe student in general hostels

has already been highlighted in the previous Reports of the Commissioner for Scheduled Castes and Scheduled Tribes. The matter also came up for discussion in the eighth meeting of High Power Committee on 20-10-1978 in which it was recommended that necessary steps should be taken to ensure that the facility of admission to hostels was not denied to Scheduled Caste/Scheduled Tribe candidates and it was suggested that there should be reservation for Scheduled Castes and Scheduled Tribes in respect of allotment of seats in these hostels. In pursuance of this recommendation, the Union Ministry of Home Affairs issued instructions in January 1979 to all the States/Union Territory Administrations that necessary steps should be taken by the State Governments/ Union Territory Administrations to reserve accommodation for the Scheduled Caste and Scheduled Tribe students in all general hostels run by them or by Voluntary Organisations receiving grants-in-aid, in proportion to the population of these communities in the respective States/Union Territories and also to give them weightage over and above this proportion keeping in view their educational and economic backwardness.

State-wise position

6.132 The response of the State Governments/ Union Territory Administrations in this regard is encouraging. A good number of the State Governments/Union Territory Administrations have taken action on the lines of the instructions issued by the Ministry of Home Affairs. Some State Governments/ Union Territory Administrations have fixed definite percentage of reservation in general hostels for Scheduled Castes and Scheduled Tribes and the same are given in the table below :—

S. No.	State/Union Territory	Percentage of reservation for		Remarks
		Sch. Castes	Sch. Tribes	
1	2	3	4	5
1.	Assam . .	6.5	8.5 and 4.5 in plains and hills, respectively	7% seats are reserved for SCs & 10% for STs in Plains & Hills respectively in the hostles run by voluntary organisation.
2.	Andhra Pradesh	20	5	..
3.	Delhi . .	10 for both SCs & STs		
4.	Gujarat .	15	5	..
5.	Kerala . .	25 for both SCs & STs		..
6.	Madhya Pradesh	15	20	..
7.	Manipur .	50 for both SCs & STs in Central Valley district		More than 90% pre-matric and post-matric students in Govt. as well as aided hostels in the Hills district are SCs and STs.
8.	Orissa . .	10 for both SCs & STs		..
9.	Pondicherry .		80	It is reported that adequate accommodation facilities are available for SC hostellers.
10.	Karnataka .	25 for both SCs & STs		..
11.	Tamil Nadu .	18 for both SCs & STs		..
12.	Tripura .	31.5	10.5 (In hostels attached to Degree Colleges).	..
13.	Uttar Pradesh	18	Nil	..
14.	West Bengal .	15	5	..

The action taken by the above mentioned Governments/Administrations is praiseworthy. However, in the general hostels of *Haryana, Himachal Pradesh, Punjab, Jammu & Kashmir, Chandigarh* and *Dadra & Nagar Haveli,* it is reported that no specific percentage of reservation for Scheduled Caste students has been fixed. These States/Union Territories have further informed that all the Scheduled Caste students are admitted in the general hostels. In *Bihar*, there is no reservation, for admission to general hostels, for Scheduled Caste/Scheduled Tribe students but such students get admission in these hostels. In the hostels run by the Department of Social Welfare, Government of *Bihar*, it is reported that after giving accommodation to the students of Scheduled Castes and Scheduled Tribes, the vacant seats are filled up from students of other castes. The Government of *Maharashtra* is reported to have made appropriate reservation of seats for Scheduled Caste students in Backward Classes hostels and the State Government is of the view that the question of reservation in general hostels for Scheduled Caste/Scheduled Tribe students does not arise. The Government of *Goa, Daman & Diu* is reported to have issued directions to all the general hostels run by Government and also voluntary organisations to reserve seats for Scheduled Caste/Scheduled Tribe students.

6.133 In Commissioner's Report for 1978-79, it was recommended that even if all the Scheduled Caste/ Scheduled Tribe applicants were admitted it was desirable that a specific percentage of seats should be reserved for them in the general hostels. *It is reiterated that the State Governments concerned should reconsider the matter and take early action to make necessary reservation of seats for Scheduled Caste/Scheduled Tribe students in all general hostels.*

6.134 The Governments of *Meghalaya, Nagaland, Andaman & Nicobar, Arunachal Pradesh, Lakshadweep* and *Mizoram* do not consider separate reservation necessary for Scheduled Caste/Scheduled Tribe students, as the majority of population of these States belongs to the Scheduled Tribes.

6.135 The basic idea behind the admission of Scheduled Caste/Scheduled Tribe students in the general

hostels is to avoid segregation and to instill a sense of social equality amongst them. However, it is observed that students belonging to Scheduled Caste/Scheduled Tribe communities are not able to avail of the seats reserved for them in general hostels, due to their weak financial position and inadequate rate of scholarship granted to them. This results in their trying to secure admission in the hostels exclusively established for them. At times, Scheduled Caste/Scheduled Tribe students who are admitted in the general hostels cook their meals in the rooms allotted to them as they are not able to afford the expenditure of common mess. *It is, therefore, recommended that apart from making reservation of seats in general hostels for Scheduled Caste/Scheduled Tribe students, the State Governments/Union Territory Administrations should consider the desirability of enhancing the rates of scholarships to such Scheduled Caste/Scheduled Tribe students so that they are able to participate in all common activities.*

Ashram Schools

6.136 Schools in sparsely populated tribal areas are located at great distances and it becomes very difficult for the tribal children to travel such long distances daily to attend schools. Ashram schools have, therefore, been established in various States, in order to cater to the needs of such tribal children. These schools are residential type of schools which also provide free boarding and lodging facilities to the students. In addition to providing general education, these schools also impart craft-based education. Such schools are run by State Governments as well as some non-official organisations. The programme for the establishment and maintenance of Ashram schools is also included in the tribal sub-plans of the States in which such sub-plans have been formulated. The number of Ashram schools as well as their inmates in various States/Union Territories, are given in the table below :—

S. No.	Name of the State/Union Territory	Number of Ashram Schools			Number of inmates in these schools		
		S.C.	S.T.	Total	S.C.	S.T.	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh (1978-79)	..	399	399	..	26,746	26,746
2.	Bihar (1978-79)	37	40	77	5,168	5,814	10,982
3.	Gujarat (1978-79)	16	166	182	1,607	17,031	18,638
4.	Himachal Pradesh (1978-79)	..	5	5	..	95	95
5.	Jammu & Kashmir (1977-78)	1	..	1	N.A.	N.A.	40
6.	Kerala (1972-73)	N.A.	N.A.	55	N.A.	N.A.	2,200
7.	Karnataka (1979-80)	12	56	68	1,125	3,275	4,400
8.	Madhya Pradesh (1975-76)	N.A.	N.A.	138	N.A.	N.A.	5,520
9.	Maharashtra						
	(1978-79)	..	231	231*	..	22,743	22,743
	(1979-80)	Nil	174	174**	Nil	44,117	22,743
	TOTAL	..	405	405		66,860	45,486
10.	Orissa (1977-78)	N.A.	N.A.	160	N.A.	N.A.	6,400
11.	Rajasthan (1979-80)	8	..	8	315	..	315
12.	Tamil Nadu (1975-76)	N.A.	N.A.	79	N.A.	N.A.	316
13.	Uttar Pradesh (1976-77)	N.A.	N.A.	10	N.A.	N.A.	875
14.	West Bengal	N.A.	N.A.	5	N.A	N.A.	280
15.	Dadra & Nagar Haveli (1979-80)	1 both for SC & ST		1	4	116	120

*Non-official.

**Government.

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It would be seen from the above table that the number of Ashram Schools was quite inadequate in *Rajasthan, Uttar Pradesh, West Bengal, Himachal Pradesh, Jammu & Kashmir* and *Bihar. As already recommended in Commissioner's earlier Reports, the above mentioned State Governments should therefore take early action to increase the number of Ashram schools in their respective States.*

Craft-based Education in Ashram Schools

6.137 It was mentioned in Commissioner's earlier Reports that most of the Ashram schools tended to function as ordinary residential schools and did not impart craft-based education for which these were established, resulting in a lot of wastage, since the purchase of craft equipments and employment of craft-oriented teachers involved considerable expenditure. It was, therefore, recommended in the earlier Reports that all the State Governments/Union Territory Administrations having Ashram schools in their respective States/Union Territories, should review the curricula in these schools in order to ensure that craft-based education was actually imparted in these schools. The action taken by various State Governments in this regard is not known. *The recommendation is, therefore, reiterated.*

Pre-matric Stipends to Scheduled Caste/Scheduled Tribe Students

6.138 Pre-matric stipends are awarded to Scheduled Caste/Scheduled Tribe students, as an incentive to promote education among these communities, in most of the States/Union Territories, though the rates of these stipends vary from State to State. Available information regarding the rates of these stipends to Scheduled Caste/Scheduled Tribe day scholars are given in the table below :—

S. No.	Name of State/ Union Territory	Incentive Scholarship in Classes	
1	2	3	
1.	Andhra Pradesh (1978-79)	I & II III to VIII IX to X	Rs. 30 PA* Rs. 45 PA Rs. 85 PA
2.	Assam (1979-80)	V—VII VIII—X	Rs. 50 PA (Means test Rs. 70 PA Rs. 300 PM)
3.	Bihar (1979-80)	I—IV V—VI VII—X	Rs. 50 PA Rs. 100 PA Rs. 200 PA
4.	Gujarat (1978-79)	Primary Middle Secondary	Rs. 40 PA Rs. 75 PA Rs. 75 PA
5.	Jammu & Kashmir (1979-80)	IV—V VI—VIII IX—X	Rs. 10 PM (Means Rs. 15 PM test Rs. Rs. 20 PM 300 PM)
6.	Karnataka (1979-80)	Middle Secondary	Rs. 50 PA Rs. 75 PA
7.	Madhya Pradesh (1980-81)	Middle Secondary	Rs. 150 PA for boys Rs. 225 PA for girls Rs. 225 PA for boys Rs. 300 PA for girls
8.	Manipur (1979-80)	VI VII—VIII Secondary	Rs. 5 PM Rs. 7 PM Rs. 10 PM
9.	Nagaland. (1979-80)	Middle Secondary	Rs. 15 PM Rs. 20 PM
10.	Orissa (Jan. 1981)	M.E. School High School	Rs. 55 PA Rs. 75 PA
11.	Rajasthan (1979-80)	VI to VIII IX to XI	Rs. 10 PM Rs. 20 PM
12.	Tripura (1979-80)	Secondary	Rs. 30 PM
13.	Uttar Pradesh (1979-80)	I—V VI VII to VIII IX to X	Rs. 36 PA (Means Rs. 108 PA test Rs. 144 PA Rs. 500 Rs. 216 PA PM)
14.	West Bengal (1979-80)	IX to X	Rs. 4.50 PM to Rs. 6.00 PM in different areas
15.	Lakshadweep (1979-80)	Secondary	Rs. 30 PM
16.	Mizoram	Middle Secondary	Rs. 5 PM Rs. 7 PM

*PA = Per annum
P.M. = Per month

6.139 It would be seen from the above table that the rates of these stipends are very low in *Andhra Pradesh, Assam, Gujarat, Karnataka, Manipur, Mizoram, Orissa* and *West Bengal.* Even in other States, the rates are not adequate. *All State Governments should therefore review the existing rates of Pre-matric stipends in the light of the steep rise in the cost of living and increase the rates of stipends, accordingly. The rates should preferably be linked up with the cost of living index number.*

6.140 It has been observed that in most of the States, the number of these stipends, even at low rates are restricted by the availability of funds. Some States like *Madhya Pradesh, Punjab* and *Rajasthan* claim that these stipends are awarded by them to all the eligible Scheduled Caste/Scheduled Tribe students. But a large number of other States/Union Territories are still far from the target of universal coverage. *It is felt that the scheme of Pre-matric scholarships to Scheduled Caste/Scheduled Tribe students should be made an open-ended one like the Post-matric scholarships and all the eligible Scheduled Caste/Scheduled Tribe students should be awarded Scholarships. All the State Governments/Union Territory Administrations which have not yet made universal coverage of Pre-matric stipends should therefore look into the matter and consider the desirability of doing so, early.*

Opportunity Cost

6.141 It has been observed that in spite of the award of Pre-matric stipends to Scheduled Caste/Scheduled Tribe students, the progress of education

of these communities at pre-matric stages has not been encouraging. One of the major handicaps in this regard is the socio-economic backwardness of Scheduled Castes due to untouchability and poverty and economic backwardness of Scheduled Tribes. A majority of them fall below the poverty line. They are compelled to send their children to work even to get subsistence income for their families. This is specially true of families of leather workers, fishermen, civic sanitation workers, workers engaged in cottage and village industries and other workers in unorganised sectors. In such a situation, it becomes very difficult for such categories of Scheduled Caste/Scheduled Tribe families to afford to send their children to school. In this connection, as already mentioned in Commissioner's 1977-78 Report, the Government of *Karnataka* had introduced a scheme of incentives to the parents of tribal children, according to which they were paid Rs. 10 per month for each of their children studying in school. It was also recommended in that Report that the example of *Karnataka* should be followed by other States/Union Territories. The action taken by various State Governments in this regard is not known. *It is, therefore, reiterated that provision should be made by all State Governments/Union Territory Administrations to pay opportunity cost at the rate of at least Rs. 20 per child sent to school to the Scheduled Caste/Scheduled Tribe families subject to a means test, specially to the families of the above mentioned categories of workers, to compensate them for the loss of income they may have to undergo on account of sending their children to school. Unless this type of a realistic approach is made, efforts made for the promotion of education among Scheduled Caste/Scheduled Tribe children may prove abortive.*

Scholarships to Scheduled Caste/Scheduled Tribe children studying in States other than their home States

6.142 A number of representations have been received in this organisation that children of Scheduled Caste/Scheduled Tribe persons studying in States/Union Territories other than those to which they belong, are not awarded Pre-matric stipends by the States in which they are domiciled while there is also no provision for the payment of these stipends by their home States. As a result, such children are deprived of these stipends. A situation in which these children have to study in States other than their home States, cannot be avoided because in most of such cases, they are the children of Central Government employees or employees of Public Sector Undertakings who are transferred from one State to another. Under the existing rules of various State Governments such students are put to unnecessary hardship. It is felt that the number of such students may not be large. *It is, therefore, recommended that such students should be awarded these stipends by the Governments of their home States like the Post-matric scholarships. All the State Governments/Union Territory Administrations should therefore consider the desirability of taking necessary action in this regard.*

Pre-matric Scholarships to children of those engaged in unclean occupations i.e. scavenging of dry latrines, tanning and flaying

6.143 A Centrally Sponsored Scheme of pre-matric scholarships to children of those engaged in unclean occupations like scavenging of dry latrines, tanning and flaying, was introduced from the academic year 1977 in order to provide good school education to them. It was observed that persons engaged in such occupations were rendering great service to the society but the percentage of School drop-outs among their children was much larger and this was resulting in their continued backwardness. Under the scheme 1,000 scholarships are awarded to these children studying in Class VI to X in institutions having hostel facilities. These facilities are made available to the children of those parents whose income does not exceed Rs. 500 per month. Not more than one child in the family is eligible for the award of this scholarship. The scheme is implemented by the State Governments with the help of some reputed voluntary organisations. The rate of scholarships is Rs. 100 per month to meet the expenditure of tuition fee, cost of boarding and lodging, cost of books and other incidental charges. An additional allowance of Rs. 45 per month is also given to cover expenditure on uniforms clothing, towels, toilets etc. The scholars are not required to render any help to the parents during the course of their studies. This scheme is being financed jointly by the Centre and States on matching grants basis from the year 1979-80.

6.144 During the year under report, an amount of Rs. 6.75 lakhs as Central share was earmarked for the various State Governments under the scheme, as follows :—

S. No.	Name of the State	Central share earmarked during 1979-80
1	2	3
		(Rs. in lakhs)
1.	Andhra Pradesh	0.90
2.	Assam	0.50
3.	Bihar	0.02
4.	Gujarat	1.82
5.	Haryana	0.36
6.	Orissa	0.22
7.	Tamil Nadu	0.43
8.	Uttar Pradesh	2.50
	TOTAL	6.75

6.145 In the absence of information regarding number of scholarships awarded, allocations made by different States and expenditure incurred during 1979-80, it is not possible to comment as to how the scheme functioned after it was financed on matching grant basis. In the Annual Reports of the Commissioner for the

years 1977-78 and 1978-79, it was observed that the number of these scholarships was too small to cover all the children of the categories for whom these were meant. It was also recommended that the number of these scholarships should be increased suitably to cover more children of these categories. The action taken by the Ministry of Home Affairs is not known. *The above recommendation is, therefore, reiterated.*

Na.ional Talent Search Scholarships

6.146 The National Council of Educational Research and Training awards 500 scholarships to talented students at 10+2 stage on the basis of a competitive examination held annually at different centres in the country. The scholarship is given to these talented students till they complete their educational career in Arts, Science or professional disciplines. The amount of scholarship varies from Rs. 150 to 200 per month, in addition to Rs. 200 to 300 per year for the purchase of books. According to available information, no N.T.S scholarship was awarded to any Scheduled Caste/Scheduled Tribe students during the year 1979-80. During 1980-81, 2 Scheduled Caste students were awarded these scholarships. Thus the number of Scheduled Caste/Scheduled Tribe scholars benefited by this scheme is almost negligible.

Post-matric Scholarships to Scheduled Caste and Scheduled Tribe students

6.147 The Centrally Sponsored Scheme for the award of Post-matric Scholarships to Scheduled Caste and Scheduled Tribe students pursuing approved courses of studies in recognised educational institutions, is one of the most ambitious schemes under the Backward Classes Sector, for the advancement of education among these communities. Scheduled Caste converts to Buddhism are also now covered under the scheme. This is one scheme under which the number of beneficiaries is not determined by the Plan outlays, but all the eligible applicants are awarded scholarships. The level of expenditure reached at the end of each Plan period becomes committed and is taken over by the States. Only the outlays, over and above that level, whether due to an increase in the number of scholarships or due to increase in their rates, or both, are met by the Central Government.

6.148 The scheme which was introduced by the Union Ministry of Education in 1944, initially covered only Scheduled Caste students but was extended to Scheduled Tribe students also from the year 1948-49. Till the year 1958-59, the scheme was operated directly by the Ministry of Education. However, with the rise in the number of scholarships and with a view to accelerating their disbursement, the scheme was decentralised in 1959-60 and since then it is being implemented by the State Governments/Union Territory Administrations according to the regulations framed by the Government of India. The scheme was transferred from the Ministry of Education to Department of Social Welfare in 1968 and later to Ministry of Home Affairs.

Number of Scholarships and Expenditure

6.149 The number of scholarships has been gradually increasing, since the inception of the scheme. From 114 scholarships awarded in 1944-45, their number increased to 4.61 lakhs (3.89 lakhs for Scheduled Castes and 0.72 lakh for Scheduled Tribes) in 1978-79 and was expected to be 5.06 lakhs (4.28 lakhs for Scheduled Castes and 0.78 lakh for Scheduled Tribes) in 1979-80 and 5.57 lakhs (4.71 lakhs for Scheduled Castes and 0.86 lakh for Scheduled Tribes) in 1980-81. Central Assistance of Rs. 7.57 crores was released to the States/Union Territories over and above their committed expenditure of Rs. 38.88 crores, under the scheme, during the year 1979-80. An outlay of Rs. 130 crores has been made for the scheme, for the Sixth Five Year Plan period under the Central Sector, while for the year 1980-81, an outlay of Rs. 20 crores has been provided.

Quantum and Rates of Scholarships

6.150 The scheme of Post-matric scholarships covers maintenance allowance, compulsory non-refundable fees, study tour charges in professional courses and thesis charges. The rates of maintenance charges before the year 1974-75 varied from Rs. 27 per month for day scholars and Rs. 40 per month for hostellers for under-graduate courses to Rs. 60 per month for day scholars and Rs. 75 for hostellers in professional degree courses in engineering and medicine. Since these rates which were fixed as far back as 1954, had become quite inadequate with the steep rise in price level, it was, repeatedly recommended in Commissioner's earlier Reports that the rates of scholarships should be increased three times and, if that was not acceptable, there was a clear case to at least double the same. It was also recommended that the maximum income limit for the means test for Scheduled Castes should be raised from Rs. 500 to Rs. 1200 per month. In pursuance of Commissioner's above mentioned recommendations, the scheme was rationalised, increasing the rates of scholarships and liberalising the means test from the academic year 1974-75.

Revised regulations

6.151 Some of the important changes made in the revised regulations are given below :—

(i) The minimum rate of maintenance allowance for general courses upto graduate level, was increased from Rs. 27 per month to Rs. 40 per month for male day scholars and from Rs. 40 per month to Rs. 70 per month for male hostellers. The maximum rate of maintenance allowance for higher technical and professional studies was increased from Rs. 60 and Rs. 75 per month to Rs. 75 and Rs. 125 per month for male day scholars and hostellers, respectively. The female students were to be given an additional sum of Rs. 10 per month in the first year and Rs. 15 per month for the second and subsequent years, over and above the amount of scholarships received by male students.

(ii) If more than two children of the same parents/guardians were pursuing post-matric studies, only two of them were to be eligible for the grant of these scholarships.

(iii) The ceiling of parents/guardians income limit for the Scheduled Castes, under the means test was increased from Rs. 500 per month to Rs. 750 per month. The Scheduled Tribes to whom the means test did not apply earlier, were also subjected to the same means test as was applicable to the Scheduled Castes.

(iv) Students who were in full time employment were not to be eligible for scholarships, irrespective of their income or family liabilities.

(v) Trade courses were excluded from the scheme.

(vi) Meritorious students getting 60 per cent or above marks who were getting 1½ times the ordinary rates of scholarships under the old rules were to have the option either to get scholarships at the new ordinary rates or the old rates whichever were more beneficial to them.

Need for enhancement of rates of Scholarships

6.152 Since the increase in the rates of scholarships made in the revised regulations was considered quite inadequate as compared to the sharp rise in the cost of living, it was again recommended in Commissioner's 1973-74 Report that these rates should be further increased in order to neutralise at least a major part of the increase in price level. In pursuance thereof, the rates of scholarships to Scheduled Caste/Scheduled Tribe students pursuing Medical and Engineering Degree courses and staying in hostels were further increased from January, 1978. During the first year of these courses, the rates were increased from Rs. 125 and Rs. 135 to Rs. 185 and Rs. 195 per month for boys and girls, respectively. During the second and subsequent years the rates were increased from Rs. 125 and Rs. 140 to Rs. 185 and Rs. 200 per month for boys and girls respectively. No increase was made in the rates of scholarships of day scholars pursuing these courses or for scholars pursuing other courses. It was therefore, again recommended in Commissioner's 1977-78 and 1978-79 Reports that, since the rates of scholarships to Scheduled Caste/Scheduled Tribe day scholars pursuing Medical and Engineering courses as well as day scholars and hostellers pursuing courses other than the above mentioned two courses, were quite inadequate as compared to the steep rise in price level, the same should be increased suitably. It is understood that the matter is still under the consideration of the Government of India. In this connection, it may be pointed out that, since Scheduled Caste/ Scheduled Tribe students were finding it difficult to meet their expenses with the inadequate rates of scholarships, some States like *Andhra Pradesh, Tamil Nadu* and *Uttar Pradesh* had started schemes to sanction supplementary amounts, in addition to the Post-matric scholarships, to enable these students to meet their expenses. In this connection, the Government of *Orissa* have recommended to the Government of India that the rates of Post-matric scholarships should be raised at a flat rate of Rs. 50 per month from the academic year 1981. There appear to be clear indications that the rates of the Government of India scholarships are quite inadequate. *It is, therefore, reiterated that the Government of India should look into the matter and take an early decision to increase the rates of Post-Matric Scholarships adequately, for all the courses, in order to neutralise the major portion of the steeply mounting cost of living. It is desirable that the rates of these scholarships should be linked with the cost of living index numbers like the rates of Dearness Allowance to Government employees, so that the rates of scholarships are automatically reviewed and increased after every few (say eight) points' increase in the index numbers. It is also recommended that the maximum income limit for the means test,* viz. *Rs. 750 per month should also be suitably raised taking the increase in the price level into consideration. It is felt that the maximum income limit should be raised to at least Rs.* **1,250 per month.**

Scholarships to students in full-time Employment

6.153 According to the revised Regulations, Scheduled Caste/Scheduled Tribe students in full-time employment were not eligible for the grant of scholarships. A large number of representations were received in this Organisation requesting that the restriction should be removed. The matter was taken up with the Union Ministry of Home Affairs. It was also recommended in Commissioner's Reports for 1973-74, 1974-75 and 1978-79 that the Scheduled Caste/ Scheduled Tribe students in full employment should be made eligible for the award of scholarships subject to the same means test as was prescribed for non-employed students, with the difference that in their case the total family income including the income of the students concerned instead of the incomes of only their parents/ guardians should be assessed for the purpose of the means test. In pursuance of these recommendations, the Ministry of Home Affairs issued instructions in June, 1980 that Scheduled Caste/ Scheduled Tribe students in full-time employment would also be eligible for award of scholarships with effect from the academic year 1980-81, subject to the condition that their own and their parents'/ guardians' combined income was less than Rs. 750, but in their case the scholarships would be confined only to the re-imbursement of all compulsorily payable fees, while no maintenance allowance would be paid. It is encouraging that the Ministry has allowed a part of the scholarship to such students. *However, it is felt that since the maintenance allowance constitutes the major portion of the scholarship, its non-payment to these students makes the sanction of scholarships to them only nominal and an eye wash. There is no justification in debarring such students from the payment of*

the maintenance allowance when the Ministry has agreed in principle to sanction scholarships to them after clubbing their incomes with the incomes of their parents/guardians for the purpose of the means test. As a matter of fact it is all the more necessary to pay the maintenance allowance in full to such students because they may be the only earning members in their families with a number of dependents on them, and may have been compelled to take up employment by the force of pressing family circumstances. It is, therefore, recommended that the Ministry should reconsider the matter and take an early decision to allow the payment of maintenance allowance to full time employed students as well, subject to the means test already prescribed by the Ministry for such students.

Removal of restriction of two children of the same parents for the grant of Scholarships

6.154 According to the revised Regulations, only two children of the same parents/guardians eligible for the grant of scholarships. A large number of representations from Scheduled Caste/Scheduled Tribe persons were received in this organisation requesting for the removal of this restriction and making all the children of the same parents/guardians eligible for the scholarships. The matter was taken up with the Ministry of Home Affairs. It was also recommended in Commissioner's 1973-74, 1977-78 and 1978-79 Reports that since the restriction appeared to be retrograde and illogical and was likely to prove as a disincentive to the Scheduled Caste and Scheduled Tribe persons to send their children for higher education, the restriction of the award of scholarships to only two children of the same parents/guardians should be removed and all their children should be made eligible for the scholarships if they satisfied the means test. In pursuance of the above mentioned recommendations, the Ministry of Home Affairs issued instructions to remove the above mentioned restriction in the case of only girl students from the academic year 1980-81. These instructions will remain in force till the end of the year 1984-85, when these will be reviewed. *While the action taken by the Ministry in removing the restriction in the case of girl students is welcome, it is felt that there is no justification in continuing the restriction in the case of male students. In this connection, as already pointed out in Commissioner's previous Report, the Scheduled Caste/Scheduled Tribe persons who have more than two children studying in Post-matric Classes, have to spend a larger amount of money on their education and as a matter of fact are more in need of financial assistance than those who have only two or less number of children studying in these classes. While the necessity of having a small family cannot be questioned, the post-matric scholarship scheme meant for the advancement of higher education among the Scheduled Castes/Scheduled Tribes should not be allowed to be used as a means to achieve the goal of a small family, otherwise it will defeat the very purpose for which the scheme was introduced. It is, therefore, reiterated that the Ministry of Home Affairs should reconsider the matter and take an early decision to remove the restriction of the award of scholarship to only two children of the same parents/guardians in the case of male students also and to make all their children eligible for the award of scholarships subject to their fulfilling the prescribed conditions.*

Scholarships for pursuing studies in the second professional line

6.155 Under the existing regulations, Scheduled Caste/Scheduled Tribe students who had completed their studies in one professional line were not eligible for the award of scholarship for pursuing studies in the second professional line. The Ministry of Home Affairs have since liberalised this regulation from the academic year 1980-81 and allowed the grant of scholarship for pursuing studies in two professional lines, subject to the condition that studies in the second professional line would be taken up only after the completion of studies in the first professional line.

Delay in the payment of scholarships

6.156 The Government of India have been issuing instructions to various State Governments/Union Territory Administrations, from time to time, suggesting various steps for avoiding delay in the payment of scholarships to Scheduled Caste/Tribe students. Such steps include decentralisation of the sanctioning authority at district level, introduction of entitlement cards, supply of application forms to students by the educational institutions, discontinuance of the practice of demanding caste certificates in renewal cases, *ad hoc* payments, etc. It has, however, been observed that cases of delay in the payment and disbursement of scholarships still continue. A number of representations were received in this Organisation during the years under Report complaining against the hardships faced by Scheduled Caste/Scheduled Tribe students on account of delay in the payment of scholarships to them. These cases were taken up with the State Governments concerned for suitable action. In this connection, it has been repeatedly recommended in Commissioner's earlier reports that the State Governments/Union Territory Administration should take early steps to implement various suggestions made by the Ministry of Home Affairs as well as the Commissioner for Scheduled Castes and Scheduled Tribes, to eliminate delay in the payment of post-matric scholarships. Since complaints of delay in the payment of scholarships are still being received, it appears that the State Governments/Union Territory Administrations have not taken adequate steps on the lines suggested by the Ministry of Home Affairs and the Commissioner. *It is, therefore, reiterated that all the State Governments/Union Territory Administrations should take urgent steps to implement the above mentioned suggestions to avoid delay in the payment of Scholarships.*

Benefits of the Post-matric Scholarships Scheme to the Backward Scheduled Caste/Tribe Communities

6.157 As already mentioned in Commissioner's earlier Reports, it has been observed from different studies that the benefits of the scheme of Post-matric scholarships have not accrued equitably to the more backward communities among the Scheduled Castes and Scheduled Tribes, while some better placed communities among them have derived much more than proportionate benefits from the scheme. It was, therefore, recommended in Commissioner's 1975—77, 1977-78 and1978-79 Reports that urgent steps should be taken to identify the economically more backward communities among the Scheduled Castes and Scheduled Tribes in all the States/Union Territories and special programmes at the pre-matric level, like special coaching classes, increased rates of pre-matric stipends, supply of free books, uniforms, mid-day meals, etc., should be taken up in order to encourage more students among these communities to reach the level of post-matric education, to enable them to derive benefits from the post-matric scholarships scheme. Some State Governments have taken steps to enlarge the scope of award of pre-matric scholarships. Steps have also been taken by some State Governments to pay opportunity cost to the families of the Scheduled Caste/Scheduled Tribe children, to compensate for the loss of income due to sending their children to school, since most of them start assisting their parents in their occupations at early age. *It is desirable that all the State Governments/Union Territory Administrations who have not yet taken similar steps should do so early for the payment of opportunity cost specially to the families of Scheduled Caste/Scheduled Tribe persons engaged in occupations like agricultural labour, leather work, sweeping and scavenging, marginal farmers etc.*

Post-matric Scholarships to children of non-Scheduled Castes/Scheduled Tribes engaged in scavenging of dry latrines, tanning and flaying

6.158 A Centrally Sponsored Scheme of Post-matric scholarships exclusively for the children of non-Scheduled Castes/Tribes engaged in scavenging of dry latrines, tanning and flaying was introduced by the Government of India in the academic year 1977-78, so that these people who suffer from the same socal disabilities as Scheduled Castes, should also receive post-matric scholarships under the existing scheme. The expenditure on the scheme is to be met from funds provided by the Central Government under the centrally sponsored scheme of post-matric scholarships for Scheduled Caste/Scheduled Tribe students. The means test, the rates of scholarships and other conditions of eligibility are the same as those prescribed for the existing scheme of Post-matric scholarships for Scheduled Castes and Scheduled Tribes. The number of scholarships to be awarded every year is 500. In case, the number of applications during the year is more than the number of scholarships, the selection is made on the basis of merit. The State-wise break up of allocation of scholarships is given below :—

S. No.	Name of the State/ Union Territory	Allocation of Scholarships
1	2	3
1.	Andhra Pradesh	40
2.	Assam	15
3.	Bihar	25
4.	Gujarat	20
5.	Haryana	15
6.	Punjab	30
7.	Jammu & Kashmir	20
8.	Karnataka	20
9.	Kerala	15
10.	Madhya Pradesh	35
11.	Maharashtra	50
12.	Orissa	15
13.	Rajasthan	15
14.	Tamil Nadu	20
15.	Uttar Pradesh	95
16.	West Bengal	50
17.	Delhi	20
		500

6.159 The scheme has been in operation since 1977-78 but from the available information it appears that it could not benefit, up to the desired extent, those who come under it and the basic idea of introducing the scheme has failed so far. As per the available information, during the year 1977-78, 1978-79 and 1979-80 only 6, 12 and 14 scholarships respectively were awarded under the scheme against the target of 500 scholarships fixed. During the year 1979-80 in the State of *Andhra Pradesh*, it is reported that only 12 scholarships were awarded against an allocation of 40 scholarships. In the States of *Karnataka* and *Haryana*, one scholarship each was awarded during the year 1979-80 against an allocation of 20 and 15 scholarships, respectively. The Government of *Assam* is reported not to have received even a single application for the grant of scholarship under the scheme.

6.160 From the scanty information received in this Organisation it appears that the scheme has so far failed to serve the basic purpose for which it was introduced. It appears that either it is not being implemented properly or the persons for whom it is meant are not aware of its existence. *It is, therefore, recommended that the Ministry of Home Affairs and concerned States/Union Territories should give wide publicity to enable more students of these categories to take advantage of the scheme. It is reiterated that the expenditure under the scheme should not be met from the budget allotment made for Post-matric scholarships for Scheduled Castes and Scheduled Tribes, but it should be met from a separate budget head.*

Book Banks for Scheduled Caste/Scheduled Tribe students in Engineering and Medical Colleges

6.161 A Centrally Sponsored Scheme for setting up Book Banks in various Medical and Engineering Colleges in the country was started in 1978-79, for lending sets of books on medical and engineering degree courses to Scheduled Caste and Scheduled Tribe students who cannot afford to purchase these costly books. The scheme is being financed jointly by the Centre and States on a 50:50 basis, from the year 1979-80.

6.162 During the years 1978-79 and 1979-80, amounts of Rs. 48 lakhs and Rs. 10 lakhs were released by the Government of India under the scheme. The number of sets/books provided to an institution depends on the total number of Scheduled Caste/Scheduled Tribe students studying in the institution. According to available information, 2,000 books/sets were provided during 1978-79 and additional 1,300 books/sets were provided during the year 1979-80.

6.163 In this connection it may be pointed out that Scheduled Caste/Scheduled Tribe students of all Degree Colleges, in addition to engineering and Medical Colleges, also feel hardship to purchase books. It was, therefore, recommended in Commissioner's 1978-79 Report that the scheme should be expanded to cover all the Degree Colleges to enable deserving Scheduled Caste/Scheduled Tribe students pursuing science/commerce and arts degree courses also to derive benefits from the Book-Bank facility. The action taken by the Union Ministry of Home Affairs in this regard is not known. *The recommendation is, therefore, reiterated.*

National Overseas Scholarships to Scheduled Castes, Scheduled Tribes, Denotified, Nomadic and Semi-nomadic Tribes

6.164 The Government of India initiated a scheme for the award of national overseas scholarships to Scheduled Castes, Scheduled Tribes, Denotified, Nomadic/Semi-Nomadic Tribes and Other Economically Backward Classes, in 1954-55, for pursuing post-graduate studies and research abroad, in subjects for which suitable facilities were not available in India. Preference was given to students in Engineering, Technology, Medicine, Agriculture and Science. The number of scholarships, which was 6, initially, was increased to 12 in 1955-56. In pursuance of recommendations made in Commissioner's earlier Reports to increase the number of these scholarships to encourage more Scheduled Caste/Tribe candidates to go abroad for higher studies and research, the number of these scholarships was increased to 21 in 1972-73, out of which 11 scholarships were earmarked for Scheduled Castes. 6 for Scheduled Tribes, 1 for Denotified Tribes and 3 for Other Backward Classes. From the year 1977-78, the Government of India decided to reserve one scholarship, out of the Scheduled Castes quota, for Neo-Buddhists formerly belonging to Scheduled Castes. The scheme of National Overseas Scholarships which was valid upto 31st March, 1980 has since been extended for another period of five years, *i.e.* upto 1985-86.

Rates of Scholarships

6.165 The rates of these scholarships are U.S. $ 5,000 per annum for post-graduate and Ph.D scholars and U.S. $6,000 per annum for post-doctoral scholars, in all countries. In addition to maintenance allowance, these scholars are also entitled to train fare/cost of passage both ways, equipment allowance of Rs. 500, journey allowance of £ 3 and actual cost of tuition, examination and other compulsory fees, medical/health insurance premia and cost of books, study tours etc., up to a maximum of £ 250 in all countries per annum.

Number of Scholarships

6.166 During 1978-79, 25 scholarships were available, including 4 scholarships for Scheduled Tribes carried forward from the previous year, out of which 10 were for Scheduled Castes, 1 for Neo-Buddhists, 10 for Scheduled Tribes, 3 for Other Economically Backward Classes and 1 for Denotified, Nomadic and Semi-Nomadic Tribes. Information regarding the number of scholarships awarded during that year has not so far been received from the Ministry of Home Affairs.

6.167 According to available information, during the last 3 years, i.e. from 1976-77 to 1978-79, 68 candidates (Scheduled Castes—40, Scheduled Tribes—15, Denotified, Nomadic and Semi-Nomadic Tribes—5 and Other Economically Backward Classes— 8) were selected under the scheme, out of whom 28 candidates had been sent abroad and admissions in respect of 40 candidates were still awaited. It was learnt that the selected candidates belonged to *Andhra Pradesh, Assam, Bihar, Karnataka, Manipur, Meghalaya, Punjab, Rajasthan, Maharashtra, Tamil Nadu, Uttar Pradesh* and *West Bengal.*

6.168 The Government of India decided to award 45 scholarships for the years 1979 to 1981, out of which 20 scholarships were earmarked for Scheduled Castes, 13 for Scheduled Tribes, 2 for Neo-Buddhists, 2 for Denotified, Nomadic and Semi-Nomadic Tribe and 8 for Other Economically Backward Classes. The last date for the receipt of applications in the Ministry of Home Affairs was 30th November, 1980. However, information regarding the number of scholarships actually awarded, has not so far been received from the Ministry.

6.169 It was observed that during the last few years, some of these scholarships had remained unutilised. It was, therefore, recommended in Commissioner's 1975-76 and 1978-79 Reports that, suitable measures like giving wider publicity to the scheme should be taken to see that all the scholarships were utilised by deserving Scheduled Castes and Scheduled Tribes students. The action taken by various State Governments/Union Territory Administrations in this regard, is not known. *It is, therefore, reiterated that all the State Governments/Union Territory Administrations should give wide publicity through different media like press, radio, T.V., etc., in order to attract more Scheduled Caste/Scheduled Tribe candidates for these scholarships, so that no scholarship remains unutilised.*

CHAPTER 7

UNTOUCHABILITY

Caste prejudices with the accompanying evil of the practice of untouchability against Scheduled Castes continue to prevail in the various parts of the country. No doubt, numerous reform movements have stirred Indian Society over the past century and a half. Efforts made by social reformers, religious leaders and others to eradicate this evil have not borne the requisite results. One such movement by Jotirao Phule, through the Satya Shodhak Samaj in Maharashtra, went perhaps the farthest along this road. Actually the practice has infected other religions also because at times it is reported that Scheduled Caste converts to religions like Islam and Christianity also face similar handicaps from their co-religionists.

7.2 The earlier reports of the Commissioner contain detailed description about the prevalence of untouchability in various parts of the country. Various studies on untouchability were conducted by this organisation, non-official agencies and social scientists and all these studies indicated that this evil was in existence in almost all the States and Union Territories. The practice was observed in more acute form in rural areas of the country where it was being practised in various forms such as denial of common water sources, places of worship, village schools, communal dinners and celebrations of social and religious functions. It may be of interest to indicate that sometimes the evil changes its form but untouchability continues to be practised as before. One such reference relates to the construction of separate *gharohis* in many of the desert areas of Rajasthan for the persons belonging to lower castes. Subsequently, the State Government took steps to energise wells of these areas possibly the intention was that the Scheduled Castes may not be required to face humiliation of taking water from lower level *gharohis* that had been allotted for them by the higher sections of society earlier. The change in form related to the installation of separate taps for the use of members belonging to various castes inhabitating the desert areas of Rajasthan. Thus the only change that was witnessed related to replacement of animal energy for drawing water by energisation of wells.

7.3 Besides making efforts to tackle this problem at social front, attempts have also been made by passing various acts for punishing those indulging in the practice of untouchability. As many as 27 acts had been enacted on the attainment of Independence by various States for removing social disabilities and authorising entry of all sections of Hindus to the temples. With the promulgation of Constitution in January 1950, Parliament assumed the power to undertake legislation for prescribing punishment for the practice of untouchability which had been abolished and its practice in any form forbidden. The Untouchability (Offences) Act, 1955, came into operation in May, 1955 after a period of five years of enforcement of Constitution. However, it began to be experienced that the Act had not been helpful in bringing about concrete results on account of factors such as provisions for compounding the offences, delay in their prosecution and minor punishment for offenders. Many lacunae and shortcomings were felt depicting that many people could justify the practice of untouchability with the support of religious books with impunity. So the Government of India in the then Department of Social Welfare appointed a Committee on Untouchability and Economic and Educational Development of Scheduled Castes in 1965 and after examining the recommendations made by the Committee under reference in January, 1969 in consultation with the State Governments prepared a Bill known as Untouchability (Offences) Amendment and Miscellaneous Provisions. The Bill was introduced in the Lok Sabha in 1972. A Joint Committee of Parliament made a number of changes and renamed it as the Protection of Civil Rights Act which was enforced in November, 1976.

7.4 The Act provides penalties for preventing a person, on the ground of untouchability, from entering a place of public worship and offering prayers or taking water from a sacred tank, well or spring. Penalties are also provided for enforcing any kind of social disability such as denying access to any shop, restaurant, public hospital or educational institution, hotel or any place of public entertainment, or denying the use of any road, river, well, tank, water tap, bathing ghat, cremation ground, sanitary convenience, *dharamshala*, *sarai* or *musafirkhana* or utensils kept in such institutions and hotels and restaurants. The Act prescribes penalties for enforcing occupational, professional or trade disabilities, or disabilities in the matter of enjoyment of any benefit under a charitable trust, in the construction or occupation of any residential premises in any locality or in the observance of any social, religious usage or ceremony.

7.5 The Act also lays down penalties for refusal to sell goods or render services to a person on the ground of untouchability, molesting, injuring or annoying a person or organising a boycott of, or taking any part in the ex-communication of a person who has exercised the rights accruing to him as a result of abolition of untouchability.

7.6 Direct or indirect preaching of untouchability or its practice in any form or its justification, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or any other ground is deemed to be an offence under the Act. Compulsion on the ground of 'untouchability' to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove umbilical cord or to do any other job of a similar nature, is deemed to be enforcement of a disability arising out of untouchability and is an offence under the Act.

7.7 Offences under the Protection of Civil Rights Act are cognizable as well as non-compoundable. There is a provision for awarding minimum punishment of both imprisonment and fine. For the first offence, the punishment may vary from imprisonment of one month and fine of Rs. 100 to imprisonment of six months and fine of Rs. 500. For the second offence, the punishments range from imprisonment of six months and fine of Rs. 200 to imprisonment of one year and fine of Rs. 500. For the third and subsequent offences, the quantum of punishment may vary from imprisonment of one year and fine of Rs. 500 to imprisonment of two years and fine of Rs. 1,000. Offences with a minimum term of three months imprisonment are triable summarily by the Courts.

7.8 Incitement or abetment of untouchability offence has been treated in the same manner as the commission of the offence. Moreover, a public servant who wilfully neglects the investigation of any offence punishable under the Act, is deemed to have abetted an offence under the Act. The State Governments are empowered to impose collective fines on the inhabitants of any areas where such people are involved in or abetting the commission of untouchability offences. Under the provision of Section 8 of the Representation of the People Act, 1951, a person who is convicted of an offence under the Protection of Civil Rights Act is disqualified from contesting elections to Parliament and State legislatures for a period of six years commencing from the date of such conviction.

Findings of a survey undertaken in the three districts of Tamil Nadu regarding the practice of untouchability

7.9 A survey regarding observance of untouchability conducted in the districts of Coimbatore, Kanyakumari and Ramanathapuram of *Tamil Nadu* State revealed that the traditional form of untouchability had undergone a change due to many socio-economic factors like educational advancement, provision of communication facilities in rural areas, improved economic conditions of Scheduled Castes on account of implementation of welfare programmes and legislative and executive measures adopted by the Government. Information regarding the villages and talukas of the districts covered in the survey is given in the following table :—

District	Village	Taluka
COIMBATORE	Singanallur	Coimbatore
	Palathorai	Coimbatore
	Maddappur	Tiruppur
	Vadakkipalayam	Pollachi
KANYAKUMARI	Karkad	Agasteswaram
	Kottaram	Agasteswaram
	Athiyadi	Agasteswaram
	Arampaboly	Thovalai
	Aloor	Kalkulam
	Villukuiy	Kalkulam
RAMANATHAPURAM	Thoothai	Sivaganga
	Muthamendal	Manamadurai
	Saloor	Mudukulathur
	Kamamkottai	Paramakudi

In all the 4 selected villages of Coimbatore district untouchability was not found to be observed in the use of drinikng water sources. In the six villages of Kanyakumari district also no discrimination was observed against Scheduled Castes. Out of four villages surveyed in Ramanathapuram district in two villages this evil was found to be in existence. In Thoothai village only one tap had been provided in Harijan locality, but they were not allowed to take water from the public well located in the caste-Hindu locality. In times of scarcity they had to take water from a boring pump meant for irrigation purposes. In Saloor village, there were three public wells for Scheduled Castes, but they were not allowed to take water from the wells of Caste-Hindus.

As regards access to places of religious worship in the villages of Palathorai, Maddapur and Vadakkipalayam of Coimbatore District, the Scheduled Castes offered prayers from outside. In Vadakkipalayam village, Scheduled Castes did not go into the temples to avoid clash with caste-Hindus. It was found that in the villages of Karkad Kottaram, Arampaboly and Aloor villages Scheduled Castes and others had their separate temples and churches for worship. As regards the villages of Ramanathapuram District, it was observed that in Thoothai village, persons belonging to communities of Scheduled Castes such as Parayans were not allowed entry to the Pallan temple. They could offer their prayers from outside. In Muthamendal village, the Scheduled Castes offer their prayers from outside the Temples to avoid incurring displeasure of the caste-Hindus. In Saloor village, the Scheduled Castes were not allowed to enter temples. In Kamamkottai village also, the Scheduled Castes offered their prayers from outside the temple. Out of the 14 villages surveyed, tea-stalls/hotels existed in caste-Hindu localities in 11 villages. There were no tea-stalls in the localities of Scheduled Caste persons. At places of public dining, no discrimination was observed against Scheduled Castes. They could share the same bench and could be served eatables etc. alongwith others In Vadakkipalayam village of Coimbatore District, two Scheduled Caste persons had opened their own tea-stalls in the localities

of Scheduled Castes and it was reported that both caste-Hindus and Scheduled Caste customers visited the stalls. In Palathorai village, three tea-stalls were owned by Scheduled Castes. In Saloor village of Ramanathapuram District, one grocery shop-*cum*-tea stall was owned by a (Pallan) Scheduled Caste person. But at both these places, customers consisted of persons belonging to Scheduled Caste communities only.

In some of the villages of these three districts, the Scheduled Castes were not served by washermen and barbers in their own houses. In hair-cutting saloons and laundry shops, they were not, however, discriminated. A separate section of washerman washed the clothes of Scheduled Castes except that Scheduled Castes persons belnoging to communities such as Barayan, Chakkiliyan and Arunthathiyar communities. In Siganallur village, no discrimination was observed either at hair-cutting saloons or laundry shops. In Palathorai village, the washermen did not serve Scheduled Castes. Out of 4 hair-cutting saloons, two were exclusively meant for Scheduled Castes The Scheduled Castes also visited the other two saloons but the caste-Hindus did not avail of the services of the Scheduled Castes. The barbers visited the places of caste-Hindus but did not do so in case of Scheduled Caste persons. In Maddappur village, the Scheduled Castes were denied the services of washermen and barbers. They were required to go to nearby towns for hair-cuts. In Vadakkipalayam village, the washermen served the caste-Hindus only in their homes. All the 5 hair-cutting saloons catered exclusively to the needs of caste-Hindus only. The Scheduled Castes were required to avail of the services of barbers who visited the village on market days. In Kanyakumari District, the washermen belonged to Scheduled Caste community. In Karkad village there were no laundry and barber shops. In Kottarma and Aloor villages no discrimination was observed. In Athiyadi, Arampaboly and Villukury villages no discrimination at barber shops was noticed. But in all these villages, differential treatment was meted out with regard to washing of clothes. In the district of Ramanathapuram, there were no hair-cutting saloons and laundries in the respective villages of Thoothai and Muthamendal. Barbers and washermen from adjacent villages used to come to do these jobs. In Muthumendal, there were separate washermen for Scheduled Castes and caste-Hindus. In Saloor and Kamamkottai villages, the washermen and barbers of the village served the caste Hindus only. No discrimination was observed at Schools. Leaving aside Madadapur village, Coimbatore District grocery shops existed in the rest of the 13 studied villages. These were mostly owned by caste-Hindus and existed in their own localities. These shops catered to the needs of all without any discrimination. A small provision store in Saloor village was owned by a Scheduled Caste person and only Harijans patronised it.

Generally the caste-Hindus avoided taking meals in the houses of Scheduled Caste persons. However, they accepted cold drinks in the marriage ceremonies of Scheduled Castes. Except in Karkad village of Kanyakumari District, no Scheduled Castes were invited by caste-Hindus or served meals alone with others in the same batch.

In the surveyed villages, the habitations of Scheduled Castes happened to be far away from caste-hindu localities. But in respect of recent settlements it was observed that the caste-Hindus did not hesitate to construct houses in Harijan colonies. However, among different sections of Scheduled Castes a distance was maintained. The Pallans, Adi Dravidas and other sections of Scheduled Castes segregated the Chakkiliyans, Arunthathiyars and Parayans. In Kamamkottai village of Ramanathapuram District the Harijan-Welfare Department acquired separate house sites for Pallans and Chakkiliyans because the former objected to construction of houses on the same sites alongwith Chakkiliyans. No discrimination was observed in matters relating to the affairs of panchayats.

In all the 14 villages separate burial grounds/cremation grounds were maintained for the use of different communities such as caste-Hindus, Muslims, Christians and Scheduled Castes. There were furthers, bifurcations in the burial grounds meant for Scheduled Castes.

Out of the 14 villages, 9 villages had 43 cases of matrimonial alliance between Scheduled Castes and caste-Hindus. It was observed that some of the intercaste married couples were living under stress and strains. Caste-Hindu parents had boycotted their sons/daughters who had contracted marriages with Scheduled Caste partners.

Untouchability was found to be observed in varying degrees in the three districts of Coimbatore, Kanyakumari and Ramanathapuram. In Coimbatore District, the rigorous of untouchability had reduced due to improved economic conditions of Scheduled Castes. Though educationally backward, the Scheduled Castes did not depend on caste-Hindus on account of opening of employment avenues offered by industrialisation. In Kanyakumari district the practice was almost non-existing. In Ramanathapuram District, the Scheduled Caste depended on caste-Hindus and untouchability was found to be observed also due to lack of education and communication facilities.

Findings of Harijan Sevak Sangh regarding Removal of Untouchability in some of the States

7.10 Harijan Sewak Sangh has selected some areas in the States for intensive work for removal of untouchability and a mention of the forms of untouchability noticed by the workers of the Sangh was made in the previous Report. It is now learnt that the workers of Harijans Sewak Sangh have succeeded in removing untouchability from 1,004 villages and the State-wise break-up of the same is given below :—

1.	Andhra Pradesh	221
2.	Himachal Pradesh	90
3.	Kerala	21
4.	Maharashtra	163
5.	Madhya Pradesh	50
6.	Tamil Nadu	259
7.	Uttar Pradesh	200
	TOTAL	1,004

Protection of Civil Rights Act, 1955

Number of cases registered under Protection of Civil Rights Act, 1955

7.11 The State Governments/Union Territories have furnished statistical data regarding the number of cases registered under the Protection of Civil Rights Act and their disposal during the year 1979 to this Organisation. The State Governments of *Meghalaya, Punjab, Sikkim, West Bengal, Andaman and Nicobar Islands, Dadra and Nagar Haveli,* and *Lakshdweep* have reported that no cases were registered in their States/Union Territories under the Act. The table given below indicates available information about the number of cases registered under the Protection of Civil Rights Act during the years 1978 and 1979 :—

Sl. No.	Name of State/Union Territory	1978	1979
1	2	3	4
1.	Andhra Pradesh	151	144
2.	Bihar	51	36
3.	Gujarat	716	506
4.	Haryana	4	3
5.	Himachal Pradesh	14	18
6.	Kerala	49	46
7.	Karnataka	426	550
8.	Madhya Pradesh	398	307
9.	Maharashtra	1283	1604
10.	Orissa	106	151
11.	Punjab	5	Nil
12.	Rajasthan	168	136
*13.	Tamil Nadu	547	603
14.	Uttar Pradesh	287	251
15.	Delhi	15	10
16.	Goa, Daman & Diu	2	3
17.	Pondicherry	34	32
18.	Chandigarh	Nil	1
	TOTAL	4,256	4,401

*Information relates to 1st half of 1979.

It will be seen from the above table that the number of cases registered during 1979 were 4,401. There was a marginal increase of (+) 3.41% over the reported cases in 1978.

7.12 An analysis of the fresh cases registered during 1978 and 1979 as given in the above table shows that the number of cases increased in *Maharashtra* (1,604), *Tamil Nadu* (603), *Karnataka* (550), *Orissa* (151), *Himachal Pradesh* (18), *Goa, Daman and Diu* (3) and *Chandigarh* (1) and decreased in *Gujarat* (506), *Madhya Pradesh* (307), *Uttar Pradesh* (251), *Rajasthan* (136), *Kerala* (46), *Bihar* (36), *Pondicherry* (32), *Delhi* (10), *Haryana* (3) and *Punjab* (Nil).

Disposal of Cases Under Protection of Civil Rights Act

7.13 The table below indicates the position regarding the disposal of cases registered under the Protection of Civil Rights,* Act during the years 1978 and 1979 :—

Sl. No.	Particulars	1978	1979
1	2	3	4
1.	Number of fresh cases registered	4,256	4,401
2.	Number of old cases pending wih Police	188	368
3.	Total number of cases with the Police	4,444	4,769†
4.	Number of cases closed by Police after investigation but without challaning	721 (16.22%)	698 (14.63%)
5.	Number of cases pending with Police	573 (12.89%)	1,239 (25.98%)
6.	Number of old cases pending in Courts	2,175	3,165
7.	Number of cases challaned in Courts	3,150	2,662
8.	Total number of cases with the Courts	5,325	5,827
9.	Number of cases disposed of by Courts	1,334 (25.05%)	1,330 (22.82%)
10.	Number of cases pending with Courts	3,991 (74.94%)	4,497 (77.17%)

†The total number of cases with the Police shown under 1979 does not tally with the total of S. Nos. 4+5+7 since the break-up for Himachal Pradesh, Orissa and Chandigarh are not available.

It is evident from the above table that during 1979, 698 cases were closed by the Police after investigation but without challaning. The number of such cases had actually decreased from 721 (16.22%) in 1978 to 698 (14.63%) in 1979. The number of cases pending with Police had increased from 573 (12.89%) in 1978 to 1,239 (25.98%) in 1979. Similarly, the number of old cases pending with the Courts increased to 3,165 in 1979 from 2,175 in 1978, and the number of cases decided by the Courts had marginally gone down from 1,334 (25.05%) in 1978 to 1,330 (22.82%) in 1979. This has resulted in the increase of number of cases pending with the Courts to 4,497 (77.17%) in 1979 for 3,991 (74.94%) in 1978.

*The percentage of cases as compared to total number of cases (old *plus* new) are indicated in brackets.

7.14 Statistical information given in the 5 statements at Appendix LXXIV contain available state-wise information pertaining to 1979 in respect of the following items :—

Statement No. 1 showing State-wise number of cases registered under the Protection of Civil Rights Act during the year 1979.

Statement No. 2 showing comparative analysis of Protection of Civil Rights cases registered during the years 1978 and 1979.

Statement No. 3 showing State-wise break-up as percentages to total number of cases registered under the Protection of Civil Rights Act at different stages during 1979.

Statement No. 4 showing State-wise number of cases registered with the police, challaned and pending investigation under the Protection of Civil Rights Act during 1979.

Statement No. 5 showing State-wise number of cases disposed of and pending with Courts under the Protection of Civil Rights Act during 1979.

State-wise comparative analysis of the fresh cases registered during 1978-79

7.15 A comparative analysis of the fresh cases registered during 1978 and 1979 is given in Statement No. 2. The number of cases registered under the Protection of Civil Rights Act during 1979 had increased in *Goa, Daman and Diu* (50%), *Orissa* (42.45%), *Karnataka* (29.11%), *Himachal Pradesh* (28.57%), *Maharashtra* (25.02%) and *Tamil Nadu* (10.24%) as compared to the number of cases reported in 1978. In 1978, the Union Territory of *Chandigarh* had not registered any case but in 1979 only one case was registered under the Act. At the All India level the number of cases had marginally increased to (+) 3.41%.

State-wise analysis of the Protection of Civil Rights cases at different stages during 1979

7.16 An analysis of the cases registered under the Protection of Civil Rights Act during 1979 indicates that the number of cases closed by the Police without challaning had decreased during 1979 over 1978, at the All India level to the extent of (—) 3.19%. The percentage of such cases to the total number of cases with Police (Col. 3+5 of Statement No. 1) was 14.63% in 1979 as compared to 16.22% in 1978. The cases which had not been challaned by the Police during 1979 was highest in *Maharashtra* (35.81%), followed by *Tamil Nadu* (17.76%) and *Uttar Pradesh* (13.89%). Incidently highest number of cases were also registered in *Maharashtra* and *Tamil Nadu* (For details please see Statement No. 3).

7.17 The number of cases, challaned in the Courts during 1979 had decreased as compared to the previous year. It was to the tune of (15.49%). Cases challaned constituted 55.81% of all cases with the police (Column 3+5 of Statement No. 1). Maximum number of cases challaned in the Courts by *Maharashtra, Gujarat, Tamil Nadu* and *Karnataka* were 27.38%, 17.25% and 13.14% respectively. The percentage of each State/Union Territory is given in Column 5 of Statement No. 3.

7.18 The number of cases ending in conviction had increased to (+) 31.81% in 1979 and the total number of cases with the Courts was 5,827 (Column 4+7 Statement No. 1). However, the total percentage of cases which ended in conviction was 4.47% during that year. Column No. 6 of Statement No. 3 indicates the percentages of cases which resulted in conviction in various States/Union Territories. Maximum number of cases were convicted by the Courts in the States of *Tamil Nadu* (34.48%), *Maharashtra* (13.40%) and *Rajasthan* (12.64%).

7.19 Number of cases acquitted by the Courts during 1979 decreased from 1,136 in 1978 to 1,069 in 1979. The decrease in percentage constituted (—) 5.89. Maximum number of cases were acquitted in *Gujarat* (53.13%), *Tamil Nadu* (21.14%) and *Maharashtra* (13.37%). State-wise details may be seen in Column 7, Statement No. 3. The number of cases pending in the Court was 4,497 during 1979 as compared to 3,991 in 1978. The percentage of increase over 1978 was (+) 12.67.

7.20 The number of cases pending for investigation with the police at the end of the year 1979 was 1,239. It had increased to 116.23% over 1978. Maximum percentage of cases were pending with police in *Maharashtra* (51.17%), *Tamil Nadu* (14.04%) and *Karnataka* (12.91%) (See Statement 3 for details).

7.21 There is great delay in the disposal of cases by the Courts which is evident from the fact that the number of cases pending with the Courts in 1979 as compared to the number of cases pending with the Police was higher by 3,258. Maximum percentage of cases pending with the Courts at the end of 1979 were in *Maharashtra* (38.26), *Tamil Nadu* (13.05), *Gujarat* (11.38) and *Madhya Pradesh* (11.60) (For details please see Statement No. 3). That there has been an inordinate delay in disposal of cases by the Courts will be evident from the number of cases disposed of by Courts in various States/Union Territories during 1979. 4,497 cases were pending in the Courts during 1979 as compared to the total 5,827 cases filed during 1979 (Column 4+7 of Statement No. 1). In the States of *Bihar, Delhi, Haryana* and *Goa, Daman and Diu* none of the cases were decided by the Courts in 1979. Maximum number of cases were pending in the States of *Maharashtra* 1,721 out of 1,899, *Tamil Nadu* 587 out of 903, *Madhya Pradesh* 522 out of 567, *Gujarat* 512 out of 1,090, *Uttar Pradesh* 376 out of 395, *Karnataka* 319 out of 350, *Rajasthan* 219 out of 282 and *Andhra Pradesh* 137 out of 189 (For details may be seen at Statement No. 5 Column 6).

State-wise position of the cases dealt with by the Police

7.22 A State-wise analysis of the position of the cases dealt with at the Police level during the year 1979 shows that 4,401 fresh cases were registered and 368 cases were brought forward from the previous year. Thus the total number of cases with the police was 4,769 in 1979. Out of these cases only 2,662 cases were challaned by the Police. The States/Union Territories which had challaned maximum number of cases were *Gujarat* (82.11%), *Madhya Pradesh* (76.34%), *Andhra Pradesh* (75.30%), *Kerala* (73.77%). *Rajasthan* (67.78%), *Goa, Daman and Diu* (66.66%), *Pondicherry* (60.60%) and *Tamil Nadu* (57.67%). Thus in these States/Union Territories comparatively more percentage of cases were challaned as compared to the average of 55.81% at All India level.

7.23 The number of cases not challaned by the Police after investigation had decreased during the year 1979. This constituted (—) 3.19% as compared to 1978. The percentage of cases which were not challaned in 1979 was 14.63 compared to the number of cases with the Police (Column 3+5 of Statement No. 1). Maximum number of cases which were not challaned by the Police were in *Pondicherry* (36.36%), *Goa, Daman and Diu* (33.33%), *Uttar Pradesh* (31.39%), *Rajasthan* (28.85%), *Kerala* (18.03%), *Tamil Nadu* (17.61%), *Maharashtra* (15.49%), *Andhra Pradesh* (14.45%), *Delhi* (12.5%), *Gujarat* (12.16%), *Bihar* (11.66%), *Karnataka* (7.2%), and *Madhya Pradesh* (5.10%).

7.24 Number of cases pending with the Police was 5'3 in 1978 and 1,239 in 1979. The percentage of increase over 1978 was 116.23. (For details please see Column No. 11 of Statement No. 1). The percentage of cases pending with the Police was 25.98 in 1979. The States of *Haryana* (100%), *Bihar* (66.66%), *Delhi* (50%), *Maharashtra* (39.30%), *Goa, Daman and Diu* (33.33%), *Uttar Pradesh* had comparatively more percentage of cases pending as compared to All India level. For details of cases in the categories mentioned above please see Statement No. 4.

State-wise position of cases disposed of by the Courts

7.25 For the country as a whole the number of cases decided by the Courts during 1979 ending in conviction, was (4.47%) of all the cases with the Courts (Column 4+7 of Statement No. 1) and cases which ended in acquittal was 18.34%. Percentage of cases yet to be decided by the Courts during 1979 was 77.17 of the total cases submitted in the Courts. The cases which ended in conviction were more in *Rajasthan* (11.70%), *Pondicherry* (10.00%). *Tamil Nadu* (9.96%), *Karnataka* (7 42%), *Madhya Pradesh* (5.46%) and *Andhra Pradesh* (5.29%) as compared to the All India percentage of 4.47. The number of cases which ended in acquittal in 1979 was more as compared to the cases ending in conviction. Higher percentage of cases ending in acquittal were in *Pondicherry* (90.00%), *Gujarat* (52.11%), *Tamil Nadu* (25.02%), *Andhra Pradesh* (22.22%) as compared to the All India percentage of acquittal.

District-wise analysis of cases registered during 1979 under the Protection of Civil Rights Act, 1955

7.26 Except for *Andhra Pradesh, Bihar, Gujarat, Kerala, Karnataka, Madhya Pradesh* and *Uttar Pradesh* the requisite information was not made available by the remaining State Governments/Union Territory Administrations. The table* given below indicates types of untouchability cases registered during 1979 in the above mentioned States.

State	No. of cases registered under P.C.R. Act during 1979 relating					
	Drinking water sources	Temples	Shops/ hotels	Insulting & beating	Other types	Total
1	2	3	4	5	6	7
1. Andhra Pradesh .	24	2	18	62	38	144
2. Bihar . . .	9	2	..	2	23	36
3. Gujarat . .	59	14	109	206	118	506
4. Kerala . . .	.	1	..	42	3	46
5. Karnataka . .	37	17	157	271	68	550
6. Madhya Pradesh .	85	29	63	93	37	307
7. Uttar Pradesh .	41	4	34	138	34	251

*Please see Appendix LXXV for district-wise d tails.

Cases registered under Protection of Civil Rights Act during 1980.

7.27 Available information regarding cases registered under Protection of Civil Rights Act during 1980 in respect of *Andhra Pradesh, Gujarat, Haryana, Rajasthan, Uttar Pradesh, Chandigarh, Delhi* and *Pondicherry* is given below :—

Sl. No.	State	1980
1.	Andhra Pradesh@	73
2.	Gujarat*	317
3.	Haryana	1
4.	Karnataka@	233
5.	Rajasthan	124
6.	Uttar Pradesh@	99
7.	Chandigarh	1
8.	Delhi	4
9.	Pondicherry	21
	TOTAL	873

*Information till September, 1980.

@ Information till June, 1980.

It would be seen from above that maximum number of cases were registered in *Gujarat* (317) followed by *Karnataka* (233), *Rajasthan* (124), *Uttar Pradesh* (99), *Andhra Pradesh* (73), *Pondicherry* (21), *Delhi* (4) and 1 each by *Haryana* and *Chandigarh*. *Goa, Daman and Diu* informed that no such case was registered by them during 1980.

7.28 Comparative analysis of the cases registered under Protection of Civil Rights Act during 1980 which is not for the full year in respect of *Andhra Pradesh, Gujarat, Karnataka,* and *Uttar Pradesh* and in 1979 reveals that there was a decrease of 46.63%. Comparative State-wise picture is given in the following statement :—

Sl. No.	Name of State/ Union Territory	1979	1980	% of increase or decrease over 1979
1.	Andhra Pradesh	144	73	(—)49.30
2.	Gujarat	506	317	(—)37.35
3.	Haryana	3	1	(—)66.66
4.	Karnataka	550	233	(—)57.63
5.	Rajasthan	136	124	(—)8.82
6.	Uttar Pradesh	251	99	(—)60.55
7.	Delhi	10	4	(—)60.00
8.	Goa, Daman & Diu	3	..	..
9.	Pondicherry	32	21	(—)34.37
10.	Chandigarh	1	1	..
		1636	873	(—)46.63

7.29 Available information regarding disposal of cases during 1980 in respect of these 10 States/Union Territories is given below :—

Sl. No.	State/Union Territory	Brought forward No. of cases with the		No. of fresh cases registered	No. of cases closed by police after investigation but W.O.	No. of cases challaned in the Court	No. of cases disposed of by Courts			No. of cases pending at the end of the year	
		Police	Courts				No. of cases ending in conviction	No. of cases acquitted	Total	Police	Courts
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	17	71	73	12	49	1	25	26	29	94
2.	Gujarat	132	862	317	30	271	2	95	97	148	1,036
3.	Haryana	..	..	1	..	..	..	..	..	1	..
4.	Karnataka	80	140	233	37	191	7	5	12	85	319
5.	Rajasthan	5	219	124	50	64	20	23	43	15	240
6.	Uttar Pradesh	36	39	99	22	53	..	2	2	60	90
7.	Delhi	8	13	4	3	..	..	..	..	9	13
8.	Goa, Daman & Diu	..	5	..	..	..	1	1	2	..	3
9.	Pondicherry	1	11	21	6	15	1	19	20	1	6
10.	Chandigarh	..	..	1	4	..	..	..	..	..	..
	TOTAL	279	1,360	873	161	643	32	170	202	348	1,801

It would be seen from above that at the end of 1980, 348 cases were pending with police and as many as 1,801 in courts.

Access to drinking water sources

7.30 It would be seen from the statistical data given in Appendix II that relatively more cases of untouchability in respect of drinking water sources were reported in the district of Morena (12), Sagar (9), Bilaspur (5), West Nimar (5) in the State of *Madhya Pradesh*. In *Gujarat* maximum number of cases were registered in Banaskantha District (13), followed by Baroda (7), Ahmedabad (6), 5 each in Kutch, Mehsana and Rajkot, 4 cases in Bharuch, 3 each in Bhavnagar, Junagadh and Surendranagar, 2 in Sabarkantha, one case each in Amreli, and Kheda. In *Uttar Pradesh* maximum number of cases were registered in Kanpur District (10), followed by 4 each in Bareilly and Moradabad, 3 each in Lalitpur and Lucknow, 2 each in Gorakhpur, Hardoi, Jalaun, Mirzapur and Nainital and one each in Agra, Dehra Dun, Etah, Mainpuri, Pilibhit, Sitapur and Shahjahanpur Districts. In *Karnataka,* the district of Bijapur registered 11 cases followed by Mysore 6, Gulbarga 4, 3 each in Raichur and Tumkur, 2 each in Bangalore, Belgaum and Shimoga, one each in Chickmagalur, Chitradrug, Hassan and North Kanara. In *Andhra Pradesh* 3 cases each were reported from Mahbubnagar, Prakasam and Srikakulam districts, 2 cases each

in Chittor, Nalgonda and Rangareddy districts and one each in Adilabad, Anantapur, Cuddapah, Hyderabad, Krishna, Kurnool, Medak, Nizamabad and West Godavari. Seven districts of *Bihar* out of a total number of 31 districts registered cases with regard to drinking water sources. There were 2 cases each in Hazaribagh and Monghyr, one each in Aurangabad, Bhagalpur, Dhanbad, Gaya and Samastipur.

The cases registered with regard to social disability like denial of drinking water sources or bathing in the tanks is a punishable offence under provisions of the Protection of Civil Rights Act. The offenders can be imprisoned for a term not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.

7.31 Some of the illustrative cases with regard to the practice of untouchability in the matter of drinking water sources are mentioned below :—

(1) When a Scheduled Caste person went to fetch water from a boring pump and kept the pot there one caste-Hindu kicked the pot and abused him in filthy language. Later, four caste-Hindus also threatened the Scheduled Castes not to take water. A case was registered under section 4, Protection of Civil Rights Act at P. S. Nagarkurnool, Mahabubnagar District in *Andhra Pradesh* on 13-4-1979 and challaned on 19-4-1979 on the basis of a complaint filed by a Scheduled Caste person against 4 caste-Hindus who had allegedly abused, threatened and prevented from taking water from a common drinking water source. The arrested persons were convicted by the Court.

(2) In February 1979 some 23 caste-Hindus of Mukundapur village of Nalgonda District in *Andhra Pradesh* were accused of having obstructed Scheduled Caste persons of the same village from drawing water from a well and damaging their buckets, pots etc. on caste-consideration. A case was registered against the accused under Protection of Civil Rights Act on 16-2-1979 and challaned on 21-3-1979. This case, however, ended in acquittal.

(3) The accused, a caste-Hindu, had not allowed the Scheduled Caste persons to take water from the well and had snatched away the rope and bucket from the victims. A case at Tikari police Station Gaya District in *Bihar* had been registered under Protection of Civil Rights Act on 30-1-1979.

(4) A case was registered under Protection of Civil Rights Act on 12-10-1979 in Sabarmati Railway Police Station of Baroda District in *Gujarat* that a caste-Hindu had not allowed a Scheduled Caste person to drink water from the public water tap. He was also scolded by the accused. The case was challaned on 8-11-1979. The outcome of the case was awaited.

(5) The accused a caste-Hindu had allegedly abused and insulted a Scheduled Caste person for fetching water from the well. A case under Protection of Civil Rights Act was registered at Jagadiya Police Station in Bharuch District of *Gujarat*, on 31-10-1979 which was pending trial in the Court.

(6) A caste-Hindu accused allegedly insulted a Scheduled Caste person when the latter was bathing near a public hydrant. A case under the Protection of Civil Rights Act had been registered at Sami Police Station of Mehsana District in the State of *Gujarat* on 29-11-79.

(7) Caste-Hindus had allegedly obstructed a Scheduled Caste person from drawing water and broke his pot on the ground of untouchability. A case at Pohri Police Station Sivapuri District in *Madhya Pradesh* was registered under Protection of Civil Rights Act on 12-9-1979.

(8) A caste-Hindu refused to give drinking water to a Scheduled Caste person on caste consideration. A case was registered in Shahdol district of *Madhya Pradesh* on 2-9-1979 and challaned on 5-9-1979. Final outcome was awaited.

(9) A case was registered on 5-8-1979 at Daniganj Police Station of Hardoi district in *Uttar Pradesh* because the high caste-Hindus had not allowed a Scheduled Caste person to draw water from the well.

(10) A case was registered on 8-7-1979 at Bhognipur Police Station of Kanpur District in *Uttar Pradesh* because the accused, a caste-Hindu woman did not allow a Scheduled Caste to draw water from the tap on caste-consideration. Final outcome of the case was awaited.

Access to tea-stalls/restaurants and shops

7.32 At times Scheduled Caste persons are subjected to various kinds of ill-treatment at the hands of caste-Hindus and one such form is denial of access to restaurants/hotels. The Scheduled Castes are not served tea/coffee and meals etc. in the normal manner. At some places separate cups and saucers are kept for their use. Barbers/shop keepers/washerman also refuse to serve them on caste-consideration. In 1979 under the Protection of Civil Rights Act a total number of 380 cases were registered of this type in the States of *Karnataka* (157), *Gujarat* (109), *Madhya Pradesh* (63), *Uttar Pradesh* (34) and *Andhra Pradesh* (18).

The State of Karnataka registered maximum number of cases of this kind, 39 cases were registered in Bijapur, 38 cases in Belgaum, 23 cases in Dharwar, 14 cases in Mysore, 8 cases each in Gulbarga and Raichur, 4 cases each in Bangalore, Bidar, Kolar and Tumkur, 3 cases in Shimoga, 2 cases each in South Kanara, North Kanara and Mandya and one each in Bellary and Hassan. Similarly in *Gujarat* maximum number of cases (26) were registered in Mehsana District followed by Rajkot (16), Amreli (11) 10 cases each in Bhavnagar and Junagadh, 8 cases each in Ahmedabad and Kutch, 5 cases in Surendra Nagar, 4 cases in Banaskantha, 2 cases each in Baroda, Jamnagar Kheda and Sabarkantha and one each in Surat, Valsad and Vadodara. In *Madhya Pradesh* out of 63 cases, 8 cases were registered in Bastar, 7 in Raipur, 6 each in Damoh and Sagar, 3 each in Chhindwara, Dhar, Mandsaur, Seoni, West Nimar and Rajnandgaon, 2 cases each in Bilaspur, Guna, Rajgarh, Shajapur and Shivapuri and one each in Durg, East Nimar, Hoshangabad, Jabalpur, Jhabua, Ratlam, Sehore and Sidhi. In *Uttar Pradesh,* 7 cases were reported in Lucknow, 6 cases in Nainital, 4 cases in Kanpur, 3 each in Agra and Moradabad, 2 cases in Bareilly and one each in Allahabad, Aligarh, Badaun, Etawah, Farrukhabad, Mainpuri, Sitapur, Tehri-Garhwal and Unnao. In *Andhra Pradesh* 6 cases were registered in the districts of Mahbubnagar, 4 in East Godavari, 3 in Nizamabad, 2 in Srikakulam and one each in Adilabad, Karimnagar and Visakhapatnam.

7.33 Some of the illustrative cases with regard to practice of untouchability with reference to tea-stall, restaurants and shops are mentioned below :—

(1) A case at Gokak Police Station was registered under the Protection of Civil Rights Act on 6-7 1979 against a hotel-keeper of Khan gar village, Balgaum District in *Karnataka* for serving tea to Scheduled Caste persons in separate cups and saucers. The accused was fined an amount of Rs. 25 and a simple imprisonment of one day by the Court on 7-7-1979.

(2) A case under Protection of Civil Rights Act was registered against a hotel-keeper of Guratapur village of Belgaum District in *Karnataka* for using separate cups and saucers for serving tea to Scheduled Caste persons at Ghataprabha Police Station on 30-7-1979 and it was challaned on 31-7-1979. The accused was fined an amount of Rs. 20 and a simple imprisonment of one day was awarded by the Court.

(3) A case was registered under Protection of Civil Rights Act on 28-12-1979 against a hotel-keeper of Khanatti village, Belgaum District of *Karnataka* for keeping separate utensils for use of Scheduled Caste persons which was challaned on 31-12-1979. The Court sentenced the accused to simple imprisonment for 15 days and a fine of Rs. 100.

(4) On 25-4-1979 some Scheduled Caste residents of Keshampet in Mahaboobnagar District of *Andhra Pradesh* had gone to a tea shop. The owner of the shop a caste-Hindu and his wife had refused to give water and tea to them on the plea that they were Scheduled Castes. A case was registered at Keshampet Police Station under the Protection of Civil Rights Act and challaned on 25-5-1979. The case was pending trial.

(5) Some Scheduled Caste residents of village Rajampet, District Nizambad in *Andhra Pradesh* had gone to a local hotel of a caste-Hindu on 12-5-1979, where another caste-Hindu told the Scheduled Caste persons to sit outside. On refusal, they were allegedly pushed out and beaten by the accused with chappals. The accused was, however, acquitted by the Court on 6-9-1979.

(6) A caste-Hindu of village Sanali, District Amreli in *Gujarat* had allegedly kept separate tumblers in his shop for serving soft drinks to the Scheduled Caste persons. A case under the Protection of Civil Rights Act was registered at Vidiya Police Station on 6-11-1979 which was challaned in the Court on 7-11-1979. Final outcome of the case was awaited.

(7) A case was registered under Protection of Civil Rights Act Gadhda Police Station on 25-10-1979 against a barber of Bhavnagar District for refusing to serve a Scheduled Caste person of Ningala, District Bhavnagar in *Gujarat.* The case was challaned on 29-10-1979.

(8) A case under Protection of Civil Rights Act was registered on 25-7-1979 at Chhatta Police Station in Agra District of *Uttar Pradesh* for refusal to serve tea to a Scheduled Caste person and using indecent language. The case was challaned on 4-8-1979.

(9) At Harei Police Station of Chhindwara District in *Madhya Pradesh,* the accused persons did not serve tea and breakfast to Scheduled Caste persons on caste considerations. A case was registered under Protection of Civil Rights Act and challaned on 16-2-1979.

(10) A barber of Chand Police Station, District Chhindwara in *Madhya Pradesh* refused to serve Scheduled Caste persons. A case under Protection of Civil Rights Act was registered against him and challaned on 31-5-1979.

Access to places of worship

7.34 Quite often and particularly at small places the persons belonging to Scheduled Castes suffer humiliating treatment at places of public worship.

In *Madhya Pradesh* 5 cases about discrimination at places of public worship were registered in the district of Bilaspur followed by Indore (4), Morena (2), Raigarh (2), Ratlam (2), Sagar (2), Shajapur (2) and Ujjain (2). At times they are insulted and beaten. Their dip in the holy water is frowned upon. In *Madhya Pradesh* 29 such type of cases were registered followed by *Karnataka* 17, *Gujarat* 14 cases, *Uttar Pradesh* 4 cases, *Andhra Pradesh* and *Bihar* 2 cases each, *Kerala* and *Delhi* one each. In *Karnataka* State, such cases were registered in the district of Mysore (4), Hassan (3), two cases each in Bangalore, Bijapur and Kolar Districts and one case each in the districts of Bellary, Chickmagalur, Raichur and Tumkur Districts. In *Gujarat* State, 3 such cases were registered in Junagadh District followed by 2 cases each in the districts of Banaskantha and Baroda. In *Uttar Pradesh,* 4 such cases were registered in the respective districts of Lalitpur (3) and Ghaziabad (1). In *Andhra Pradesh,* only two cases regarding discrimination at places of worship were registered in Hyderabad and Rangareddy Districts. In *Bihar,* the two reported cases related to the districts of Monghyr and Sitamarhi.

7.35 Some of the illustrative cases are given below :—

(1) The accused persons belonging to caste-Hindu community of Aakusi, Police Station Vairad, District Shivpuri in *Madhya Pradesh* did not allow a Scheduled Caste person of the same village to perform *i.e.* puja in the temple. A case under Protection of Civil Rights Act had been registered and challaned on 16-4-1979.

(2) Some persons did not allow a Scheduled Cast person of Anandpura, Sagar district of *Madhya Pradesh* to perform *puja* in the Siva temple. A case under Protection of Civil Rights Act was registered at Rahli Police Station on 16-3-1979 and challaned on 16-4-1979.

(3) Some villagers of Lakhigram village, Vagra Police Station in Bharuch district in *Gujarat,* had refused and insulted a Scheduled Caste person in the village temple. A case was registered under the Protection of Civil Rights Act on 5-9-1979 and also challaned on the same day.

(4) A case under Protection of Civil Rights Act was registered at Udhna Police Station on 11-10-1979, against some persons of Puna Kumbhariya village in Surat district of *Gujarat* who obstructed the entry of a Scheduled Caste lady into the temple. The case was challaned on 2-11-1979.

(5) A case under Protection of Civil Rights Act was registered at Bolaram Police Station, Hyderabad City in *Andhra Pradesh* on 26-8-1979 against a caste-Hindu priest and some other persons who prevented a person belonging to Scheduled Caste from offering worship in a temple and also assaulted him in the process. The accused persons abused them uttering their caste. The case was challaned on 11-9-1979 and is pending trial in the court.

(6) A case under Protection of Civil Rights Act was registered at T.G. Halli Police Station District Bangalore, *Karnataka* on 7-12-1979 that some caste-Hindus of Andhahally village, District Bangalore in Karnataka had tried to create disturbances in the marriage celebration at the place of Scheduled Caste person. The priest belonging to high caste was also alleged to have practised untouchability. The case was still reported to be under investigation.

Other kinds of untouchability

7.36 Over and above the types of social disabilities experienced by Scheduled Caste persons described in the earlier paras, they are also subjected to humiliation at the hands of the caste-Hindus if by chance, they happen to touch caste-Hindus or their vessels. Sometimes their feelings are hurt due to foul utterances and use of abusive language by other sections of the society. At times they are subjected to social boycott. It is most unfortunate that at times untouchability is practised even in educational institutions and offices. Such type of cases were registered under Protection of Civil Rights Act during 1979 in *Andhra Pradesh, Bihar, Gujarat, Kerala, Karnataka* and *Madhya Pradesh.* Cases regarding insults and beatings due to untouchability were more in *Karnataka* 271, followed by *Gujarat* 206, *Uttar Pradesh* 138, *Madhya Pradesh* 93, *Andhra Pradesh* 62, *Kerala* 42, and *Bihar* 2. In *Karnataka* State maximum number of such cases were registered in *Bangalore* (54) followed by Bijapur (40), and Mysore (28) district. In *Gujarat* State comparatively more such cases were registered in the respective districts of Ahmedabad (42), Banaskantha (22), Mehsana (23), Junagadh (21) and Kheda (17) whereas in *Uttar Pradesh* the incidence of such cases was relatively more in the respective districts of Bareilly (19), Gorakhpur (21) and Moradabad (18). In *Madhya Pradesh* out of a total number of 93 such cases as many as 28 were reported from Sagar District alone. Out of a total number of 62 reported cases in *Andhra Pradesh,* 15 cases were reported from West Godavari District alone followed by Chittoor (8), East Godavari (7) etc. In *Kerala* out of a total number of 42 such cases, 21 were reported from Cannanore District.

7.37 A brief description of some of the cases taken up by this organization is given below :—

(1) Some caste-Hindus of Kothalli village, Bellary district in *Karnataka* State formed an unlawful assembly and assaulted a Scheduled Caste person in connection with payment of wages and caused him physical injuries. A case under Protection of Civil Rights Act

was registered at Harappanahalli Police Station on 8-11-1979. The matter was still under investigation.

(2) When a Scheduled Caste person asked for the balance amount in respect of the subsidy sanctioned by the Government for repair of house, the village accountant, a caste-Hindu and two others were alleged to have abused the complainant and other Scheduled Castes in Dharwar District of *Karnataka*. A case under Protection of Civil Rights Act was registered at Nargund Police Station on 2-7-1979 which was pending trial.

(3) A woman sweeper of H.D.M.D., Dharwar District in *Karnataka* was allegedly abused in vulgar language by a caste-Hindu while she was discharging her official duties. A case under Protection of Civil Rights Act was registered at Dharwar Sabarban Police Station on 19-9-1979 and challaned on 28-9-1979.

(4) On 23-8-1979, a caste-Hindu alongwith 5 others of Hosabodanur village of Mandya district in *Karnataka* allegedly abused and assaulted the village Accountant belonging to Scheduled Caste while he was discharging his official duties. A case under Protection of Civil Rights Act was registered at Mandya (R) Police Station on 8-9-1979 and challaned on 4-12-1979. The case was pending trial in the Court.

(5) Ill feeling was reported between the Scheduled Caste students and Backward Class students in the Government Arts College Hostel, Ariyalur. On a complaint from one student belonging to Scheduled Caste, a case was registered in Ariyalur Police Station on 6th December, 1980 against 24 Backward Class students. It was alleged that the Backward Class students insulted the Scheduled Caste students which resulted in a minor clash between the two groups in the dining hall on 7th December, 1980. Three Backward Class and 3 Scheduled Caste students sustained simple injuries. All of them were admitted in the hospital. Another case was registered against 7 Scheduled Caste and 5 Backward Class students in Ariyalur Police Station. The hostel was closed and the students were asked to vacate the hostel.

(6) There were newspaper reports in July 1980 about exodus of Scheduled Caste persons of Edaythur village, Chengalpattu District of *Tamil Nadu* on account of harassment by ctste-Hindus. It was mentioned that the huts of Scheduled Castes were ransacked and their women-folk molested. An inquiry into this matter revealed that majority of the Scheduled Caste persons of Edayathur village were agricultural labourers and depended on caste-Hindus for employment. The village had about 275 families and the dominating community in the village belonged to Naicker community having 165 families. There were 49 Scheduled Caste families and they suffered from social disabilities. It was found that the Scheduled Castes were not allowed to draw water from the public wells situated in caste-Hindu locality. They were not allowed to worship in the temples. The barber who served the caste-Hindus did not serve Harijans. On 11th May, 1980, 2 Scheduled Caste persons had a wordy quarrel with a person belonging to Naicker community in which one Scheduled Caste was assaulted. The Scheduled Castes lodged a report at Tirukalikundram Police Station under section 323 I.P.C. This infuriated caste-Hindus and they prohibited Scheduled Castes from entering into their locality. It was later reported by caste-Hindus that on 13th June, 1980 one person belonging to their community had been assaulted by Scheduled Castes. The caste-Hindus entered Harijan colony and assaulted and ransacked the huts of the Scheduled Castes and 3 persons received injuries. On 14th June, 1980, the police reached the scene and booked case No. 281/80 under section 341 against Scheduled Castes and another case No. 282/80 under sections 341 and 324 I.P.C. against caste-Hindus. On the basis of a complaint lodged by a caste-Hindu on 18th June 1980, that his hay-stack was set on fire by unknown persons, a case was registered at Tirukalikundaram Police Station under section 435 I.P.C. The Scheduled Castes stated that this had been done by the caste-Hindus themselves and they tried to put the blame on them. Further the caste-Hindus reduced the wages of Scheduled Caste workers who felt scared and 45 families out of a total number of 49 Scheduled Caste families left the village and settled in Vallipuram. Subsequently 13 Scheduled Caste families returned to the village but the rest of 32 Scheduled Caste families preferred to stay at Vallipuram. In Edayatpur village the caste-Hindus did not give work to Scheduled Castes. The caste-Hindus started performing the work themselves or by calling Scheduled Castes of neighbouring villages. It was also reported that due to the failure of monsoons there was slackness in agricultural operations. The 32 Scheduled Caste families who had settled at Vallipuram were reported to have constructed their houses on government land and the district administration was considering the question of settling them on the sites occupied by them. It was mentioned that there was no case of molestation of women. It was also observed that though a period of nine months had elapsed after the incident the Scheduled Castes were afraid to return to the village Edayathur. Even the families who had returned to the village were not

being given employment by the caste-Hindus and the social boycott against them continued.

(7) There was a news-item in November 1980 regarding complaint lodged by a Scheduled Caste employee of the Delhi Development Authority's Slum Department with the police against a class I officer of the department who called him 'Chamar'. The matter was taken up with the Deputy Commissioner of Police, New Delhi. Report of the Deputy Commissioner revealed that the complainant, a statistical clerk, reported that the Deputy Director of his office insulted him by passing derogatory remarks in October, 1980. The complainant lodged a complaint on 31st October, 1980 and a case was registered under section 7 P.C.R. Act Paharganj Police Station, Central District, Delhi on the same day. In the course of investigation, both the parties produced witnesses for and against the allegation. The case was pending investigation.

(8) A representation was received in September, 1979 from the President of an Association in Pondicherry mentioning about two incidents of alleged attack on Scheduled Castes by caste-Hindus during 1977 and 1978 at Thimmanaickaenpalayam and Puranasingopalayam villages. The inquiry report with regard to place known as Thimmanaickenpalayam village revealed that in August, 1977, three Scheduled Caste persons had gone to bring a caste-Hindu tank operator for getting the tap repaired. As the caste-Hindu person was carrying a deity for the annual temple festival at that time he replied that he would visit their place after the procession was over. There were some altercations between the persons belonging to the Scheduled Castes and caste-Hindus. In the process the caste-Hindu was beaten up by Scheduled Castes. The caste-Hindus were also reported to have assaulted the two Scheduled Caste persons. The Scheduled Caste person lodged a complaint at the police station Thavalakuppum and the accused were charge-sheeted on 15th September, 1977, under sections 147, 323 r/w 149 I.P.C. and 7(1)(c) of Protection of Civil Rights Act. On 24th March, 1979, the accused were acquitted by S.D.J.M., Pondicherry due to several contradictory statements of the witnesses in the Court.

As regards the incident at Puranasingapalayam village, the inquiry report revealed that in January, 1978, Scheduled Caste persons had installed a statue of God Harichandra near the graveyard. This was objected to by the caste-Hindus because they considered that a statue of the same God had already been installed by them. In the ensuing clash 13 caste-Hindus assaulted one male member and 4 women belonging to Scheduled Caste community on 20th January, 1978. The caste-Hindus were further reported to have broken the statue put up by persons belonging to Scheduled Castes. A case was registered against caste-Hindus under sections 147, 323, 427 I.P.C. and 3(b) of Protection of Civil Rights Act r/w 149 I.P.C. at the Thiruvavanai Police Station 13 caste-Hindus were arrested. They were charge-sheeted on 4th May, 1978. The case ended in acquittal under section 255(1) Cr. P.C. in C.C. No. 18/79 in the C.J.M. Court, Pondicherry on 3rd August, 1979 as most of the witnesses turned hostile during the trial.

7.38 *Vigorous implementation of the Provisions of Protection of Civil Rights Act would go a long way in checking the social exploitation of the persons belonging to Scheduled Castes. But it is a matter of regret that so far most of the implementing authorities at various levels have not been sufficiently geared up in the task of removing this evil from our society. Greater care also requires to be exercised by the State Governments/Union Territory Administrations in compiling up-to-date statistical information about various types of cases registered under the Protection of Civil Rights Act, so that areas requiring concerted efforts could be suitably identified.*

Judgements delivered under Protection of Civil Rights Act, 1955

7.39 Various State Governments and Union Territory Administrations were requested to furnish this office copies of the judgments pronounced in cases such as denial of entry in temples, access to shops and drinking water sources, restaurants and about other forms of untouchability observed against persons belonging to Scheduled Castes. It was felt that the judgments might contain some revealing information and ideas while dealing with untouchability offences. Such information has been received in respect of *Andhra Pradesh, Bihar, Karnataka, Tamil Nadu* and *Pondicherry* only.

It is observed that some of the judgments contain useful references. For instance, with regard to C.C. No. 101/78 dated 29th June, 1979 (*Andhra Pradesh*), it was considered natural that minor contradictions were bound to appear in the evidences of witnesses when ignorant and illiterate people happened to be giving evidence. Also the F.I.R. need not contain all the details regarding the offence. F.I.R. was considered to be the complaint to set the affairs of law and order in motion, and it was only at the investigation stage that all the details could be gathered. In respect of C.C. No. 18/77 dated 26th July, 1977 (*Andhra Pradesh*), it was not mentioned in the charge-sheet that the accused abused Scheduled Caste person referring to his caste and so section 7(c) and 12 of U.O.A was not attracted.

With reference to C.C. No. 173/75 dated 9th November, 1977 (*Andhra Pradesh*) it was considered deplorable that the shopkeepers were left scot free for supporting the accused in enforcing the social disability in not supplying the articles to Harijans. In case No. C.C. 1532/77 dated the 31st August, 1977 (*Andhra Pradesh*) it was considered a misconception to record the F.I.R. as a document which could contain the entire case for prosecution including the names of all witnesses. In C.C. No. 123/77 dated 22nd January, 1979 (*Andhra Pradesh*) it was mentioned that the defence counsel failed to file any documentary evidence that the Scheduled Caste persons were converted Christians. In the absence of any documentary evidence it could be inferred that the Scheduled Caste persons were Harijans who were members of Scheduled Castes. Even if it was presumed that the Scheduled Caste complainants were converted, yet they came within the meaning of Scheduled Castes for the fact that the Bill contained such a clause. With regard to C.C. No. 64/78 dated 24th August, 1979 (*Andhra Pradesh*) it was mentioned that any well could not be called as private or public merely because of its situation, but it could be discriminated only on its user. If a well is situated within the four walls of a compound and it is not in the reach of the public by fencing or by a compound or such thing, it can be called as a 'private well'. But a well situated in the fields by the side of a *donka*, without any fencing or any such thing could not be called as a 'private well'. It is a public well for all practical purposes. In case No. C.C. 31/78 dated 17th July, 1978 (*Andhra Pradesh*) it was mentioned by the accused that his wife was a Harijan and so the question of untouchability did not arise. But this plea was not considered to be of material importance in the case. With regard to C.C. No. 7/79 dated 2nd February, 1980 (*Andhra Pradesh*) it was argued whether the delay in lodging the F.I.R. was fatal to the prosecutions case. It was explained that the delay was on account of danger apprehended in the hands of the accused. It was stated that the matter and the circumstances involved in a murder case would require a prompt lodging of the report, but because this case was only of an offence of Untouchability Act, as such the delay could not be considered as fatal to the prosecution, because there would not be any scope for introduction of coloured version or giving of an exaggerated account. The argument of the defence counsel that all the witnesses had not stated the similar utterances was not considered convincing because they were poor illiterate persons and it could not be expected that they would reproduce all these words that were uttered by the accused.

In case No. GR/2081/76-T.R. No. 905/79 dated 6th September, 1979 in the Court of Judicial Magistrate, First Class, Ranchi District of *Bihar* State it was considered irrelevant that the accused person happened to be *Mukhiya* of Harijan Kalyan Samiti and as such he did not have any feeling of caste in view of the evidence adduced by the prosecution. Similarly, in case No. 1593/76-T.R. No. 141/80 dated 26th March, 1980 in the Court of Judicial Magistrate, First Class, Arrah of *Bihar* State, the plea in defence that the Scheduled Caste persons had worshipped in the Shiva Temple without any obstruction on earlier occasions was not considered as a proof that the Scheduled Caste persons were not prevented from offering worship on the day of occurrence.

7.40 Available State-wise information regarding some of the illustrative cases is given below :—

Andhra Pradesh

I. Case No.	. . .	C.C. No. 101/78
Date of Judgement	.	29th June, 1979
Name of the Court	.	J. F. C. M., Nandalur, District Cuddapah.

On 31st March, 1978 the Scheduled Caste complainant had gone to the boring pipe situated at the outskirts of Cherlopalli Harijanwada for drinking water. Three accused persons objected to his taking water on account of his being Harijan. The complainant was beaten with a wire on his left shoulder. He was dragged towards the temple near Cherlopalli village to a distance of 100 yards. The complainant lodged a report at the police station and produced wire and his torn baniyan. The police got him medically examined and the wound certificate was issued. The defence counsel commented that there were contradictions in the evidence of four P.Ws. J.F.C.M. did not find any material contradiction to discredit their evidence. He mentioned that it was natural that minor contradictions are bound to appear when ignorant and illiterate people are giving evidence. The F.I.R. need not contain all the details regarding the offence. The F.I.R. is the complaint to set the affairs of law and order in motion. It is only at the investigation stage that all the details can be gathered. The First Class Judicial Magistrate, Nandalur found the accused guilty under section 4(iv) of the Protection of Civil Rights Act and under Section 323 I.P.C. The Magistrate did not see any ground to impose lenient sentence. So he convicted the three accused to undergo R.I. for two months and to pay a fine of Rs. 100 in default for simple imprisonment for one month under Section 4(iv) of the Protection of the Civil Rights Act and they were each convicted and sentenced to undergo R.I. for one month under Section 323 I.P.C. The sentence under Section 323 I.P.C. and the sentence under Section 4(iv) of Protection of Civil Rights Act would run concurrently.

II. Case No.	. . .	C.C. No. 184/75
Date of Judgement	.	24th February, 1976
Name of the Court	.	IInd Addl. JFCM's Court Kakinada, District East Godavari.

On 17th April, 1975 a Madiga Christian lady and her husband were prevented by some caste-Hindus from taking water and also gave them beatings. The complainants later lodged a report at the police station. The police got them medically examined. Physical violence was not proved by medical examination. The

Additional J.F.C.M. gave benefit of doubt to two accused persons and convicted one accused of an offence punishable under section 323 I.P.C. and sentenced him to pay a fine of Rs. 100 I/D to undergo simple imprisonment for six weeks. The two other accused were acquitted under Section 255(i) Cr. P.C.

III. Case No. . . . C.C. No. 18/1977
Date of Judgement . 26th July, 1977
Name of the Court . IInd Addl. JFCM's Court, Kakinada, District East Godavari.

On 6th August, 1976 one Scheduled Caste person went near the fields of a caste-Hindu for gathering twings and the accused whose land was adjacent to the said land abused and assaulted him. It was mentioned that the complainant who was an agricultural worker demanded more amount towards daily wages than the accused was willing to pay. The accused could not tolerate the impudence of Scheduled Caste person and so on the following day beat him with a stick. It was not mentioned in the C.S. that the accused abused Scheduled Caste person referring to his caste and so Section 7(c) and 12 of U.O.A. was not attracted. The accused was charged under Section 323 I.P.C. and was convicted and sentenced to pay a fine of Rs. 150 I/D to undergo simple imprisonment for one month.

IV. Case No. . . . C.C. No. 173/75
Date of Judgement . 9th November, 1977
Name of the Court . J.F.C.M., Chintalapudi, District West Godavari.

The S.H.O. Chintalapudi laid a charge-sheet against 36 accused persons under Sections 143 and 149 I.P.C. and Sections 4 and 7 of the Untouchability Offences Act, 1955 alleging that all the accused persons were residents of Pragadavaram village and were Reddies by caste (except 2 accused who were Shudras) Dispute arose between the Reddies and Harijans of the village in January 1975 and consequently cases were pending against both the sections. The accused wanted to wreck vengeance against the Harijans by enforcing social boycott. On the night of 14th January, 1975, all the accused formed an unlawful assembly with the common object of enforcing a social boycott against the Harijans by not allowing them into any Coffee shop, hotel, Kirana shop and not to call them for any cooly work on the ground that they were Harijans and untouchables. They also prevented the Harijans from attending to their coolie work in the tiles factory. Therefore, the accused were liable to be punished under Section 4(i)(ii) and Section 7(c) of the Untouchability Act r/w 149 I.P.C. for having enforced social boycott against the Harijans. For 20 days the Scheduled Caste persons were prevented from getting the daily needs. As regards the formation of unlawful assembly by the accused for the purpose of social boycott the evidence was found to be weak. The overt acts amounted to enforcement of social boycott and attracted Section 4 of the U.O.A. There was no Constitutional violation to attract Section 7 of the Act. There was evidence to sustain conviction under Sections 4(1)(2) and (6) of the Act. It was considered deplorable that the shop-keepers were left scot-free for supporting the accused in enforcing the social disability in not supplying the articles to Harijans. The Judicial 1st Class Magistrate held 9 accused persons having committed the offence and convicted them under Section 248(2) of Cr. P.C. for the offences under Section 4(1)(2) of the Untouchability Offences Act. He acquitted the remaining accused under Section 248(1) of Cr. P.C., 9 accused were sentenced to pay a fine of Rs. 25 only and in default to suffer simple imprisonment for 7 days.

V. Case No. . . . C.C. No. 1532/77
Date of Judgement 31st August, 1979
Name of the Court . Addl. J.F.C.M., Tadepalligudem, District West Godavari.

A case was filed by the Sub-Inspector of Police, Pentagadu Police Station against 22 persons for the offences under Sections 147, 452, 324 and 232 I.P.C. alleging that all of them were residents of Sukhaladibba of West Vipparru of Tadepalligudem Taluk. There was fresh water tank for the use of Kapus, Velamas and Harijans and there were two *ghats* out of which one was used by Kapus and Velamas and the other one by the Harijans. *Ghat* for the use of Harijans got damaged and the Harijans started using the other *Ghat* Kapus and Velamas protested on the grounds of untouchability. On 12th April, 1977 the Harijan ladies were obstructed from taking water. They went back to report to village elders and authorities. Thereafter the accused formed an unlawful assembly and raided Harijan peta and gave beatings to Harijans causing injuries to 10 persons. They also intruded into their houses and robbed them of their belongings. 10 Harijan persons were sent to Government hospital. It was considered that there was no evidence on record that the accused had entered into their houses and committed the offence of causing hurt to them. Hence all the accused were entitled for acquittal in the offence under Section 452 I.P.C. It was considered a misconception to record the F.I.R. as a document which could contain the entire case for prosecution including the names of all the witnesses. The Additional Judicial 1st Class Magistrate convicted 14 persons under Secton 248(2) Cr. P.C. and sentenced them to suffer R.I. for 3 months each for the offence under Section 147 I.P.C. 11 persons were convicted under Section 248(2) Cr. P.C. for the offence under Section 232 I.P.C. and each was sentenced to suffer R.I. for 3 months. Further, 12 accused were convicted under Section 248(2) Cr. P.C. and were sentenced each to suffer R.I. for one month and also to pay a fine of Rs. 100 each and in default to suffer S I for 2 weeks each for the offence under Section 4(iv) of Act. The sentence of imprisonment (substantive sentence) for the offences under Sections 147, 323 and Section 4(iv) of Act 22 of 1955 r/w Act No. 105 of 1976 against all the accused for which imprisonment was imposed, was to run concurrently.

VI. Case No. . . . C.C. No. 123/77
Date of Judgement . 22nd January, 1979
Name of the Court . IInd Addl. J.F.C.M. Machilipatnam, District Krishna

The Sub-Inspector of Police, Pedana filed charge-sheet alleging that on 29th January, 1977 five accused persons belonging to Gowda Community abused Scheduled Caste persons by referring to their caste and later made an armed attack on them. Thereby they committed an offence punishable under Section 7(1)(b)(c) of Untouchability Offences Act, 1955 and Section 7(d) of Untouchability (Offences) Amendment and Miscellaneous Provisions Act, 1976 and under Sections 323, 427 and 323 r/w 149 I.P.C. In this case the contention of the defence counsel was also that one of the Scheduled Caste complainant had stated that he was converted Christian. But the defence counsel failed to file any documentary evidence that the said Scheduled Caste persons were converted Christians. Further the Church Registers, nor the voters list was filed to prove that the said Scheduled Caste complainants were Christians. In the absence of any documentary evidence it could be inferred that the said Scheduled Castes were Harijans who were the members of Scheduled Caste. 5 persons were found guilty of the offence under Section 7(1)(c) of Untouchability (Offences) Amendment and Miscellaneous Provisions Act and were convicted and sentenced to suffer R.I. for 3 months each and also to pay a fine of Rs. 200 each in default to suffer simple imprisonment for 2 months each. One accused was further found guilty of the offence under section 323 and was convicted and sentenced to pay a fine of Rs. 100 and I/D to suffer S.I. for one month. Four accused were found guilty of the offence under section 323 r/w 149 I.P.C. and were convicted and sentenced to pay a fine of Rs. 50 each and in default to suffer simple imprisonment for two weeks. 5 accused were further found guilty of the offence under section 427 I.P.C. and were convicted and sentenced to pay a fine of Rs. 50 each and in default to suffer simple imprisonment for 2 weeks each. Two accused were acquitted of an offence under section 323 for beating and under section 248 (1) Cr.P.C.

VII. Case No. . . . C.C. No. 64/78
Date of Judgement . 24th August, 1979
Name of the Court . Addl. M. M., Ongole, Distt. Prakasam.

The accused were Kammas and residents of Pondur village of Ongole Taluk. On 29th May, 1978 while the complainant was returning to the Harijanwada, he went to the public well and drank water. As he was returning one accused abused him using caste names and 4 other accused came later and formed into an unlawful assembly for beating the complainant and degrading his caste. They beat him with sticks, crowbars etc. The complainant returned to his house and informed his mother. They went to the well and questioned the accused. The accused pounced upon the complainant's mother and gave her beatings. Subsequently the accused along with some others tried to enter the Harijanwada to attack the Harijans. On 20th May, 1978 three persons lodged a report at Tangutur Police Station. The complainant, then got medically examined. It was the contention of the accused that the temple lands, were in possession of one of the accused person as a cultivating tenant, was a private land. But any well could not be called as private or public merely because of its situation, but, it could be discriminated only on its user. "If a well is situated within the four walls of a compound and it is not in the reach of the public by fencing or by a compound or such thing, it can be called as a 'Private well'. But a well situated in the fields by the side of *donka*, without any fencing or any such thing, could not be called as a 'Private well'. It is a Public well for all practical purpose. The public is defined in the concise 'open to the people'. Therefore, unless and until the people are prohibited to use that well by a notice or fencing or some such thing, it cannot be called as a private". One accused was sentenced to three months R.I. and a fine of Rs. 300 under section 4 P.C.R. Act, Rs. 50 under section 147 I.P.C. and Rs. 150 under section 323 r/w 149 I.P.C. *i.e.* an amount of Rs. 500 in default R.I. for 2 months and 15 days and one month respectively. One accused was sentenced to 3 months R.I. and a fine of Rs. 300 under section 4 of the P.C.R. and Rs. 300 for 323, Rs. 50 for 147 I.P.C. and Rs. 150 for 323 r/w 149 I.P.C. The third accused was sentenced to undergo R.I. for 3 months and a total fine of Rs. 1,000 under section 4 of P.C.R. Act, 324, 147 and 323 r/w 149 I.P.C. in default R.I. for 2 months, 3 months, 15 days and one month respectively. The fourth accused was sentenced to pay a fine of Rs. 350 under section 147 and 323 I.P.C. in default R.I. for 15 days and 2 months respectively. 5th accused was sentenced to pay a fine of Rs. 200 under section 147 I.P.C., 323 r/w 149 I.P.C. Out of the fine amount of Rs. 200 was to be paid to the two victims.

VIII. Case No. . . . C.C. No. 31/78
Date of Judgement . 17th July, 1978
Name of the Court . J.F.C.M., Adilabad, District Adilabad.

S.H.O. Tamsi filed a charge-sheet against three accused persons under section 4(i)(ii) of the Protection of Civil Rights Act, 1955 alleging that the three accused were the residents of Bharampur village and their hotels were open to all the sections of the people but they were maintaining prejudices against Harijans. On 24th December, 1977, the President of the Scheduled Caste Protection Association, Bharampur went to the hotel in the company of four other persons ; but the accused asked them to leave the place and closed the hotel. Two of the accused persons were not found to be owning hotels, whereas one of the accused took the plea that his wife was a Harijan and so the question of observing untouchability did not arise. But this plea was not considered to be of material importance in this case. One accused person was found guilty and convicted under section 4(1) of the Untouchability Offences Act, 1955. He was sentenced to undergo R.I. for one month and to pay a fine of Rs. 100 in default to undergo simple imprisonment for one month. Two other accused were acquitted of the offences under section 4(1) of the Act.

IX. Case No. . . . C.C. No. 7/79
Date of Judgement . 2nd February, 1980
Name of the Court . J.F.C.M., Kothagudem, District Khammam.

The case was filed by Sub-Inspector of Police Bayyaram under section 7(1)(c) of Untouchability (Offences) Act. 1955 renamed as the P.C.R. Act 1955. On 11th April, 1977, the general body meeting of the Sri Krishna Joint Farming Cooperative Society was held at Mallaram, to go through the accounts of the society and the embezzlement of funds by the accused persons. The complainant and six others attended the meeting. The complainant and 4 Harijans decided to withdraw from the society in protest against bad management. It enraged the accused and when he was returning alongwith six other persons the accused used foul language and insulted the complainant. It may be relevant to point out here that in this case it was also argued whether the delay in lodging the F.I.R. was fatal to the prosecution's case. The incident occurred on 11th April, 1977 after the general body meeting of the society and there was a delay of one month and seven days in giving the first information. It was explained that the delay was on account of danger in the hands of the accused. It was stated that the matter and the circumstances involved in a murder case will require a prompt lodging of the report, but because this case was only of an offence of the nature of Untouchability Act, as such the delay could not be considered as fatal to the prosecution, because there would not be any scope for introduction of coloured version or giving of an exaggerated account. The attack of the defence counsel that all the witnesses had not stated the similar utterances was not considered convincing because they were poor illiterate persons and it could not be expected that they would reproduce all these words that were uttered by the accused. The accused was found guilty of the offence punishable under section 7(1)(c) of the Protection of Civil Rights Act, 1955 and was convicted under section 245 (2) of Cr.P.C. (A) (Old) for the offence under section 87(1)(c) of the Protection of Civil Rights Act, 1955. The accused was sentenced to undergo R.I. for one month and also a fine of Rs. 500 in default simple imprisonment for two months.

X. Case No. . . .	C.C. No. 143/76
Date of Judgement	13th October, 1976
Name of the Court	M.M.'s Court, Andole, District Medak.

This case under section 3(b) of the Untouchability (Offences) Act came up for trial. This case was filed by Sub-Inspector of Alladurg alleging that the accused had objected and prevented some Harijans of their village Duddiyala from entering the temple to offer prayers on 12th June, 1976, which was *eruvaka Pournami* day when all the villagers offer prayers at the local Sangaweshwara Temple. It was prayed that the accused be punished for offence under section 3(b) of Prevention of Untouchability Act r/w Section 7 thereof. In the course of the trial the accused stated that they committed the offence not knowing the law and they may be dealt with leniently. They did not choose to examine witnesses in their defence. The accused were held to have committed the offence under section 3(b) r/w Section 7 of Untouchability Act. They were convicted under section 255 (2) Cr.P.C. and sentenced to pay a fine of Rs. 50 each in default to suffer simple imprisonment for 2 weeks.

Bihar

I. Case . . .	GR.EX.81/78 T.R. No. 117/79
Date of Judgement	26th September, 1979
Name of the Court	Sub-Divisional Judicial Magistrate, Latehar.

On 18th February, 1978 two teachers were accused of using unparliamentary language against a *Nazir* belonging to Scheduled Caste of Manika Block Office. One of the teachers had demanded his pay but as it was not a pay day, the *Nazir* belonging to Scheduled Caste refused to oblige him, on which the teacher mentioned that a person beonging to Chammar Community had been made *Nazir* and added that he had four ploughmen like him for the cultivation of his land. The teacher abused Scheduled Caste person by caste name. He was joined by another teacher also belonging to Rajput Community and both of them threatened *Nazir*. After having heard the version of unparliamentary language used by the teacher, the Circle Officer called the accused in his chamber and wanted to pacify the matter. Even then the accused continued abusing the Scheduled Caste person. Afterwards, Block Development Officer called both the teachers and enquired about the matter. On the basis of a written complaint, addressed to S.D.O., Latehar forwarded by Block Development Officer, Manika, the F.I.R. was drawn up against the accused persons and a charge-sheet was submitted against both the accused under section 7(c) and (d) of Protection of Civil Rights Act, 1955. The accused persons pleaded not guilty to the offence and claimed that they had been falsely implicated due to enmity. The witness had tried to show that there was enmity between the parties but no such documentary evidence had been produced by the defence, and no reliance could be placed on him. The S.D.J.M., Latehar found that the prosecution had been able to prove his case against the accused persons and so both of them were found guilty under section 7(c)(d) of Protection of Civil Rights Act. The accused were sentenced for 4 months R.I. and a fine of Rs. 200 each and in default of payment of fine one month R.I. was awarded to each of them.

II. Case No. . . .	C.R. No. 2081/76 T.R. No. 905/79
Date of Judgement	6th September, 1979
Name of the Court	Judicial Magistrate, Ist Class, Ranchi.

On 21st December, 1976 a lady belonging to Scheduled Caste had gone to take water from street water tap. She was prevented by two accused persons from taking water on the grounds that she belonged to Chamar Community. One of the accused persons threw her bucket and kicked her. The son of the accused also joined him and assaulted the Scheduled Caste lady with a lathi. At the time of occurrence the husband of Scheduled Caste lady and some other persons came there and witnessed the occurrence. On

25th December, 1976, the Scheduled Caste lady and her husband and some others went to the Police station and lodged a report. A case was instituted and the Scheduled Caste lady was sent for medical examination. Charge-sheet was submitted after investigation and cognizance was taken against the accused persons. The accused persons pleaded not guilty and claimed to be tried. They also denied allegations in their statement under section 313 Cr.P.C. The doctor examined the Scheduled Caste lady on 24th December, 1976 at Doranda hospital and found swelling with bruises on the shoulder of Scheduled Caste lady caused by hardened blunt substance. Injury was stated to be simple in nature and age of injury was mentioned about 7 days of his examination. Three defence witnesses were also examined on behalf of accused persons who stated nothing about the occurrence. They mentioned that accused had been Mukhiya of Harijan Kalyan Samiti, Birsa Chowk and another person who also happened to be a candidate for the post of Mukhiya and was defeated in the election, bore a grudge against the accused person. However, this fact did not affect the case of prosecution at all. There was also delay in lodging F.I.R. with the police but the Judicial Magistrate found in the course of cross-examination that this case was not registered by the police and so the complainants approached Superintendent of Police, Ranchi and thereafter the case was instituted and hence the delay had been explained. It was also argued that injuries on the person of Scheduled Caste were examined by the doctor on 24th December, 1976 and it was mentioned that the age of injuries was 7 days. But case of prosecution stated that injuries were caused on 21st December, 1976. It was claimed that this falsified the case of prosecution. However, this was considered to be a minor defect and the time of injury could vary according to the evidence of doctor. It was also argued that accused was *Mukhiya* of Harijan Kalyan Samiti and as such he did not have any feeling of the caste. But this fact was considered irrelevant in view of evidence adduced by the prosecution. The Judicial Magistrate found that the case of prosecution had been proved beyond all doubts. It was proved that the accused persons caused hurt to Scheduled Caste lady and they also obstructed her from taking water from public tap on account of her belonging to Scheduled Caste. Both the accused persons were found guilty under section 323 I.P.C. and 4 (iv) of Untouchability Offences Act. One of the accused was a minor boy of about 16 years of age and there was no evidence of previous conviction against him. The Judicial Magistrate Ranchi, therefore, ordered him to be released on furnishing a bond of Rs. 1000 with one surety for a period of one year under section 4 of Probation of Offenders' Act. The other accused was sentenced to undergo R.I. for 3 months under section 323 I.P.C. and also R.I. for 3 months under section 4(iv) of Untouchability Offences Act, 1955. Both the sentences were to run concurrently.

III. Case No. . . . 1593/76
T.R. No. 141/80

Date of Judgement . 26th March, 1980

Name of Court . . Judicial Magistrate, First Class, Arrah.

On 9th June, 1976 on the day of *Raksha Bandhan*, 4 persons belonging to Scheduled Caste were prevented by the accused persons from worshipping in the Shiva Temple on account of their belonging to Scheduled Caste. The Scheduled Caste persons were also threatened. In defence, it was stated that under the influence of a local leader of Scheduled Castes, some earlier disputes were also going on between the two parties and so a false case was being made against the accused persons. It was also mentioned that on earlier occasions also the Scheduled Caste persons had offered worship at the Shiva Temple without obstruction from anyone. But this did not indicate that the Scheduled Caste persons were not obstructed from worshipping on the day of occurrence. It was also stated that F.I.R. had been lodged after considerable delay. But this was ascribed to the fact that the Scheduled Caste persons feared threat to their lives. It was further mentioned that the statements of the various persons differed about the possession of arms and entry of ladies belonging to Scheduled Caste in the Shiva Temple. But it was considered by the Magistrate that such variations did not affect the main issue. The Magistrate found 10 persons guilty under section 3(a) of Untouchability (Offences) Act, 1955. Each of the accused persons was sentenced to undergo R.I. for six months.

IV. Case No. . . . GR-1431/78
745/1980

Date of Judgement . 4th March, 1980

Name of Court . . Judicial Magistrate, First Class, Purnea.

On 24th August, 1978, a Scheduled Caste person had been refused meals by a hotel owner on account of his belonging to low caste. The hotel owner alongwith his two servants also gave a beating to the Scheduled Caste person. So a case was filed under section 4(1) of Protection of Civil Rights Act. But the allegations could not be established and it turned out that the dispute had taken place between the two parties over payment and not about refusal to serve meals. Further both the parties compromised. The hotel owner and his two servants were not found guilty under section 4(1) of Protection of Civil Rights Act.

KARNATAKA

I. Case No. . . . C.C. No. 380/1979

Date of Judgement . 27th October, 1979

Court . . . . J.M.F.C., B. Bagewadi, Bijapur.

A case was registered at Managoli Police Station against two caste-Hindu persons under section 4(ii) of the Protection of Civil Rights Act and under section 105 of the Karnataka Police Act. The accused had kept separate cups and saucers for Harijans in hotel. Further the accused was not having licence to run the hotel. After investiation of the case the P.C.I. Managoli filed the charge-sheet. Out of 8 prosecution witnesses, 4 turned hostile. It was pointed out that since the witnesses had turned

hostile to the case of the prosecution, the stay of the prosecution could not be thrown out of court. As the defence had not rebutted the presumption of Commission of Offence as contemplated under section 12 of the P.C.R. Act, it was evident for the judge to hold the prosecution as established the case against the accused. The accused had produced the licence in the subsequent stage of examination. The Judicial Magistrate First Class Basavan Bagewadi observed that by keeping separate cups and saucers for the Harijans the accused had committed offence under section 4(11) of the Protection of Civil Rights Act and sentenced the accused to undergo Simple Imprisonment for one month and were further sentenced to pay a fine of Rs. 100 each in default to undergo further Simple Imprisonment for ten days. They were however acquitted under section 255 of the Cr.P.C. for the offence punishable under section 105 of the Karnataka Police Act.

II. Case No. . .	C.C. No. 286/80 Kulgod Cr. No. 85/79
Date of Judgement .	15th February, 1980
Court . . .	J.M.F.C. Gokak, Distt. Belgaum.

A case was registered against the accused person of Yadawad under Section 6 of Protection of Civil Rights Act. The J.M.F.C. Gokak convicted and sentenced him to undergo simple imprisonment till rising of the Court and to pay fine of Rs. 100 I/D to pay fine to undergo simple imprisonment for 7 days.

III. Case No. . . .	C.C. No. 899/1979 G.K.K. Cr. No. 196/79
Date of Judgement .	1st August, 1979
Court	J.M.F.C. Court District.

A case was registered against the accused person of Hirenandi under Section 4(ii) Protection of Civil Rights Act. He was convicted and sentenced to pay a fine of Rs. 25 and S/I till rising of Court I/D to pay S.I. for 2 days.

IV. Case No. . . .	C.C. No. 916/79 Gpb. Cr. No. 102/79
Date of Judgement .	3rd August, 1979
Court . . .	J.M.F.C. Gokak, District Belgaum.

A case was registered against the accused person of Hallur under Section 4(ii) Protection of Civil Rights Act. He was convicted and sentenced to pay a fine of of Rs. 25 and S/I till rising of the Court I/D to pay fine to undergo S/I for 2 days.

V. Case No. . . .	C.C. No.909/79 Gpb. Cr. No. 103/79
Date of Judgement .	2nd August, 1979
Court . . .	J.M.F.C. Gokak, District, Belgaum.

A case was registered against an accused person of Hallur under Section 4(ii) Protection of Civil Rights Act. He was convicted and sentenced to pay a fine Rs. 25 and S/I till rising of the Court and I/D to pay fine to undergo S/I for 2 days.

TAMIL NADU

I. Case No. . .	C.C. No. 101/79
Date of Judgement .	10th October, 1979
Court . . .	Judicial II Class Magistrate, Kodaranur, District Pudduk ttai.

Complainant was the State through the Sub-Inspector of Police of Veerari Malai (Crime No. 28/79) and the accused were two caste-Hindus. The charge was on 10th February, 1979 in Akkal Nayakanpatte village, the complainant was prevented from doing *puja* in the Shri Bagavathi Amman Koil because of his caste and thus there was a violation of Section 3(1) of the Civil Rights Act. The accused persons were given the charge-sheet and they pleaded not guilty. The case of the prosecution was that on the 10th February, 1979, a Scheduled Caste employee in the Government of India office went to the temple and asked the priest to perform puja by giving puja articles through another person. The two accused caste-Hindu persons present there said that since he was a Harijan, puja should not be performed for him. Next morning the matter was reported to the police authorities. Four persons gave evidence that the two accused persons were responsible for not performing puja. After going through the evidence, the Magistrate came to the conclusion that the case against accused persons stood proved under section 3(1) of the Act and they were convicted with R.I. for one month and a fine of Rs. 100 per head in default to undergo R.I. for a further period of one month.

II. Case No. . .	C.C. No. 137 of 1980
Date of Judgement .	31st May, 1980
Name of the Court .	Judicial II Class Magistrate of Puddukottai, Pudduk ttai District.

The complainant was the State through the Sub-Inspector of Police, P.C.R. Wing, (Cr. No. 2/79) and the offence was committed under Section 4(1)(ii) of the Act by the accused on 13-12-1979. In the first instance, the accused pleaded not guilty and afterwards the accused accepted the crime of his own accord and filed a petition, which was accepted. After examining the voluntary statement of the accused and other documents, it was decided that he had committed a crime under the above-mentioned section. He was ordered to pay a fine of Rs. 15 or in default to undergo imprisonment for a period of one month.

III. Case No. . .	C.C. No. 273 of 1979
Date of Judgement .	23rd March, 1979
Court . . .	Judicial II Class Magistrate at Gobichetty, Coimbatore District.

The complainant was the S.I. of Police (Cr. No. 267 of 1979) and the accused was a non-Scheduled Caste. The S.I. filed a charge-sheet against the accused under

section 4(1)(2) of the Protection of Civil Rights Act. According to the charge-sheet on the 19th March, 1979, the accused had refused to admit a Scheduled Caste into his tea-shop and was served tea in a separate cup. The accused accepted the crime committed by him. He was convicted and sentenced to undergo imprisonment for a period of 3 months under section 4(1)(2) of the Act.

IV. Case No. . . . C.C. 1072 of 1977
Date of Judgement . 29th May 1978
Court . . . . Judicial II Class Magistrate, Tinimayam, Puddukottai District.

It was reported that on 12th October, 1977 the victim had gone to the coffee shop of a caste-Hindu to take coffee. At that time the accused was sitting on the opposite seat and taking some food. The accused asked the Scheduled Caste to sit on the floor to take his coffee and also scolded him calling him Harijan. Later he caught him by his throat and pushed him down. He lodged a report at the police station. Complainant was the State through Sub-Inspector of Police of Pudupatti (205 of 1977). The judge came to the conclusion that the accused stood guilty of crime under section 7(1) of the Protection of Civil Rights Act. So he convicted him to pay a fine of Rs. 50 or in default sentenced to R.I. for a period of one month.

V. Case No. . . . C.C. No. 167 of 1979
Date of Judgement . 20th August, 1979
Court . . . . Judicial II Class Magistrate, Coimbatore, District Coimbatore.

The complainant was the Sub-Inspector of Police (Crime No. 107 of 1979) and the charge was that on 24th February, 1979, a Scheduled Caste person had gone to the tea-shop of a caste-Hindu and asked for tea. The accused refused to supply him tea in a glass tumbler. He also spoke ill of Harijans. He went to Perur and lodged a complaint with the Sub-Inspector of Police. After registering the complaint and after taking with him the Assistant Sub-Inspector of police, and some constables alongwith the victim they visited the tea stall again. The police personnel hide themselves and the victim was again asked to approach the tea shop of the accused. The accused offered him tea in a coconut shell meant for the Harijans. Witnesses, the police personnel saw this and took the coconut shell as a piece of evidence. The accused was taken into custody and the charge-sheet was filed against him. The court found the accused guilty and sentenced him for one month R.I. and a fine of Rs. 100 and in default to pay fine to undergo imprisonment for one more month.

VI. Case No. . . . C.C. No. 187 of 1978
Date of Judgement . 17th March, 1978
Court . . . . Judicial II Class Magistrate, Virudhu Nagar, District Ramanathapuram.

The complainant was the Sub-Inspector of Police (Cr. No. 3 of 1978) and the accused was a caste-Hindu. The charge was violation of section 4(ii) and section 7 (1)(c) of the Protection of Civil Rights Act. The allegation was that the accused and two others were running a tea-shop in Bhawani village and that they used to supply tea to forward class customers in stainless steel utensils while Harijans were being supplied in brass tumblers. When the victim objected to this practice, the accused was reported to have called him names and spoke ill of the Scheduled Caste community. The case was charge-sheeted. Though summons were issued six times no witness appeared on the side of the State. The advocate for the accused filed an application requesting that as the witnesses for the complainant had not appeared, further action in accordance with law should be taken. The court found that in this case there was no evidence to show that the accused had committed the offence as alleged so he acquitted him under section 255 (1) of Cr.P.C.

VII. Case No. C.C. No. 23 of 1979
Date of Judgement . 10th August, 1979
Court . . . . Judicial Magistrate Nagapattinam, District Tanjore.

The complainant was the Sub-Inspector of police. The charge was that on 31st March, 1978, five persons 4 belonging to Scheduled Caste and one Caste-Hindu had gone to tea shop of a caste Hindu. They had set on a bench to take tea. The accused spoke ill of the Harijan community and asked them to sit at a special place provided for them. So the victim left the shop and brought the matter to the notice of the village elders but in vain. So on 15th April, 1978 they lodged a complaint in the police station. The court sentenced the accused to R.I. for 3 months and a fine of Rs. 200 in default to undergo R.I. for one more month.

VIII. Case No. . . C.C. No. 448 of 1979
Date of Judgement 31st July, 1979
Court . . . Judicial II Class Magistrate, Perundurai.

The case was that on 10th May, 1979, the victim a Scheduled Caste Hindu-person had gone to a tea-shop of a caste and the accused had offered him tea in a separate tumbler, thus practising untouchability. In the Judgement delivered on the 31st July, 1979, the judicial II Class Magistrate Perundurai found him guilty under section 4(11) of the Protection of Civil Rights Act and awarded him imprisonment till the rising of the Court and a fine of Rs. 200 and in default to pay the fine to undergo R.I. for one year.

IX. Case No. . . . C.C. No. 4774 of 1977
Date of Judgement . 30th November, 1977
Court . . . . Judicial II Class Magistrate Puddukottai, District Puddukottai.

A case was registered in Gandarnakottar Police Station (Cr. No. 406 of 1977) that a Scheduled Caste person while going to Pan shop met the accused a

caste-Hindu who abused his caste for not having given him his cycle. He also attacked and injured him. The doctor who examined the victim came to conclusion that the wound was caused due to attack by *chappal* and by hand. The accused was found guilty under section 323 of the I.P.C. and sentenced to pay a fine of Rs. 25 or in default to undergo simple imprisonment for 15 days. It was taken that the accused did not beat the victim on caste-consideration. He was not punished under Protection of Civil Rights Act sections.

X. Case No. . . . C.C. No. 2017 of 1977
Date of Judgement . 16th August, 1978
Court . . . . Judicial II Class Magistrate, Anantang, District Puddukottai.

The complainant was the Sub-Inspector of Police, Amdayar Koil (Cr. No. 87 of 1979). The allegation was that on 18th May, 1977 in the premises of Keezhapperngadu village cooperative Agriculture Society Building, the accused had demanded two kgs. of sugar without producing ration card. On being refused, the accused person insulted the Harijan community and also threatened him of physical harm to break his legs. The accused was charged under section 7(1)(c) of the Protection of Civil Rights Act and Section 506(1) of I.P.C. The accused was found guilty under section 7(1)(c) of the Protection of Civil Rights Act and sentenced to R.I. for one month and a fine of Rs. 100 or in default to undergo R.I. for one more month. There was not enough evidence to prove the allegations under section 506(1) of the I.P.C. and so he was released under section 255(1) of the Cr.P.C.

XI. Case No. . . . C.C. No. 158 of 1979
Date of Judgement . 30th November, 1979
Court . . . . Judicial II Class Magistrate, Kecranur, District Puddukottai.

The complainant was the Sub-Inspector of Police of Veeralimalai (Cr. No. 64 of 1979). The two caste-Hindu accused persons had entered the land of a Scheduled Caste person and insulted him by calling his caste. So a charge-sheet was filed under section 447 of the I.P.C. and section 7(1)(c) of the P.C.R. Act. The court came to the conclusion that the accused had insulted the Scheduled Caste person and his spouse by speaking ill of their caste, and so far trespassing into the land of the victim was concerned, it could not be proved. So the Court sentenced the accused to minimum imprisonment of one month and a fine of Rs. 100. In case the fine was not paid, they had to undergo R.I. for a further period of one month and under section 447 of the I.P.C. they were acquitted under section 255(1) of the Cr.P.C.

PONDICHERRY

I. Case No. . . . CC. 12/79
Date of Judgement . 2nd January, 1980
Court . . . . Judicial 1st Class Magistrate, Karaikal.

The Sub-Inspector of Police C.I.D., Pondicherry laid a charge-sheet against a caste-Hindu accused that on 24th December, 1978, he used inciting words on grounds of untouchability and obstructed a member of Scheduled Caste from using the Padhiri Tank of Vizhidiyur for washing his cattle, and had committed the offences punishable under section 4(iv) and 7(1)(d) of Protection of Civil Rights Act, 1955. The Sub-Divisional Judicial Magistrate, Karaikal did not find the accused guilty of the offence under section 7(1)(d) of Protection of Civil Rights Act, 1955 and acquitted him thereunder. He found the accused guilty of the offence under section 4(iv) of Protection of Civil Rights Act, 1955 and convicted him thereunder and sentenced him to undergo Simple Imprisonment for one month and to pay a fine of Rs. 100 I/D to undergo Simple Imprisonment for another term of 15 days in terms of Section 255(2) of Cr.P.C.

7.41 *A careful scrutiny of the Judgements delivered by Courts in respect of disposal of cases registered under the Protection of Civil Rights Act can serve as useful basis in undertaking processual reforms for ensuring social justice to the weaker sections.*

Study conducted by the Gujarat Police Research Centre in respect of Judgements ending in Acquittal under the Protection of Civil Rights Act.

7.42 The Police Research Centre of Gujarat State scrutinized 281 judgements pertaining to acquittal of accused persons under the Untouchability (Offences) Act, 1955 and Protection of Civil Rights Act during 1975, 1976 and 1977 Information regarding percentage of acquittal cases on account of reasons indicated by the courts is given in the following table :—

Sl. No.	Main reason of acquittal	Percentage of acquittals		
		1975	1976	1977
1	2	3	4	5
1.	Complainants turned hostile	5.08	8.27	26.97
2.	Witnesses turned hostile	13.56	14.29	26.97
3.	Contradiction in evidence	5.08	6.77	1.12
4.	Exaggeration of complaints	16.95	11.28	15.73
5.	Use of word 'Dheda' no offence	10.19	11.28	6.74
6.	Enmity and instigation	1.69	2.26	1.12
7.	Interested witnesses	8.47	6.02	8.99
8.	Delay in lodging complaints	8.47	2.26	1.12
9.	Lack of independent evidence/sufficient evidence	10.17	12.78	7.87
10.	Acquittal on account of compromise	20.34	21.80	..

7.43 Salient points from some of the judgements are given below :

Complainant was declared hostile in C.R. No. 59/75 of Vallabhipur Police Station under sections 6, 7 of the Untouchability (Offences) Act, while in C.R. No. 52/75 of Gadhada Police Station (Bhavnagar) the complainant who posed himself as social worker made contradictory statements and the court made serious strictures against him while acquitting the accused. The J.M.F.C. Jhagadia (Broach) acquitted the accused in Waghara Police Station C.R. No. 13/76 under section 7(c) Protection of Civil Rights Act since all witnesses including complainant were declared hostile.

The J.N.F.C. Manavadar (Junagadh) while acquitting the accused charged under section 324, 504, 35 I.P.C. and section 7(b) (d) of the Untouchability (Offences) Act, 1955 (Court Case No. 916/75) observed that though all the eye witnesses were of the caste of complainant they turned hostile and did not support the say on oath and acquitted all the 4 persons belonging to patel community. The J.M.F.C. Kalol held the view in Pethapur Police Station C.R. No. 200/76 (Gandhinagar) when the witnesses and Panchas did not support the case that the accused could not be convicted on the evidence of Harijan Cell.

The complainant in C.R. No. 17/77 under section 392, 447 I.P.C. and Section 3 r/w Section 7 of P.C.R. Act (Radhanpur Police Station Banaskantha) deposed before the court that he was present on the spot whereas the eye witnesses stated that the complainant was not actually present. Such contradictions raised doubts about the genuineness of the complaints. The court observed that P.C.R. is a sacred Act meant to safeguard the rights of Scheduled Castes but the indiscreet complaints under the Act would widen the gap between the communities.

In C.R. No. 5/75 under section 504, 506 I.P.C. and Section 7 of the Untouchability Offences Act, 1955 of Tarapur Police Station (District Kheda) the J.M.F.C. Cambay pointed out that the complainant had exaggerated the facts to make it a cognizable case.

The courts held that the mere use of word 'Dheda' does not constitute an offence. The courts relied upon in this regard on the Gujarat High Court ruling issued in Criminal Appeal No. 1192 of 63 wherein their Lordships observed that when a person who is 'Dheda' by caste is called 'Dheda', it is not an offence under the 'Untouchability Offences Act'.

The J.M.F.C. Palitana acquitted the accused persons in C.R. No. 55/76 on the count that there was enmity between the complainant and accused persons since the latter had earlier lodged a case against the complainant who was imposed a fine of Rs. 100 The J.M.F.C. Dabhoi (Baroda) in Talanwada Police Station C.R. No. 58/75 under section 506, 109 I.P.C. and Section 7(1) of the Untouchability (Offences) Act observed that the land dispute between the complainant and the accused was the real cause of dispute and the complainant had concocted to bring pressure on the accused persons. In another case under section 7 of the Protection of Civil Rights Act and Article 17 of the Constitution of India (Court Case No. 322 of 1977 of Rajpipla), the court acquitted the accused that the complaint was a mere concoction by the complainant and his associates of his own caste and class who had a common cause and hostility to the accused. They had tried to exploit their status of being Harijans by caste to harass an innocent school head mistress.

In Baroda city Police Station C.R. No. 38/77 under section 323, 504, 506, I.P.C. and Section 7 of the Untouchability (Offences)/Act, it was held that the witnesses were interested and related to the complainant. Similarly, in Vadgam court case No. 207 of 77 under sections 3 and 7 of Protection of Civil Rights Act, the J.M.F.C. Palanpur held that the witnesses were of the same caste and locality and thus they were interested witnesses. The A.P.P. Jambusar argued in C.C. No. 965 of 1977 under section 7(6) of the Untouchability (Offences) Act and Section 426 I.P.C. that in the Criminal Law Journal 1977, it was observed "a close relative who is a very natural witness in circumstances of a case cannot be regarded as interested witness" but the learned Magistrate over-ruled that point stating that the incident took place on a public road having thick human traffic, some persons from public could have been examined by way of independent corroboration.

The J.M.F.C. Porbunder in C.C. No. 549/75 of Ranavav Police Station (Junagadh) observed that there was a delay of about 7 days in filling the complaint and it had gone unexplained. In C.C. No. 408 of 1976, the J.M.F.C. Narol mentioned that the complaint had been lodged after a delay of 3 days and his explanation that the complainant was in search of the name of the accused was not believed. The J.M.F.C. Jagudia (Broach) in C.C. No. 1344/76 stated that the incident took place in thickly populated area and not a single independent witness was forthcoming to support the say of the complainant. Section 15(b) of the Untouchability (Offences) Act, 1955 laid down every such offence may with the permission of the court be compounded, while in the new Act namely the Protection of Civil Rights Act, such offences had been made non-compoundable. The Courts had been granting permission before the introduction of the new Act to compromise the case on the ground that the peace between the parties would be preserved.

Intercaste Marriages

7.44 Encouragement of intercaste marriages had been considered to be one of the measures to overcome caste-barriers prevalent in the society. Schemes for encouraging intercaste marriages were put into operation initially by the State Governments of *Gujarat, Kerala, Maharashtra* and *Tamilnadu.* This step was commended by the Commissioner in his earlier Annual Reports. Subsequently, such schemes were also framed by other

State Governments/Union Territory Administrations. Available State-wise details are indicated below :—

1. *Andhra Pradesh*

The scheme of giving awards to the inter-caste married couples has been in force since 1974-75. A sum of Rs. 1,000 is given in deserving cases of inter-caste marriages between backward classes and others. This scheme has been further extended to inter-religions and also to blind and non-blind persons. 696 persons solemnized inter-caste marriages during 1976-77 and a sum of Rs. 6.89 lakhs was spent. A sum of Rs. 11.00 lakhs was provided during 1980-81 for giving incentives to inter-caste marriages.

2. *Bihar*

The State of *Bihar* in order to encourage inter-caste marriages awards Rs. 5,000 in case of marriages between Scheduled Caste and caste-Hindu is solemnized. The persons contacting such types of marriages should be residents of Bihar. The scheme was effective from 11th October, 1976. The cash awards to the couples are distributed by the District Magistrates. In the year 1979-80, a sum of Rs. 50 lakhs was provided for this purpose.

3. *Gujarat*

An amount of Rs. 5,000 is given as a gift if a marriage takes place between a Scheduled Caste and caste-Hindu. To mark the occasion, a public reception is held in which the district collector, important officials and prominent local workers participate. In the year 1979-80, 17 couples went in for such types of marriages. During the year 1980-81, a sum of Rs. 0.80 lakh was proposed to be spent on 16 couples.

4. *Karnataka*

An amount of Rs. 2,000 is given if either partner of the couple belong to Scheduled Caste community. This incentive is given to the couples whose annual income from all sources does not exceed Rs. 3,000. This will be utilized as economic incentives for starting a petty business or to purchase land or to build a house or for any other equivalent investment. During the year 1980-81, under the annual plan a sum of Rs. 2.50 lakhs was proposed to benefit about 25 couples.

5. *Kerala*

A caste-Hindu marrying a Scheduled Caste or Scheduled Tribe person or *vice-versa* gets an award of Rs. 2,000 in the State of Kerala. The off-springs of such couples are also entitled to concession in educational field during 1979-80, 425 couples were benefited. According to the target set forth in the State Annual Plan for the year 1980-81, 150 couples will derive benefit out of it.

6. *Madhya Pradesh*

Under this scheme a sum of Rs. 1,000 is given as incentive to inter-caste married couples of which one of the spouse belongs to a Scheduled Caste/Scheduled Tribe community. In addition to cash award a gold medal and a certificate of appreciation is also given. During 1977-78, ten couples who had inter-caste marriages were given the above mentioned awards.

7. *Maharashtra*

A sum of Rs. 2,500 is given to the inter-caste married couple. This financial assistance is given to each person contracting inter-caste marriages between persons belonging to Scheduled Caste/Scheduled Tribe/Vimukta Jati/Nomadic Tribe with caste-Hindus including Jains/Lingayad/Boudha/Sikh. The reception of couples is given wide publicity in the local newspapers. It is proposed to provide an outlay of Rs. 10.75 lakhs during 1980—85 and Rs. 2.75 lakhs during 1981-82.

8. *Orissa*

The State of *Orissa* awards a cash prize of Rs. 1,000 and a certificate of appreciation by the Collector and District Magistrate to encourage inter-caste marriages. The cash is given for purchase of land or essential articles for house-hold or for starting business. It is given only to a person marrying Scheduled Caste whose annual income from all sources does not exceed Rs. 6,000. The children of such couples are entitled to educational and other concessions as are available to students belonging to Scheduled Castes. They should also be permanent residents of Orissa. This scheme is applicable for those who solemnized marriages after 26-6-1980.

9. *Tamilnadu*

For the removal of untouchability inter-caste marriages are encouraged by giving various kinds of awards. Prior to 18-9-1978 inter-caste married couples were awarded a gold medal and cash grant of Rs. 200. During 1979-80, 91 couples contracted inter-caste marriages. It was proposed that in 1980-81, about 150 couples would benefit from this scheme. Those who had contracted inter-caste marriages on or after 18-9-1978 were given the following incentives :—

(a) An award of gold medal weighing 8 gms. in 14 carat purity besides the issue of an appreciation certificate.

(b) If the combined annual income of both the inter-caste married couple is Rs. 6,000 per annum and below, they shall be awarded a cash grant of Rs. 300 (Marriage expenses) and a sum of Rs. 4,000 to be invested in the name of the couple in any nationalised bank for 5 years.

10. *Tripura*

The scheme which was undertaken by this State Government in 1977, gives a sum of Rs. 2,000 each and an appreciation certificate as incentive for inter-caste marriages. The State Government proposed to set up a committee, called inter-caste marriages committee in each district to scrutinize and enquire into the application of the couples in an inter-caste marriage for recommending to the Government to pay cash grant and certificate to such couple.

11. *Uttar Pradesh*

In order to remove caste-barrier, couples who go in for inter-caste marriages are given a sum of Rs. 1,000, a medal and an appreciation certificate. In addition to the above awards an interest free loan upto Rs. 15,000 is also given for starting small scale industries During 1977-78, 1978-79 and 1979-80, 19, 34 and 50 couples benefited under this scheme. 5 couples were given interest free loan of Rs. 60,000.

12. *Goa, Daman and Diu*

A scheme of giving awards for contracting inter-caste marriages is being newly introduced. The details of the scheme are not available.

13. *Pondicherry*

The Union Territory of *Pondicherry* awards cash incentives for those who go in for marriages between Scheduled Castes and caste Hindus. During 1979-80, two couples were awarded Rs. 5,000 for such marriages.

7.45 It was observed in the 1978-79 Report of the Commissioner that the children of such inter-caste married couples should be entitled to the benefits for which the persons belonging to Scheduled Caste are entitled in matters like reservation in services. So far no State Government has implemented this suggestions. *It is suggested that the State Governments/Union Territory Administrations which have not so far introduced the scheme relating to encouragement of inter-caste marriages, should also do so and the State Governments/Union Territory Administrations which have already introduced such schemes should consider the desirability of liberalising the incentives to which inter-caste married couples are entitled. Besides, in each State a cell should be set up to look after the complaints received from inter-caste married couples, so that they may be sheltered against any sort of harassment on or before their marriages. These cells could also be utilized to provide information about benefits which could be achieved by the inter-caste married couples.*

NON-OFFICIAL AGENCIES

7.46 In our country where a very large number of persons are socially, educationally and economically backward, the role of non-official agencies for the overall improvement of their lot in different spheres of life cannot be over-emphasized. Some such agencies are, in fact, playing a significant role in advancing the social and economic progress of the community and are particularly engaged in the welfare of Scheduled Castes and Scheduled Tribes and Other Backward Classes. Some of these agencies are working on all-India basis with grants from the Central Government while a few others, whose activities are confined to one or two States are assisted by the respective State Governments. The activities of such agencies are generally confined to the fields of education, publicity for the removal of the practice of untouchability and achieving social transformation by arousing self-confidence and consciousness particularly in the weaker sections of the society. The table given below indicates the amount of grant-in-aid released directly by the Government of India to the various non-official agencies working for the welfare of the Scheduled Castes, Scheduled Tribes and other Backward Classes during the years 1979-80 and 1980-81 :—

Grants given by the Government of India

Sl. No.	Name of the non-official agency	Grant-in-aid released during	
		1979-80	1980-81
1	2	3	4
			(Rs. in lakh)
A.	*For Scheduled Castes*		
1.	Harijan Sevak Sangh, Delhi . .	11.58	2.67
2.	Bharatiya Depressed Classes League, New Delhi	3.38	1.77
3.	Hind Sweepers' Sevak Sangh, New Delhi	2.08	3.44
4.	Iswar Saran Ashram, Allahabad .	0.45	1.00
B.	*For Scheduled Tribes*		
1.	Bharatiya Adimjati Sevak Sangh, New Delhi	9.99	8.74
2.	Andhra Rashtra Adimjati Sevak Sangh, Nellore, Andhra Pradesh .	0.50	..
3.	Ramakrishna Mission Ashram, Ranchi, Bihar	1.79	2.73
4.	Ramakrishna Mission Ashram, Cherrapunji, Meghalaya . .	4.08	9.33
5.	Ramakrishna Mission, Shillong, Meghalaya	0.94	3.47
6.	Sri Ramakrishna Advaita Ashram, Kalady, Kerala	1.36	1.13
7.	Ramakrishna Mission Sevasram, Silchar, Assam	N.A.	..
8.	Nagaland Gandhi Ashram, Mokakchung, Nagaland	0.41	1.33

1	2	3	4
9.	Sri Ramakrishna Society, Dimapur, Nagaland	0.31	2.27
10.	Ashok Ashram, Kalsi, Dehradun, Uttar Pradesh	2.71	2.77
11.	Ramakrishna Mission, Narottam Nagar, Arunachal Pradesh	1.88	
12.	Ramakrishna Mission, Along, Sian-District, Arunachal Pradesh	2.59	4.57
13.	Sri Ramakrishna Seva Kendra, Tripura	0.24	
14.	Nilgiris Adivasi Welfare Association, Kotagiri, Nilgiri, Tamil Nadu	1.25	1.33
15.	Nikhil Bharat Banabasi Panchayat, Jhargram, Midnapur, West Bengal	2.26	1.99
16.	Dayanand Sewashram Sangh, North East India, Bokajam, Karbi-Anglong, Assam	0.32	
17.	Gharmora Model Satra Hills and Plains Cultural Institution, North Lakhimpur, Assam	0.37	1 72
18.	Himalaya Seva Sangh, New Delhi	..	0.80
19.	Servants of India Society, Allahabad	N.A.	0.04
C.	*Both for Scheduled Castes and Scheduled Tribes*		
1.	Ramakrishna Mission Ashram, Puri, Orissa	1.22	1.21
2.	Ramakrishna Mission Ashram, Narendrapur, West Bengal	3.16	3.36
3.	Thakkar Bapa Ashram, Nimakhandi, Orissa	1 16	0.51
4.	Dayanand Vidya Niketan, Bokajan, (Karbi-Anglong), Assam	2.40	
5.	Ramakrishna Mission Vidyapith, Vivekanand Nagar, District Purulia, West Bengal	0.25	0.44
6.	Servants of India Society, Poona, Maharashtra	5.06	5.27
D.	*For Other Backward Classes*		
1.	Indian Red Cross Society, New Delhi	8.76	10.42

Harijan Sevak Sangh

7.47 The intensive area scheme for removal of untouchability started earlier by the Harijan Sewak Sangh has shown encouraging results. The intensive area workers, mahila pracharaks, regional sevaks and the Bhangi Kasht Mukti workers served 30 blocks spread over in 30 districts in the States of *Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa. Punjab* and *Haryana. Rajasthan, Tamil Nadu* and *Uttar Pradesh* achieved satisfactory success. A total number of 1,500 villages were covered under the scheme in the above mentioned States except *Bihar*. For the removal of untouchability, the Sangh had an intensive programme which included propaganda through its workers, publication of literature, holding of public meetings, conferences and social gatherings, exhibition of films and arranging of *Padyatras* etc. During the year 1979-80, the sevaks conducted 4,265 Goodwill conferences, meetings and social gatherings and organised 17 mela meetings. The Sangh resumed publication of Hindi-*cum*-English bi-monthly magazine 'Harijan Seva' containing information about the achievements made by the Sangh in the field of removal of untouchability and the welfare of Harijans. Small booklets 'Sevaks Guide' and 'Anmol Vachan' in Hindi were also published for the guidance of the field workers of the Sangh. The workers of the Sangh succeeded in getting free access of Harijans to 222 temples, 371 wells, 347 restaurants and services of 169 barbers and 40 washermen in the States of *Andhra Pradesh, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu* and *Uttar Pradesh*.

Under the Bhangi Kasht Mukti scheme, which aims at abolition of scavenging, the workers got 3,737 dry latrines converted into water-borne and 4,209 water-borne (sweeper-free) latrines were constructed. Maximum number of such latrines were converted in *Gujarat* (1476) followed by *Delhi* (777) and *West Bengal* (775). The lowest number was, however, in *Maharashtra* (4). Similarly the largest number of water-borne (sweeper-free) latrines were constructed in *Assam* (1,516), *Gujarat* (716), *West Bengal* (679) and *Madhya Pradesh* (272). The Safai Vidyalaya at Ahmedabad run by the Sangh which provides training to a large number of workers in urban and rural sanitation and systematic and hygienic disposal of night-soil, organised 7 training camps for *Sarpanchas* so that they may carry out the work in their respective Panchayat areas and thus trained 113 persons. In addition, four training camps were also held in which 166 interested students of local Engineering Colleges and Polytechnics were trained. The Vidyalaya, with the help of Government of Gujarat arranged 100 exhibitions high-lighting rural sanitation, primary care, hand-flush and urinals etc. The Government of Gujarat financed the Vidyalaya with an assistance of Rs. 700 for each exhibition. The intensive area workers, regional sevakas and mahila pracharaks who concentrate mainly on the rural and semi-urban areas because of the prevalence of untouchability and unhygienic conditions visited 7,766 villages in 15 States. In *Delhi*, the Sangh is running since 1944 a residential institution for girls, namely, Kasturba Balika Ashram for imparting education to harijan girls to improve their social status. The Ashram provides education upto 10th Class and is affiliated to the Central Board of Secondary Education. During the period under report it had 573 girl students on its rolls out of which 190 were resident students. The total number of Scheduled Caste students was 220 and out of 190 resident students 173 belonged to the Scheduled Castes. Another residential institution known as 'Bapa Ashram School' is exclusively run for the children of sweepers and

scavangers, though some other deserving students belonging to other Scheduled Caste communities are also admitted. The school had 338 students on its rolls out of whom 165 belonged to Balmiki community and an equal number to other Scheduled Castes. The resident students are given free-boarding, lodging, clothing and some other facilities. Besides the educational development, the students are provided training in other activities such as chalk-making, ink-making, clay-modelling and crafts etc.

Bharatiya Depressed Classes League

7.48 The Bharatiya Depressed Classes League, through its branches in various States, continued their usual activities for the removal of the practice of untouchability. Their main schemes are (i) appointment of pracharaks for propaganda for the removal of the practice of untouchability, (ii) publicity through publishing of posters, pamphlets etc., (iii) holding of Conference, *melas,* meetings, seminars etc. and (iv) to attend to complaints from the aggrieved Scheduled Castes and to supervise the work of the Pracharakas. Seventy Pracharaks including lady Pracharaks continued to work throughout the year 1979-80. These pracharaks worked for the removal of the practice of untouchability by conducting public meetings and arranging *melas* in different States. Posters and pamphlets incorporating the messages and sayings of the religious and national leaders against the practice of untouchability were also got printed and distributed in the public meetings and gatherings. During the year 1979-80, these Parcharakas arranged 4,591 public meetings and social gatherings, got opened for Harijans 51 temples, 89 Water-taps/wells, 73 hotels, and arranged 122 community dinners and 20 cultural programmes. In addition, 99 villages were cleaned, 5 night schools were maintained, and 28 *bhajan mandalis* were arranged in the States of *Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal* and the Union Territories of *Pondicherry, Chandigarh,* and *Delhi.* Over and above this, these Pracharakas assisted the Harijan students in getting admission in various educational institutions and helped the aggrieved in registering their complaints of harassment with the Police.

Hind Sweepers' Sevak Samaj

7.49 The Hind Sweepers' Sevak Samaj, during the year 1979-80 continued to run 9 social welfare and education centres at Allahabad, Lucknow, Shahjahanpur, Varanasi, Katni, Ranaghat and Fatehpur in *Uttar Pradesh* and Gurgaon and Patiala in *Haryana* and *Punjab.* The Samaj also maintained one hostel for Scheduled Caste Post-matric students at Allahabad where special coaching was provided to the 35 inmates in addition to free board and lodging facilities. The Samaj also maintained an Ashram School for sweepers at Allahabad. Poor Scheduled Caste children of school-going-age of the surrounding rural areas particularly the ones belonging to sweeper community were accommodated and provided free board and lodging. In addition, the Samaj also maintained one short-hand and type-writing Centre at Lucknow.

Bharatiya Adim Jati Sevak Sangh

7.50 The Bharatiya Adim Jati Sevak Sangh undertook work for the welfare of Scheduled Tribes through its Central Office located in New Delhi as well as through its affiliated branches spread over in various States. During the year 1979-80 the Government of India reviewed the scheme of 'Life Membership' and agreed to a grant-in-aid of Rs. 6.42 lakhs for the scheme. Under this scheme a Cadre of 56 Life members (20 senior, 12 junior and 24 volunteers) was evolved in the Organisation in addition to 13 Life members already borne on the Sangh's Cadre. These 13 Life members have been working amongst the tribals for their welfare either in an honorary capacity or on payment of very nominal allowance. The Life Members were reported to have been posted in the remote tribal areas located in the States of *Andhra Pradesh, Assam, Bihar, Gujarat Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Nagaland, Orissa, Rajasthan, Uttar Pradesh, West Bengal* and *Arunachal Pradesh.* During the year 1980-81 these Life Members have made very significant contribution towards the welfare of tribals by living in their environments, surveying their areas of abode and activities, to have first hand knowledge about the problems of the tribals and to find out remedial solutions to these problems. Each Life Member is expected to maintain a diary about his activities and send his monthly report to the Central Office of the Sangh. Refresher courses are arranged for the Life Members to equip them with better know-how in respect of the various programmes implemented for the tribals. These Life Members who work in close collaboration with the district authorities and they being well aware about the day-to-day instructions of the Government, keep themselves up-to-date in the sphere of their activities. In addition, during the year 1980-81 the Sangh continued their schemes of Training Centre at Rupa (*Arunachal Pradesh*). Concentrated efforts were made to cultivate the sentiments of national emotional integration amongst the local tribals through various welfare programmes. At Jhalod (*Gujarat*) the Sangh is running Gujarat Tribal Women's Training Centre to train women workers to undertake and implement child welfare programmes and to do extensive work amongst rural and tribal women. At Srikakulam (*Andhra Pradesh*) the Sangh is maintaining a Tribal-Kanya Ashram School where tribal girls from Srikakulam District and its interior areas come for studies upto College stage. These inmates are provided with board and lodging facilities. Clothing is also provided at the rate of Rs 60 per month per student.

Nagaland Gandhi Ashram, Chuchugimlong (Nagaland)

7.51 Nagaland Gandhi Ashram, Chuchugimlong was established in the year 1955. The first ever activity undertaken by the Ashram was the running of

a small medical-aid Centre wherein distribution of free medicine and rendering of first-aid was arranged. The Ashram continued this activity over all those years. In the year 1977 a multi-purpose medical relief camp was organised in collaboration with the Nagaland Government and the local Army medical set-up. The Camp did remarkable service to the Nagaland village folks. Encouraged with the success achieved, the Gandhi Ashram, in October, 1979 started a Health Centre. The out-patients clinic of the Health Centre provided useful service to the tribes. The Health Centre continued the work of free distribution of medicines with the appointment of a fully qualified staff nurse, a medical attendant and a qualified doctor. Later on, a health service scheme on the lines of Health insurance was designed. Under the provisions of the scheme, patients desirous to have the treatment at the Centre, have to pay a nominal fee of Rs. 6 per patient per year. After the payment, a patient is entitled to O.P.D. facilities at the Centre throughout the year. Each member is issued a membership card. Till March, 1980, a total number of 224 members were registered under the scheme. Almost all the members belonged to the Scheduled Tribes of the State. A total number of 2,700 patients were provided medicines till the end of March, 1980. The main diseases which affected the patients were, Anamia (297 cases), Entritis (280 cases), Arcariasis (270 cases), Infection of skin (243 cases) and Malaria (189 cases) etc. etc. The Ashram is endeavouring to establish its branches in various parts of the State. The matter is reported to be under consideration of the Government of *Nagaland* since long. 'Determination to do good deeds for society gives no cognisance to difficulties and hindrances.' This fact has been amply proved by Shri Natwar Thakkar, the Secretary of the Ashram and his team of dedicated workers who have done excellent work for the upliftment of the rural inhabitants of Nagaland and Chuchugimlong in particular. His contribution to the cause of tribal welfare will be appreciated by all those who are aware of the problems of working in the remote corners of the country. It is hoped that the Government of Nagaland will provide Shri Thakkar more opportunities and chances for expanding the activities of the Ashram in other parts of *Nagaland* and requests of the Ashram for allotment of land at Jorhat and other suitable places to open its branches will receive sympathetic and favourable consideration of the Government of Nagaland.

Ramakrishna Mission Ashram, Puri

7.52 Ramakrishna Mission Ashram, Puri continued to run a students' Home for the studies belonging to Scheduled Castes and Scheduled Tribes. During the year 1979-80 the total strength of the students' Home stood at 65 out of whom 13 belonged to Scheduled Castes, 46 to Scheduled Tribes and the remaining 6 to the economically backward and Other Backward Classes. The Ashram under the 'Type-Writing Training Scheme imparted training to a group of 15 trainees under the guidance of a part-time instructor. Special coaching was also given to the students regularly with the help of the teachers appointed for the purpose. In addition, two other projects of Dairy and Bakery were also taken up. The dairy farm maintained by the Ashram provided practical demonstration in cattle rearing to the students and also provided milk to inmates. The Bakery imparted training to the students in making biscuits etc. A group of 19 boys was also sent on excursion to Calcutta and its suburbs including places of educative value which helped them in developing their general knowledge and outlook.

Ramakrishna Mission Ashram, Ranchi

7.53 The Ramakrishna Mission Ashram, Ranchi, is running 'Divyayan' a Farmers' training Institute for all round development of the tribals of Chotanagpur region in particular and of farmers from other areas in general. The programme is having good impact on the trainees particularly those belonging to the Scheduled Castes and the Scheduled Tribes and through them to their co-villagers. During the year 1979-80, 175 young farmers (Scheduled Caste 35, Scheduled Tribe 75 and others 65) completed training. The progressive number of such farmers who had been trained upto 31st March, 1980, comes to 2,099 farmers. Transfer of technologies to the village level is having the desired impact amongst the people in selected villages who have been showing keen interest by adopting the improved skill. The Ashram is maintaining a good library with about 11,256 books on various subjects. The library subscribes to 11 daily news papers and 79 weekly/fortnightly/monthly magazines for the use of its students and local residents. The Audio-visual Unit of the Ashram arranged 297 programmes in 51 villages through films, documentaries, slides and other media among the farmers and tribal people living in the remote areas. In addition, 31 feature films were also screened.

Ramakrishna Mission Ashram, Cherrapunji

7.54 The Government of India assisted the Ashram for the maintenance of technical, middle, primary and J. B. Schools for the uplift of the tribals living in the remote areas of *Meghalaya*. Under the scheme, the Ashram maintained 46 schools. At present more than 3,000 students are on the rolls of these schools. The result of the last M. E. School Leaving Certificate Examination was uniformly good in all the schools with fifth position in order of merit. Under the scheme 'Cultural Activities', the Ashram organised a group rally for the International Year of the Child at Cherrapunji. Children from all the schools participated in the function. Under the Dairy and Poultry Farming scheme started during the year 1980-81 for the first time, the Ashram is imparting training in modern dairy and poultry farming to the tribal youth. It also enables the inmates of Cherra and Sohbar students' Hostels to get fresh milk and eggs which are very difficult to procure from the local market.

Work done by the various media of the Government of India for the removal of untouchability

7.55 The Ministry of Information and Broadcasting have been endeavouring to create public opinion

against the practice of untouchability. Information regarding the work done by the different media of the Ministry may be seen at Appendix LXXVI.

7.56 In view of the clear nexus between the economic plight of the Scheduled Castes and social disabilities to which they are subjected, the main emphasis of the Union Ministry of Home Affairs has been laid on the economic development of the Scheduled Castes through measures like Special Component Plans for the Scheduled Castes for which Special Central Assistance is provided to the State Governments and Scheduled Caste Development Corporation. Apart from these, one of the centrally sponsored schemes relates to strengthening of the machinery for the enforcement of Protection of Civil Rights Act, 1955 for which the Central Government provides matching assistance to the State Governments. Information regarding the amounts sanctioned by the Union Ministry of Home Affairs to various State Governments for strengthening the machinery for the enforcement of Protection of Civil Rights Act, 1955 during 1979-80 and 1980-81, is given in the following table :—

S. No.	State	Central Assistance released	
		1979-80	1980-81
1	2	3	4
		(Rs. in lakhs)	
1.	Assam	0.50	.
2.	Andhra Pradesh	8.01	..
3.	Bihar	3.00	6.25
4.	Gujarat	6.79	29.39
5.	Himachal Pradesh	..	0.10
6.	Karnataka	..	3.88
7.	Kerala	1.36	..
8.	Maharashtra	3.20	3.14
9.	Madhya Pradesh	1.03	3.37
10.	Orissa	4.50	9.75
11.	Rajasthan	0.50	11.66
12.	Tamil Nadu	..	14.60
13.	Uttar Pradesh	2.30	22.78
14.	West Bengal	4.39	..
	TOTAL	35.58	104.92

Statewise information about steps taken to remove the evil of Untouchability

7.57 Besides taking administrative steps, measures like observance of Harijan Welfare Week, removal of untouchability week, organising community dinners, *prabhat pheries*, printing and distribution of literature showing the evils of untouchability, are taken by the State Governments/Union Territory Administrations. Available information regarding steps taken by the State Governments/Union Territory Administrations of *Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Goa, Daman and Diu* and *Pondicherry* is given below :—

Andhra Pradesh

A publicity wing was started in the Directorate of Social Welfare for conducting propaganda for the removal of untouchability and for giving wide publicity to welfare schemes. Songs by well known artists in Telugu Language on the eradication of untouchability were got recorded by the Department of Social Welfare and distributed to District Collectors; temple authorities and public agencies for wide publicity particularly on festive occasions. The State Government was also reported to have got songs prepared in Hindi language, some of which were stated to have been sent to the Government of India in the Ministry of Home Affairs for use in the northern region of the country. Books written by prominent authors were purchased and distributed to various institutions like social welfare hostels etc. Protection of Civil Rights Act, 1955 and the rules framed thereunder were got translated in regional languages and distributed amongst District Collectors and Police Stations. The State Level Committee for implementation of Protection of Civil Rights Act continued to function. Special mobile courts were established in the five districts of East Godavari, West Godavari, Mehboobnagar, Cuddapah and Chittoor for summary trial of cases under IPC and PCR Act in which persons belonging to Scheduled Castes and Scheduled Tribes were involved. The Scheduled Castes and Scheduled Tribes Cell in the Crime Branch of the State CID continued to deal with the offences under IPC and PCR Act and these were being periodically reviewed by the State Level Committee for implementation of the PCR Act constituted by the State Government. Various non-official agencies were reported to have been conducting seminars, conferences for eradication of untouchability. The Government of *Andhra Pradesh* provides Scheduled Caste and Scheduled Tribe litigants with aid to meet all expenses including cost of attendance in the courts, filling of documents etc. In *Andhra Pradesh*, the Deputy Collectors have been made sanctioning authority. There were press reports that the Government of Andhra Pradesh had a proposal to construct temples in the localities of Scheduled Caste persons. *It is felt that construction of separate temples by the Government of Andhra Pradesh would permanently keep them away from joining the mainstream. Instead the State Government should strive to ensure no discrimination is observed against Scheduled Caste persons at the places of public worship.*

Assam

The State Government issued instructions to departments like Home, Agriculture and Panchayat and Community Development to train their officers for removal of untouchability and to cooperate in the implementation of the Protection of Civil Rights Act, 1955. Welfare Officers were entrusted with the powers by the State Government of placing the cases arising out of untouchability to the concerned sub-divisional Development Boards and the Home Department was entrusted for processing the cases at the Sub-Divisional/District Level under the Protection of Civil Rights Act, 1955. In this connection, Judicial Department was asked to issue instructions to all

advocates, pleaders to attend cases under this Act.

Bihar

Untouchability Offences Act Implementation Committee was set up by the State Government. However, no meeting of this Committee was held during 1979-80. Instructions were issued to police officers that cases under PCR Act against persons who observe untouchability with the Scheduled Castes should be registered promptly and final report of the case must be submitted within 6 months after investigation of the case. They should also take adequate care at the time of registration of the cases, because it is not enough to register cases of atrocities committed on Scheduled Castes under various sections of I.P.C., but appropriate sections of P.C.R. Act, 1955 should also be taken into consideration. The problems of social discrimination are also discussed in regular meetings of Harijan cells functioning at block level to State level and measures are suggested to punish the guilty involved in such acts. The scheme of Maharashtra Government regarding effective implementation of P.C.R. Act is also reported to be under consideration of State Government for adoption. It is understood that police officers of different ranks from range to district level, would be earmarked under the supervision of a Deputy Inspector General of Police, to keep strict vigilance on the crimes coming under P.C.R. Act.

Gujarat

The Government issued instructions for checking the practice of untouchability. District Level Committees were reported to have been instructed to visit villages to look into the grievances of Scheduled Castes in the matter of obtaining drinking water supply and take appropriate action thereon. Instructions were reported to have been issued to D.S.Ps. etc. for visiting villages to find out cases pertaining to observance of untouchability against Scheduled Caste persons in hotels and for cancellation of their licences in case the evil was found to be existing. District Magistrates and D.S.Ps. have been made fully responsible for taking action on any kind of discrimination against Scheduled Castes and launch prosecutions. In *Gujarat State,* besides, giving legal aid to the victims of untouchability, they are also eligible for compensation for loss of earning on days of hearings as per minimum wages schedule and are also provided with travelling expenses. A scheme of giving relief to the Scheduled Caste victims of social boycott was also reported to have been introduced. Under this scheme an earning Scheduled Caste member was entitled for monthly financial assistance of Rs. 50 for a period of six months or lifting of such boycott, whichever was earlier.

Himachal Pradesh

The State Government did not feel it necestary to undertake special steps for the removal of untouchability during 1979-80, because in its view untouchability was not considered much of a problem in the State. However, State Government have set up a Special Cell in the police department at Headquarters and special cells in each district under the supervision of the respective District Superintendent of Police. District level special cells deal with cases of atrocities committed on Scheduled Castes and other weaker sections of the society. The State Level special cell deal with the complaints of the atrocities committed on the Scheduled Castes which are received from the District Special Cells. Instructions were issued to the district police officers that as and when they went on official visits to the areas of their jurisdiction they should contact the persons belonging to the Scheduled Castes and other weaker sections of the society to listen to the complaints of these persons and to take necessary action on the spot and also explain the various provisions of P.C.R. Act to them.

Karnataka

Cases registered under the P.C.R. Act are treated as special report cases. Instructions were issued that investigation of cases registered under the P.C.R. Act should be done by the officers of the rank of Inspectors. Special reports were insisted to be submitted to higher authorities about the details of various offences committed against Scheduled Castes/Scheduled Tribes. Police personnel were being required to conduct enquiries about the observance of untouchability and take suitable action in the course of their beat patrols. Monthly reports are also required to be submitted about the work done by the various departments and officers. The respective districts of Bijapur and Gulbarga have been marked as most sensitive areas with regard to the practice of untouchability. Besides making provision for providing legal aid to Scheduled Castes and Scheduled Tribes, the Government of Karnataka have also created posts of legal advisers for Scheduled Castes and Scheduled Tribes. A legal cell for conducting litigation in the High Court, of cases of Scheduled Castes and Scheduled Tribes has also been established. The Government of Karnataka has directed that as far as possible all new public offices and institutions like schools, balwadis, primary health centres, hospitals, co-operative societies etc. should be opened in rural areas in Harijan colonies and where there is no vacant place in Harijan colonies for locating these institutions, sites adjacent to their colonies should be selected for the purpose by the concerned departments. The officers of various Government departments were also understood to have been directed to visit Harijan colonies to understand and help in redressing the grievances of Scheduled Castes.

Inquiries regarding all important cases are conducted by the Civil Rights Enforcement Cell. The respective districts of Bangalore and Bijapur were selected for extensive propaganda for the removal of untouchability and implementation of the various provisions of P.C.R. Act. Community feedings were also organised.

Kerala

Untouchability was reported to be practised in Kasargode and Hosdurg taluks in Cannanore District and in Chittur and Palghat taluks, Palghat District. A separate police squad was formed in 1972 for taking prompt action on the complaints of Scheduled Castes. Orders were issued to treat all cases under the Untouchability Offences Act, 1955 and the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 as grave crimes. Apart from the special mobile police squad, a committee for the Protection of Civil Rights was reported to have been constituted at Cannanore with the Revenue Divisional Officer, Kasargode as Chairman and the District Welfare Officer, Cannanore as convener. The committee held periodical meetings to discuss atrocities on Scheduled Castes and practice of untouchability and report the matter to the Special Mobile Police Squad for taking action against the offenders. The Government of Kerala have requested the State High Court for issuing suitable instructions to subordinate Courts for quick disposal of P.C.R. Act cases. The publicity wing of the Harijan Welfare Department conducted propaganda and publicity for eradication of untouchability. Some of the important schemes for eradication of untouchability related to holding of seminars : holiday camps for college students; literary workshop for writers belonging to Scheduled Castes and Scheduled Tribes and grants to literary men among Scheduled Castes and Scheduled Tribes.

Madhya Pradesh

A cell known as Protection of Civil Rights Act Cell was established for the removal of untouchability. Amongst other things this Cell also prepared schemes for rendering help to the victims of untouchability. A Special Police Cell headed by a DIG of Police was established. Seven special police stations were reported to be functioning under this Cell. It was also proposed to set up special cells in each of the districts. Instructions were reported to have been issued to officers for visiting the colonies of Scheduled Caste persons in the course of their official tours. P.C.R Act 1955 has been included as one of the items in the syllabus of the police training centre and Panchayat Training Centre. In *Madhya Pradesh*, the respective districts of Morena, Ratlam, Ujjain, Sagar, Jabalpur, Bilaspur and Raipur were reported to have been identified as sensitive areas. For legal assistance, the Government of Madhya Pradesh have created one post each of the Government Pleaders in the respective districts of Bastar, Sarguja, Shahdol, Dhar, Sidhi, Jhabua and Raigarh to protect the interests of Scheduled Tribes and Scheduled Castes pertaining to civil, criminal and revenue cases.

Maharashtra

The State Government observes 'Eradication of Untouchability Fortnight' from 14th April to 1st May, every year. During this period the Scheduled Castes and caste Hindus are brought together through various programmes such as community dinners, *prabhat pheris, melas, loknatya, kirtan etc.* and efforts are made towards social equality by educating public opinion for the removal of untouchability. Honorarium is given to writers for contributing articles on evils of untouchability. Shibirs of social workers, pracharaks etc. are held. In Balwadis training is imparted in maintaining cleanliness etc. During 1979-80, under plan programme, an amount of Rs. 2.55 lakhs and under non-plan programme, an expenditure of Rs. 10.61 lakhs was incurred on running of 445 balwadis. Prizes are given to villages showing outstanding work for the removal of untouchability. During 1979-80, 48 villages were awarded prizes and an amount of Rs. 36,000 was spent. Certain areas were identified as untouchability prone areas in 19 districts of Maharashtra State. The State Government also identified 242 sensitive villages where there was likelihood of trouble between caste-Hindus and the *Dalits* in the respective districts of Nanded, Beed, Parbhani, Osmanabad and Aurangabad. Preventive measures by the Police were reported to have been undertaken. In *Maharashtra*, the High Court is reported to have issued instructions to the Criminal Courts to bring the number of over six months pending old cases to nil. District Sessions Judges have been requested to watch the position in respect of these cases.

Punjab

Instructions were reported to have been issued to the effect that gazetted officers of the police and civil departments should be sent to the spot of occurrence of any incident connected with harassment, atrocity and untouchability against persons belonging to Scheduled Castes. Work regarding investigation and prosecution of criminal cases should be done without undue delay and decided within six months from the date of registration of the cases by the courts. In *Punjab*, one Law Officer has been posted in each office of the District/Sub-Divisional level for providing free legal service.

Rajasthan

The State Government set up a special cell in the police department, CID(Crime) and Railways, at Headquarters under supervision of Deputy Inspector General of police and special

cells in each district were also reported to have been established. District level special cells take up the cases of Untouchability Offences Act and only respective Deputy Superintendent of Police and Inspector of Police are entrusted investigation of such cases. State level special cell examines the cases of Untouchability Offences Act and ensures timely registration, prompt investigation, arrest of the culprits, and early challan of the case. All the cases of Untouchability Offences Act are declared as Special Report cases. Inspector General of Police was reported to have issued instructions to all concerned to deal with the special Report cases promptly. The Government of Rajasthan are reported to have constituted special courts for quick disposal of cases concerning atrocities on Scheduled Castes and Scheduled Tribes. Instructions were also reported to have been issued to circle police officers and inspectors that in the course of their official visits they should listen to the grievances of the Scheduled Caste/Tribe persons and try to redress the same on the spot. While celebrating social welfare week from 2nd October, 1979 to 8th October, 1979, seminars/symposia were organised by various agencies like educational institutions, universities and official and non-official organisations on removal of untouchability. Prayer meetings were arranged in Harijan colonies. Volunteers made house to house visits and explained to caste-Hindus that observance of untouchability was a punishable offence.

Tamil Nadu

Every year removal of untouchability week/ Harijan week, from 24th January to 30th January, is celebrated in all the districts and steps are taken for the removal of untouchability through propaganda and also to acquaint the public of the activities of Government towards the upliftment of these communities. Special supplements are also published through press highlighting the various activities of Harijan and Tribal Welfare Department. Cash awards are given for the villagers which strive for the removal of untouchability. Similarly, awards are also given in the form of radio-sets to neatly maintained Harijan colonies. Social workers are awarded merit certificates for their services rendered for the removal of untouchability. 83 social workers were awarded certificates. The Government decided to distribute the certificates on 15th September every year *i.e.* Anna's Birthday. For rendering legal aid, the Collector of the concerned district prepares a panel of lawyers preferably belonging to Scheduled Castes/Scheduled Tribes and the choice of the pleader or the advocate under rules is left to the litigants.

Uttar Pradesh

To give wide publicity to P.C.R. Act, 1955. the State Government was reported to have distributed Hindi version of the Act among police stations. Instructions were issued to all District Magistrates to ensure strict implementation of the provision of P.C.R. Act and registration and investigation of the complaints of observance of untouchability on priority basis. Letters forwarding copies of the P.C.R. Act 1955 in Hindi were sent to the *pradhans* of gram panchayats emphasising the need of public cooperation in the task of removal of untouchability. They were asked to prepare time bound programmes for removal of this social evil. For rendering legal assistance, the Government of Uttar Pradesh appointed Assistant District Government Counsels in 28 districts to create an agency to which Scheduled Caste and Scheduled Tribe persons could go freely for advice and conducting their cases. In *Uttar Pradesh*, a Judicial Magistrate has been nominated in each district by the High Court to try cases arising out of the P.C.R. Act on priority basis.

Goa, Daman and Diu

A Committee at the Union Territory level was reported to have been constituted for the Welfare of Scheduled Castes and Scheduled Tribes under the Chairmanship of the Chief Secretary. Anti-untouchability week was celebrated from 2nd October to 8th October to educate the public about the evils of untouchability. To improve the socio-economic conditions of Scheduled Castes/Scheduled Tribes, schemes like housing and economic as well as educational development are being implemented. There were six voluntary organisations reported to be working for the removal of untouchability. The question of reservation of shops/restaurants at bus stands and allotment of fair price shops was also reported to be under consideration.

Pondicherry

Harijan week was celebrated in April, 1979 coinciding with the birthday of Dr. Ambedkar. In rural areas pamphlets explaining the rights guaranteed to Scheduled Castes under the Constitution and the evils of untouchability in English and Tamil were distributed. Banners and posters depicting the evils of untouchability were displayed in conspicuous parts of *Pondicherry* and *Karaikal* regions. Copies of the Civil Rights Act in regional languages were made available to the Revenue and Police officials. In the Union Territory of Pondicherry eligible Scheduled Castes are entitled for legal aid in all proceedings before the Civil and Criminal Courts in ejectment and eviction cases.

CHAPTER 8

TRIBAL DEVELOPMENT

Strategy for Tribal Development

Tribals in India, geographically and culturally speaking are at widely different stages of social as well as economic development and their problems differ from area to area and within their own groups. The Britishers adopted the policy of 'isolation' and tried to keep the tribals away from the main-stream of Indian life. It is only after Independence that the policy of assimilation was pursued with the intention of bringing them into the main stream. The fundamental principles laid down by late Prime Minister Shri Jawahar Lal Nehru in this regard became the guiding force. The principles were :—

(i) Tribal people should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way, their own traditional arts and culture.

(ii) Tribal rights in land and forests should be respected.

(iii) We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.

(iv) We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.

(v) We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

8.2 A special place has also been reserved for Scheduled Castes and Scheduled Tribes in our Constitution which makes promotion of their social and economic interests obligatory. The strategy for their development before and after independence and up to Fifth Plan period has been discussed in Commissioner's previous Reports as well as more explicitly in the Annual Report for the year 1978-79. As per the 1971 Census the population of Scheduled Tribes was 4.12 crores, constituting about 7.5 per cent of the country's population. The number of Scheduled Tribe communities is reported to be about 250, who speak about 105 different languages. They are mostly concentrated in Central India in the States of *Gujarat, Rajasthan, Maharashtra, Andhra Pradesh, Madhya Pradesh, Orissa* and *Bihar*. In these seven States put together, their number was 2.99 crores forming 78.7 per cent of the total Scheduled Tribe population in the country. However, there are some States in the North-eastern part of the country where the percentage of these people is very high, though their total number is not large. In this way, the tribal picture in India presents a diverse cultural and ethnic strands. At one end there are tribal communities who are economically as advanced as other members of the Indian society like the Nagas, the Mizos or Raj Gonds whereas at the other end there are tribes like Jarawas and the Onges of the *Andaman* and *Nicobar Islands*, the Juangs and the Bondos of Orissa, the Marias and Madias of *Madhya Pradesh*, who are classified as primitive communities, small in number, weak in organisation and poor in resources.

8.3 The new approach for tribal development was initiated in the Fifth Plan which aimed at harmonising the conflicting situation and ensuring development of tribal areas. The tribal scene was thus reviewed and in the guidelines issued by the Planning Commission the sub-Plan strategy for tribal regions was evolved. It was made clear that attention had to be focused on specific problems of each identifiable group and area so that a definite perspective may emerge for their development. The strategy for formulation of tribal sub-Plans and ITDPs has been discussed in detail in the previous reports. The entire sub-Plan area was divided into 179 ITDPs The sub-Plan envisaged total developmental effort of the area. The financial investment flows in tribal sub-Plan from four sources *viz.* (i) outlays from the State Government Plans; (ii) Sectoral outlays from the Central Ministries/Departments; (iii) institutional finance; (iv) Special Central assistance. If we review the developmental programmes in the Fifth Plan and during 1978-79 and 1979-80, the gain can broadly be described as; (i) acceptance of the idea of accelerated tribal development by the States having tribal concentration like *Madhya Pradesh, Bihar, Orissa, Maharashtra, Andhra Pradesh, Gujarat, Rajasthan, West Bengal* and *Assam;* (ii) evolution of the concept of the tribal sub-Plan; (iii) the raising of the administrative scaffolding for the implementation; (iv) the hesitant but definite support of the operation of the idea and the concept.

8.4 There is no doubt that some progress has been made and elaborate infrastructure have also been

created to improve the situation. However, in spite of all efforts multitudes of exploitative processes are still visible in these areas. Two other constraints noted in the area were their limited absorption capacity and lack of an effective delivery system for the new developmental programmes.

Financial investment in tribal sub-Plan areas

8.5 As stated in the previous Report, the entire sub-Plan area was divided into 179 ITDPs. State-wise list of these ITDPs was given in the previous Reports. 129 projects had been prepared and approved by the Ministry of Home Affairs by 1977-78. All the tribal sub-Plans except that of *Andaman & Nicobar Islands* were finalised during the Fifth Plan. In the initial stages it was envisaged that during Sixth Plan period Rs. 5,000 crores would be made available for the tribal sub-Plans. The largest share would flow from the State Plans which would be to the tune of over Rs. 2,700 crores, Rs. 750 crores from the Plans of Central Ministries, Rs. 1,000 crores from Special Central Assistance and Rs. 550 crores would flow from institutional finance. However, it was observed that outlays of Rs. 470 crores for Special Central Assistance which is the Home Ministry's additive could be formalised for the Sixth Plan period. The tentative figures regarding financial investment during 1974—79 in the sub-Plan areas are given below :—

State Plan

(Rs. in crores)

S. No.	Year	Outlay	Expenditure	Percentage utilisation
1	2	3	4	5
1.	1974-75 . . .	23	25	109
2.	1975-76 . . .	72	60	83
3.	1976-77 . . .	181	154	85
4.	1977-78 . . .	248	223	90
5.	1978-79 . . .	332	290	87
	TOTAL . . .	856	752	88

Special Central Assistance

1.	1974-75 . . .	4.30	3.08	72
2.	1975-76 . . .	20.00	14.59	73
3.	1976-77 . . .	40.00	30.99	77
4.	1977-78 . . .	55.00	51.49	94
5.	1978-79 . . .	67.00	64.96	97
	TOTAL . . .	186.30	165.11	89

8.6 The State-wise figures of outlay and expenditure incurred during the years 1979-80 in the tribal sub-Plan areas may be seen at Appendix LXXVII. Looking at the expenditure figures, it would be noticed that there were shortfalls in expenditure in respect of both State Plans and Special Central Assistance. It would also be seen from the above table that bigger shortfalls occurred in the earlier years and may be attributed to inadequate preparedness for taking up developmental programmes in the tribal sub-Plan areas, weak administration, deficient accounting system and procedural delays etc.

Financial and physical achievements during 1974—79 in tribal sub-Plan areas

8.7 The sector-wise expenditure during 1974—78 and 1978-79 incurred in the tribal sub-Plan areas is given in the table below :—

(Rs. in lakhs)

S. No.	Sector	1974—78 expenditure (State Plan & S.C.A.)	Percentage	1978-79 expenditure (State Plan & S.C.A.)	Percentage
1	2	3	4	5	6
1.	Agriculture & Allied Sectors	16,037	28.50	10,496	29.60
2.	Cooperation .	2,926	5.20	1,844	5.20
3.	Water & Power Development .	15,474	27.50	9,574	27.00
4.	Industries & Minerals .	2,026	3.60	1,383	3.90
5.	Transport & Communication	6,133	10.90	3,510	9.90
6.	Social & Community Services	12,210	21.70	7,730	21.80
7.	Economic & General Services	1,463	2.60	921	2.60
	TOTAL .	56,269	100.00	35,458	100.00

It would be seen from the above table that agriculture and allied sectors, Water and Power Development, Social and Community Services, Transport and Communications were the key sectors taken up in the sub-Plan areas.

8.8 Programme-wise selected physical achievements made during the years 1974—79 in the tribal sub-Plan areas based on the available information may be seen in the table below :—

I. *Additional Area brought under Minor Irrigation :*

(Hectares)

Andhra Pradesh	60,768
Assam	21,485
Bihar	45,000
Gujarat	7,200
Maharashtra	3,33,000
Manipur	600
Orissa	1,03,400
Tripura	432

II. *Additional area brought under Soil Conservation :*

Andhra Pradesh	6,804
Assam	8,564
Bihar	62,940
Gujarat	46,608
Himachal Pradesh	280
Manipur	649
Orissa	32,970
Rajasthan	3,315
Tripura	4,127
West Bengal	2,061

III. *Villages Electrified :*

	Number
Andhra Pradesh	926
Bihar	2,342
Gujarat	95
Maharashtra	1,178
Manipur	175
Orissa	1,119
Rajasthan	652
Tripura	41

IV. *Area under Horticulture :*

	(Hectares)
Andhra Pradesh	12,082
Bihar	50,000
Himachal Pradesh	2,661
Karnataka	46
Orissa	14,000
Rajasthan	930

V. *Village provided with water supply :*

	Number
Andhra Pradesh	340
Himachal Pradesh	21
Karnataka	1,927
Orissa	5,792
Uttar Pradesh	20
Andaman & Nicobar Islands	6
Gujarat	300
Rajasthan	278

VI. *Alienated land restored to tribals :*

	(In Hectares) (Approximate)
Andhra Pradesh	20,000
Bihar	8,960
Gujarat	7,085
Maharashtra	7,920
Orissa	6,250
Tripura	550
Madhya Pradesh	1,200

VII. *Enrolment of tribal children* (1977-78) :

	Percentage	
	6—11 Yrs.	11—14 Yrs.
Andhra Pradesh	49 4	8.7
Assam	79.0	43.0
Bihar	68.13	33.18
Himachal Pradesh	78.0	32.0
Madhya Pradesh	41.5	10.5
Maharashtra	72.0	22.9
Orissa	62.2	8.8
Rajasthan	35.6	12.9
Tamil Nadu	50.9	17.3
Uttar Pradesh	55.0	27.0
West Bengal	52.24	13.1

8.9 The above mentioned data does not reflect the total picture in the sense that requisite data could not be provided by the State Governments/Union Territories concerned. *It has been observed that in the absence of monitored data from the field level through block, ITDPs, districts and States to the National level it has not been possible to get total picture of the expenditure and physical achievements in the tribal sub-Plan areas. Even the Ministry of Home Affairs have accepted that sound monitoring system has not been built up in the States concerned. In spite of the best efforts of our organisation very scanty information was made available during* 1979-80. *It is hoped that monitoring would not be a constraint in the Sixth Plan period and a sound monitoring system would be built up in the light of recommendations made by the Working Group on Monitoring which was set up by the Planning Commission in* 1979.

Emphasis by the Prime Minister on the development of Scheduled Tribes

8.10 Shortly after assuming the charge of office, the Prime Minister addressed a letter on 25th March 1980 to the Governors and Chief Ministers expressing her concern over the conditions of Scheduled Tribes. In her letter the Prime Minister has emphasised "that a critical requirement is the creation of a dedicated and sensitive administrative framework for the tribal areas. I believe we are still lagging behind in creating the right type of structure and posting the right type of persons in the tribal areas. Equally important is the need to have a sufficiently strong and flexible marketing and credit mechanism which looks after their total credit needs—both for production and consumption and prevents them from exploitation by unscrupulous money-lenders and middle-man". She also stressed that "a special drive may be launched for purchase of minor forest produce collected by them through co-operatives and State organisations so that they are adequately compensated for their labour. Provision in the State Budget for Tribal sub-Plan could be enhanced".

Measures suggested by the Home Minister for tribal development

8.11 The Home Minister in his letter dated 18th April 1980 to the Governors and Chief Ministers reiterated the emphasis laid by the Prime Minister and suggested a quick review of the present status of tribal development. He also emphasised that "the critical input in the tribal areas is an administrative machinery composed of sensitive, competent and dedicated men and women". In regard to administrative structure and personnel policy, the following measures were suggested to the State Governments :—

1. A high powered body, such as a Cabinet Sub-Committee, should be set up to give policy directions for the implementation of the tribal sub-Plan and to revise and recast it to meet situations as they emerge during implementation.

2. For quick and affective implementation a simple administrative structure is necessary. Rationalisation of administration at each level is essential to ensure effectiveness, efficiency and economy. Adequate financial and administrative powers should be delegated and a single line authority established for the total development effort of the Tribal Plan. Tribal representatives may be associated with plan formulation and implementation.

3. A specially selected senior officer may be placed in charge of the programme for the State as a whole. The Project Officers in charge of ITDP should have full control over all functionaries located within the ITDP including the BDO, and should be enabled to exercise protective, regulatory and developmental powers.

4. Key functionaries must be chosen for their empathy, dedication and competence. To attract good officers it is essential that in the backward areas special incentives are given to the staff deputed to these areas. In addition to monetary incentives, which should be substantial, special facilities for residential accommodation and children's education should be provided.

5. Screening Committees should be set up at State, Divisional and District levels to weed out substandard officers and functionaries, particularly those who have identified themselves with local vested interests and are responsible for the crises of confidence between the tribals and the administration. Their place should be filled by suitable personnel as mentioned in the preceding para. Personnel sub-cadres for tribal areas of concerned State cadres should be constituted.

6. A review should be made of the general qualifications prescribed for posts in tribal areas. These qualifications should be related to actual requirements to facilitate recruitment of local tribal candidates specially in departments of education, police, revenue, forests, etc. Where possible, special requirement for police and forest departments may be made to accommodate the available tribal talent and to increase their confidence in the administration.

8.12 The Home Minister also high-lighted the importance of a review of laws, regulations, etc. in respect of matters vitally affecting tribals on a top-priority basis. The important laws/regulations requiring urgent review by the State Governments are given below :—

(a) Laws relating to prohibition of transfer of tribal land to non-tribals and restoration of illegally alienated lands ;

(b) Recognition of the traditional land holding and management system of tribals ;

(c) Review of excise laws and rules to and exploitation of tribals by placing a ban on liquor vending in tribal areas by private contractors, permitting tribals to make their own liquor for social and domestic purposes;

(d) A review of forest rules and regulations to ensure that exploitation of forest produce is also related to local tribal economy. The employment and ecological implications may be kept in the fore in broad-based consultation. For ensuring reasonable returns to the tribal for his minor forest produce (as also agricultural produce) appropriate steps should be taken to help in their organised sale *e.g.* through cooperatives. Social forestry to meet the needs of fuel, fodder, fruit, simple household furniture, agriculture implements and village industries and crafts may be undertaken on an appropriate scale;

(e) A review of steps necessary to abolish in practice all forms of bonded labour such as Vetti in Andhra Pradesh, Gothi in Orissa, Sagari in Rajasthan and Uttar Pradesh. Deterrent punishment should be provided for and implemented vigorously for offenders.

Other important suggestions made in the letter of the Home Minister are also listed below :—

(i) To save tribals from exploitation by traders and money-lenders, the unified credit-*cum*-marketing machinery set-up is absolutely essential and should be strengthened. One simple and effective organisation should cater to all the requirements of tribal people. Primary, secondary and apex level co-operative institutions should have rational linkages. There should be a moratorium on the existing debts which should be liquidated in due course.

(ii) A separate Budget head for the entire Tribal sub-Plan outlay incorporating funds quantified under each of the various sectors shown under distinct sub-heads of the respective departments backed with suitable accounting procedures should be evolved to ensure that the financial outlays meant for tribal areas are expended in those areas alone.

(iii) A system for monitoring, evaluation and reviewing the programmes with built-in provision for reformulation, where necessary, should be evolved to ensure that the expenditure achieved the desired results. All development departments of the State should be made aware of their special responsibility in respect of programmes and schemes which benefit the tribals.

(vi) Programmes should concentrate on agricultural and horticultural crops grown and suitable for tribal areas. Similarly research and training programmes should be related to these crops. In animal husbandry, poultry, piggery, goatery, fisheries, etc. schemes should be oriented to the suitability of the breeds and varieties preferred by the tribals.

(v) Shifting cultivation may be regulated properly through a synergistic package of agriculture, horticulture, animal husbandry, social forestry and soil conservation measures. Horticulture plantations may be useful in meeting the challange of shifting cultivation.

(vi) Minor irrigation programmes should be taken up for speedy development. Special attention should be given to restoration and repair of sources which have been in disuse. Medium and major irrigation schemes with bulk of the command area belonging to tribals should be preferred. Special vigilance is necessary to ensure that good land is not alienated to non-tribal in anticipation of these schemes.

(vii) The traditional skills and crafts of tribals should be identified and developed. Further, resources, skills and techniques should be made available to improve their withstanding power. Arrangements for training of tribals should be made to ensure that they receive the full benefit of investment and expenditure in the tribal areas.

(viii) An action programme to cover the entire tribal area under the enrolment programme in the primary and middle level education should be taken up, and where hostel accommodation is a restraint, it should be increased on priority. The requirements of girls education should also be adequately met. Suitable course contents relevant to the mileu of each tribal community should be evolved particularly in the primary and adult education fields.

(ix) The spread and coverage of medical facilities and medical personnel should be rationalised to make full use of the existing facilities. Special health problems of the tribal areas should be identified and programmes for their eradication should be taken up. Tribal medicine-men should be encouraged to practise their own system and may be trained in elementary modern medicine also.

(x) Road network should be planned with reference to its utility for the tribal economy. Programmes for connecting of weekly market points to other centres of activity should be given priority.

(xi) Steps may be taken for codification of customary laws of tribals particularly those relating to succession, inheritance social, civil and criminal matters.

Working of Tribal sub-Plans and ITDPs

8.13 In order to know the impact of the schemes in sub-Plan areas, the State Governments/Union Territory Administrations were asked to furnish information on various points and programme that had picked up in any particular ITDP. However, like last year, scanty information was made available to this Organisation by some States. Some of the salient observations are given below :—

ANDHRA PRADESH

8.14 The impact of the socio-economic programmes in the tribal sub-Plan was not clear from the tribal sub-Plan document 1980-81 which indicated fiscal achievements for the years 1974—78, 1978-79 and 1979-80 in animal husbandry, forestry, co-operation, irrigation, rural electrification, communication, education, health and other sectors. The Girijan Co-operative Corporation had been set up in the tribal areas since long to undertake procurement and credit operations, and its branches functioned as primaries with its officers acting as branch managers. As suggested previously these primaries should develop true characteristics of primary co-operatives through Constitution of Board of Directors having a majority of tribals till a tribal becoming its Chairman.

8.15 Much of the sub-Plan area *i.e.* 62.07 per cent is covered by forests. The forests vary from tropical dry deciduous types to mixed deciduous types. The major forest growth is of two types *viz.*, natural growth and growth through the plantation schemes taken up by the Forest Department. Nalla, Maddi, Bomboo, Teak, Sandal are the main product, in the project areas. The commercialization of forest restricts the freedom of the tribals in the forest. For economic exploitation of forests, skilled man-power is required. Fifty tribals were trained in modern logging techniques in Adilabad and Khammam Districts. Forest coupes or cooperatives were also started in all the Project areas and the societies were given preference over tribal contractors. Tribals are conferred rights to collect and sell minor forest produce to Girijan Cooperative Corporation which has been given monopoly rights for this purpose. In order to ensure fair price to the tribals, the procurement price is revised from time to time depending on the prevailing local market price. According to available information various concessions are now given to Scheduled Tribes entrepreneurs for establishment of industries, which are as follows :—

1. 20 per cent subsidy on capital investment.
2. Exemption from Sales-tax on purchase and sales for a period of five years.
3. Power subsidy to the extent of 50 per cent for five years.

4. Exemption from stamp duty.

5. 50 per cent concession on water rates.

6. Differential rate of interest of 4 per cent on loan taken for establishment of industry.

7. Developed plots and preference in allotment of buildings.

8. Provision of marketing facilities.

8.16 Some of the physical achievements made during 1974—79 are mentioned below :—

1.	Additive area brought under minor irrigation	60,768 (Hectares)
2.	Additive Area brought under soil Conservation	6,804
3.	Villages electrified , . . .	926
4.	Area under Horticulture . . .	12,081 (Hectares)
5.	Villages provided with water supply .	340
6.	Alienated land restored to tribals (approximately in Hects.) . .	20,000 (Hectares)
7.	Enrolment of tribal children (1977-78)	6—11 Yrs. 49.9 11—14 Yrs. 8.7

8.17 Vishakapatnam has been selected as the site for construction of a new steel plant during the Sixth Plan period. The tribal areas of Srikakulam, Vishakapatnam, Khammam and East Godavary are its hinterland and can be developed as producers of commodities of agriculture, horticulture, dairy, poultry and piggery etc.

BIHAR

8.18 There was a shortfall in utilization of State Plan funds earmarked for tribal sub-Plan in 1978-79 to the extent of nearly Rs. 10 crores. The expenditure figure for 1979-80 was not available. It was also observed that planning and implementation had tilted towards schemes of capital intensive nature bringing inadequate benefits to tribal households. It would be more desirable if the plans are reoriented towards schemes having direct benefit for the poor tribal families. The position regarding recovery of credit by the LAMPs established in the State was also reported to be unsatisfactory. It was further reported that 25 posts of Manager-*cum*-Secretary and 18 posts of Member Secretary were vacant.

8.19 There also appeared a confusion in regard to the working of such schemes as of tasar culture and in 1979-80 a sum of Rs. 26 lakhs was allowed to lapse for want of proper inter departmental co-ordination. Looking at the various sectors, it was observed that thrust towards implementation was weak. *The State Government should pay special attention to measures such as overhauling of administrative structure, selection and posting of right persons in tribal areas, reorientation of forest policy, effective working of the LAMPs and intensification of anti-exploitative steps etc.*

GUJARAT

8.20 The total number of co-operative societies had come down from 9,000 to 7,000 and there were 3 types of societies functioning in the tribal sub-Plan area. 54 LAMPs were reported to be functioning in the area. Since the State Government have appointed a Working Group to go into the question of multiplicity of various co-operative societies, it is hoped that a satisfactory solution for rationalising the primary level structure and working of proper linkages between the primary, secondary and appex level bodies would be found out.

KARNATAKA

8.21 It was observed that during the Five Year Plan period 1974—79, out of an outlay of Rs.486 lakhs, a sum of Rs. 106.69 lakhs was utilised which worked out to 29 per cent of the total outlay. During 1979-80 utilisation was Rs. 212.65 lakhs out of total of Rs. 359 lakhs. The State Government should look into these shortfalls and take remedial measures for improving the pace of utilisation. 9 LAMPs had been established in the State but it was reported that they were mainly concerned with procurement of minor forest produce and sale of consumer goods. The State Government should also ensure that the LAMPs functions as credit agency also and for the purpose of marketing, it should be linked with the regional or appex marketing society. *The tribal population is scattered and LAMPs might have to be at the district or taluka Headquarters and preferably mobile branches will have to be opened to provide the services at the weekly markets and for that purpose cheaper modes of transport like bullock-carts may be used.* It was observed that all the beneficiary oriented schemes except those relating to animal husbandry were 100 per cent subsidy schemes. *The State Government should ensure that a loan component may be built into the schemes so that it may involve the beneficiaries which would enable a tribal family to be on its own after having availed of a scheme for a number of years.*

KERALA

8.22 During the year 1978-79 there was a shortfall of about Rs. 13 lakhs from State Plan flow. The figures of expenditure under State Plan for 1979-80 were not available. However, out of an allocation of Rs. 40 lakhs as Special Central Assistance for 1979-80, the shortfall was of the order of Rs. 18.76 lakhs.

MADHYA PRADESH

8.23 It was observed that there had been heavy shortfalls in utilisation of funds, the percentages of utilisation being 67.25 in 1976-77, 75.32 during

1977-78, 64.64 during 1978-79 and the anticipated utilisation during 1979-80 was 85.02. This was an unhappier feature and *the State Government should tighten all measures so that financial provisions were fully utilized.* It was encouraging to note that various major, medium and minor irrigation projects including the Narmada Project are coming up in the tribal sub-Plan areas. It is also observed that the tribal families displaced due to these projects would be resettled in the command area and the State Government proposed to create a Directorate for Resettlement for such families. The sub-Plan document indicates that the present level of irrigation stood at 4 per cent compared to less than 2 per cent before the commencement of the tribal sub-Plan and the target for Sixth Plan has been set at 12 per cent. It was observed that not a single project in respect of ITDPs and Primitive tribal groups had been prepared so far. The State Government has yet to start bench mark survey which actually should have been initiated earlier.

MAHARASHTRA

8.24 It was reported that there were shortfalls in 1978-79 and 1979-80 to the tune of about Rs. 4 crores and Rs. 2 crores, respectively. *The State Government should tighten up measures for full utilisation of the allocations.* It was also reported that financial institutions were not coming forth for the help of primitive groups. The State Government should look into this aspect urgently. *The Government of Maharashtra should also prepare the master plan in respect of educational institutions, health institutions and drinking water wells.* It was observed that in the sector-wise break-up of the outlay for 1980-81 State Plan, 65 per cent of the total plan outlay would be spent on the capital intensive sectors, which was not to benefit the tribal families directly in the near future. *The State Government should consider planning in favour of beneficiary oriented schemes so that the impact could be felt by the tribal families within a short period of time.* The picture which emerges from a study of the working of the Tribal Development Corporation reveals that it continues facing difficulties in marketing the stocks purchased from the tribals in the State.

MANIPUR

8.25 It was observed that there has been a decline in the flow of funds to tribal sub-Plan out of the State Plan over the past six years. In 1975-76 it was 33.42 per cent, in 1976-77, 40.84 per cent, in 1977-78, 37.47 per cent, in 1978-79 it was 36.35 per cent and in 1979-80 it was 40.67 per cent. The flow of funds to the tribal area was less than the percentage of State population covered by sub-Plan, *i.e.* 32.43 per cent. *This aspect should be urgently looked into by the State Government and weightage should be given for allocation of funds to the sub-Plan on the basis of the relative backwardness of the area.* In the annual sub-Plan, 1980-81, it was observed that proposals related only to special central assistance. It may be mentioned here that the tribal development programme is to be funded from the State Plan, the Centrally Sponsored Schemes and Central Schemes and institutional finances. The special Central assistance is supposed to act as a catalytic agent and is, therefore, to be treated as supplementary.

8.26 Fisheries, bee keeping, sericulture if developed properly, could increase the income of the economically backward families within a short period. It was observed that execution of departmental schemes was being done through functionaries of the concerned departments and effective co-ordination between the different departments was lacking.

ORISSA

8.27 The sub-Plan area is divided into 23 integrated Tribal Development Agencies. The scheme of animal husbandry had some impact. About 27,000 problem villages in respect of drinking water were identified. Out of them 5,500 were located in tribal areas. *The State Government should pay urgent attention to these villages.*

RAJASTHAN

8.28 It is reported that the State Government has opened a separate demand head for tribal sub-Plan in the State budget, but the flow of both State Plan and Special Central Assistance is exhibited jointly. This did not enable separate assessment of the expenditure under two heads. It was also observed that in the annual tribal sub-Plan, 1980-81 out of the flow from the State Plan, capital intensive sectors like power, transport, tourism, major and minor irrigation, mining and industries claimed a lion's share. The tribal sub-Plan area is reported to be suffering chronically from water shortage. *The State Government should ensure that the flow of funds under the water supply scheme is adequate.*

TAMIL NADU

8.29 It was noticed that there was a shortfall in utilisation during the past three years. During 1976-77 against an allocation of Rs. 101.82 lakhs both for the State Plan and Special Central Assistance, Rs. 94.00 lakhs were spent and in 1977-78 and 1978-79 against allocations of Rs. 153 lakhs and Rs. 200 lakhs, expenditure of Rs. 144.00 and Rs. 168.00 lakhs, respectively was incurred. *The State Government should ensure that there are no shortfalls in future.* Figures of flow from State Plan and Special Central Assistance were also not shown separately in the sub-Plan document. *Forest Labour Co-operative Societies should be organised on priority basis, and the question of lease of items of minor forest produce to co-operatives free of royalty should be considered.* It is understood that 20,000 hec. of waste land can be brought under the plough. Suitable proposals should be prepared in this regard.

8.30 With a view to eradicate exploitation of the tribals, the Government of *Tamil Nadu* was contemplating two legislations one for giving debt relief to tribals and the other to prevent alienation of land by non-tribals. It was reported that nine LAMPs and

three multi-purpose societies had been organised in the ITDPs and in areas like Kalrayan Hills the merchants and money-lenders had been banned from operating in the area. The agricultural schemes have been received well by the farmers and yields of crops like pulses, millets, vegetables and other horticultural crops have increased. The sheep rearing programme was reported to have been welcomed specifically.

8.31 No separate Project Officers have been posted in all the projects. However, the District Collectors were appointed as Project authorities and the concerned B.D.Os., D.D.Ps. or P.As. to Collectors were nominated as Project Coordinators. During the year 1979-80 in ITDP Kalrayan Hills, South Arcot District considerable progress was made in agriculture, animal husbandry, communication and forestry but amount sanctioned for drinking water wells could not be utilised and the work of 5 sanctioned wells was reported to be under progress. Progress of electrification was also slow. Out of 21 pre-school building, construction of only one school was started. During the year 1979-80 all the three multi-purpose societies did not disburse new loans on the ground that the arrears from the members could not be realised. It is understood that the Registrar, Co-operative Societies is to evaluate the working of LAMPs. *While evaluating the same, it should be ensured that it does not merely remain a financial audit but it should cover total evaluation of the scheme.*

TRIPURA

8.32 The State consists of 70 per cent population of refugees from Bangladesh and 29 per cent Scheduled Tribe population. The State has small land holdings, low area under assured irrigation, absence of large and medium industrial projects, inadequacy of infrastructural facilities and the problem of unemployment among the educated. According to available reports 60,000 educated unemployed were on the live register of Employment Exchanges during 1980-81. *The State Government should draw up a detailed scheme of providing gainful employment to educated unemployed.* On the economic front, it was observed that there was a good scope for development of cash crops particularly tea, coffee and rubber. *The State Government .should prepare an overall profile on land use for planned development.* Planting of mulberry trees for silk could also be included under Social Forestry programme. The sub-Plan document did not show the development indicators like surface and unsurfaced roads, literacy and enrolment in primary and higher levels. the number of villages having rural water supply and other programmes like rural electrification, coverage of population by PHCs and sub-centres. *The State Government should prepare a comprehensive sub-Plan keeping in view the recent conflict between tribals and non-tribals and it should reflect the efforts required to be made in reducing the exploitation of tribals, elimination of land alienation and indebtedness.*

UTTAR PRADESH

8.33 Information received indicated that there was an unspent balance of Rs. 70 lakhs from the previous years. In 1976-77 against an outlay of Rs. 35 lakhs utilisation was of the order of Rs. 17 lakhs leaving balance of Rs. 18 lakhs. In 1977-78 against an outlay of Rs. 49 lakhs utilisaion was of the order of Rs. 35.19 lakhs leaving a balance of Rs. 13.81 lakhs. In 1978-79, against an outlay of Rs. 75 lakhs, the utilisation was to the tune of Rs. 35 lakhs, leaving a balance of Rs. 40 lakhs. The total funds available for 1979-80 comprising both State Plan and Special Central Assistance were of the order of Rs. 78.31 lakhs. Against this the State Government issued sanctions to the extent of Rs. 25.27 lakhs only. *The State Government should look into the low pace of expenditure and should take prompt steps to ensure full utilisation of the funds.* Three LAMPs had already been established in the Lakhimpur Kheri ITDP but as credit was not flowing, family oriented schemes of socio-economic development were being hampered. *The State Government should look into this aspect urgently and arrange the flow of credit on personal surety as is being done in other States. Although the Uttar Pradesh Government have enacted a law wiping out existing debts a few years ago, no alternative source of credit appears to have been provided with the result that the law has not proved effective. The State Government should entrust the survey of indebtedness to an independent body to ascertain the extent of indebtedness still prevailing among the Scheduled Tribes.*

Survey undertaken by a Research Team of the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes about the working of I.T.D.P. Darjeeling in West Bengal

8.34 The tribal communities in *West Bengal* with their varied ethnic composition and linguistic affinities have assumed characteristic features of uneven economic and social development which requires close review of the situation. These people though economically lagging behind have become politically more conscious.

8.35 The Lepchas of Darjeeling District besides cultivating rice, also raise cardamom and other millets. Big farmers maintain pineapple orchards. Santhals, Mundas, Oraons mainly subsist on rice cultivation of their own and work as agricultural labourers on other fields. Because of limited resources and other physical constraints like scattered population, non-contiguous tribal habitation etc., projects could not be fitted into the nation-wide accepted norms. To overcome this difficulty a new strategy was adopted during the Fifth Plan period by relaxing the norms. Out of the sixteen districts of West Bengal, twelve districts namely, Midnapur, Purulia, Bankura, Birbhum, Malda, Darjeeling. Jalpaiguri, West Dinajpur Murshidabad, Burdwan, Hooghly and 24-Parganas were brought under the sub-Plan. The tribal population in the 12 districts as per 1971 Census was 24,84,787 covering 98.09 per cent of the total Scheduled Tribe population. Alienation of tribal land

and indebtedness among the tribals are the two main problems in the sub-Plan area. During the Sixth Plan period, the economic sectors comprising agriculture, irrigation, co-operation, forests, fisheries, animal husbandry and village industries have received more attention. Higher outlays for education and health have also been proposed.

8.36 A Research Team from the Office of the Commissioner for Scheduled Castes and Scheduled Tribes was deputed to study the working of various developmental schemes in Darjeeling ITDP in the month of May, 1980. It was observed by the team in that district, tribals were widely interspersed with the general population and even at the level of police stations, they nowhere formed a distinct majority, *i.e.* 50 per cent and above. There were only pockets of tribal concentration in some mouzas (villages). As such an ITDP with contiguous area could not be formed in the district. The normal criterion was, therefore, relaxed and according to the revised criterion the basic unit of selection was a mouza (village) having 50 per cent or more Scheduled Tribe population. The identified mouzas were grouped in different areas on the basis of their contiguity and identified as ITDP area. The project area constituted 106 mouzas in Siliguri Sub-Division selected on the above basis. These were called the mouzas of intensive action. The estimated tribal population of these mouzas was 43,071, constituting 63 per cent of the total population of these mouzas. The project area covers parts of Kharibari, Phansidewa, Siliguri and Naxalbari blocks in Darjeeling district. The ITDP had already been launched in the Siliguri Sub-Division. In Kalimpong Sub-Division, the entire Kalimpong Police Station had been purposely included in the Sub-Division remained isolated because of its peculiar ecological, demographic and physiogeographical conditions of the hill tract. However, the implementation of schemes for the socio-economic development of the area will be made under the Hill Areas Plan. The Project report on Kalimpong was yet to be prepared.

8.37 The Scheduled Castes and the Scheduled Tribes programmes in Kalimpong Sub-Division were being looked after by the Special Officer, Scheduled Castes and Scheduled Tribes welfare, while in Darjeeling Sadar and Kurseong Sub-Divisions these were looked after by Special Officer for Scheduled Castes and Scheduled Tribes Welfare, Darjeeling. The Mauzas of intensive action are located in Siliguri Sub-Division. These are being looked after by the Scheduled Castes and Scheduled Tribes Welfare Officer, Siliguri.

8.38 It was observed that the project report of the ITDP, Darjeeling had not so far been prepared and no Project Officer had so far been appointed in the Project, in whose absence the work relating to the implementation of the various schemes under the ITDP, was being looked after by the Scheduled Castes and Scheduled Tribes Welfare Officer, Siliguri, who was quite junior. The sub-Plan funds are allotted by the State Government to the district authorities at Darjeeling who place them at the disposal of respective departments. In some cases funds were allotted by the State Government directly to the departmental heads. The Welfare Officer, Siliguri has to coordinate the activities of the various Departments in this regard. He, however, informed that he was not receiving any progress reports from the departmental heads in most of the cases, as a result of which he was not able to perform the co-ordinating function. He had also not been provided with any vehicle in the absence of which it was very difficult for him to go to the field to assess the progress of various schemes. *It was felt that the State Government should appoint a senior officer as the Project Officer for the ITDP, Darjeeling. Early action should also be taken to prepare the project report of the ITDP.*

8.39 *More or less, it has now been accepted by all the State Governments that tribal development is the responsibility of all development departments. Based on the information made available to this Organisation, it is observed that Project authorities have been constituted in most of the States but the integration of sectoral programmes at ITDP level and its implementation in a coordinated manner under the direction of the project authorities have not yet been achieved. Adequate support from the financial institutions has been lacking and dedicated personnel have not been posted in the tribal areas. The State Governments/Union Territory Administrations concerned should look into the matter and do the needful to remove the above mentioned bottlenecks, in the implementation of the various tribal development programmes.*

Role of Central Ministries in Tribal Development

8.40 The main thrust for tribal development has to be provided by the concerned sectoral authorities. It was, therefore, required of each developmental Ministry, to assess the situation in the tribal area and work out the programmes for development within the central outlays. Initially the Central Ministries were required to quantify the investment and assess the flow of benefits from their programmes to the tribal areas. In this regard clear guidelines were issued by the Planning Commission in 1977, wherein, it was mentioned that in sub-Plan areas, the role of Central Ministries was crucial since they had to assume the overall responsibility for the development of tribal areas in respective sectors. Each Ministry was required to devise its own strategy and was required to give priorities to the tribal areas from within its investment and the programmes were to be modified to suit the needs of the tribals. The Ministries were to provide necessary guidance, secure reallocations and priorities and supplement the efforts wherever necessary. In this regard it is pertinent to mention that the following major exercises were required to be taken up by the developmental Ministries : (1) Each Ministry was required to appoint exclusively a senior officer to attend to the work relating to tribal areas with suitable supporting staff, (2) the officers concerned dealing with the tribal development work were required to have the background of working in the tribal areas and were supposed to visit tribal areas

frequently. (3) Inter-Ministerial Teams were required to have a schedule of visit to the project areas, so as to cover each project once in Five Year Plan period.

8.41 It is understood that during the years under report several discussions were held with the Central Ministries by the Ministry of Home Affairs for tribal development. The Prime Minister in her letter, dated 12-3-1980 stressed the need for quantifications of funds for tribal development. The Secretary to Ministry of Home Affairs also addressed his counterparts in other developmental Ministries/Departments on 1-7-1980 requesting them to exhibit funds quantified under each scheme for tribal sub-Plan area under distinct sub-head in the budget of the Ministry as that would enable quick availability of funds and also their evaluation. However, it appears that during the year under report not much headway could be made by the Central Ministries in the desired direction. Information regarding amounts earmarked by the Central Ministries for the tribal sub-Plan areas during 1978-79 and 1979-80 may be seen at Appendix LXXVIII.

8.42 The Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes addressed all the developmental Ministries to furnish information regarding their performance in the tribal areas. It is regretable that very scanty information was made available by some of the Ministries. The information furnished by the Ministries of Works and Housing, Communications, Health and Family Welfare, Social Welfare, Rural Reconstruction, Education and Culture and I.C.A.R. is indicated below :—

Ministry of Works and Housing

8.43 There were three Centrally Sponsored Schemes *viz.* (i) Accelerated rural water supply programme ; (ii) National capital region scheme; (iii) Integrated scheme for small and medium towns. Under the rural water supply scheme, the problem villages' approach was being adopted which envisaged identification and delection of villages on the basis of certain criteria regarding the drinking water problem without particular reference to the kind of population in them. The State Governments were asked to give priority to villages with Scheduled Caste/Scheduled Tribe population while deciding on rural water supply scheme. The States were also instructed to take note of the special needs of Scheduled Caste/Scheduled Tribe while formulating rural water supply scheme and to report the coverage of this category of population by providing safe drinking water. During the year 1979-80 the Ministry of Works and Housing released Rs. 5898.61 lakhs to various States under accelerated rural water supply scheme.

8.44 Insofar as various housing schemes *viz.* village housing project scheme; (ii) low income group housing schemes; (iii) schemes for the provision of house sites—but construction to landless workers in rural areas and (iv) slum clearance and improvement scheme are concerned these were based on income criteria and were equally applicable to all members of the public irrespective of caste, creed or community. However, in view of the poor economic condition of persons belonging to Scheduled Castes and Scheduled Tribes they were expected to derive considerable benefits from them. Subsidised housing scheme for plantation workers was directed towards a particular category and it was reported that it would not be appropriate to identify the Scheduled Castes and Scheduled Tribes for separate attention under this scheme.

Ministry of Communications

8.45 During Annual Plans 1978-79 and 1979-80, 11,416 post offices were opened in rural areas out of which 5,383 or 47.1 per cent were in hilly, backward and tribal areas. No separate targets were assigned for opening of rural post offices, specifically in tribal areas. However, from figures available from various States, it was reported that out of 11,416 rural post offices opened in 1978-79 and 1979-80, 1,622 post offices (14.2%) were in tribal areas. An exercise was being conducted in P&T Department to ascertain the scope for opening a specified percentage of post offices in areas of tribal concentration under the Sixth Five Year Plan period, 1980—85.

8.46 Under the programme of development of telecommunications 210 public telephones and 210 telegraph offices were opened in tribal areas during 1978-79. Whereas in rural areas in general, public telephones and telegraph offices opened were 3,446 and 3,801 respectively during the same period. Villages with 5,000 population in ordinary areas and 2,500 population in backward and hilly areas were being provided with a long distance, public telephone/combined post and telegraph offices without consideration of profit. It has also been proposed to take up tele-communication facilities in all the 563 Tribal Development Blocks on priority. The Ministry was also considering on an average 17—20 places in every ITDP. which would be provided with tele-communication facilities.

Ministry of Health and Family Welfare

8.47 The Ministry of Health and Family Welfare was implementing various schemes under health, family welfare and MCH services under the health sector. The Centrally Sponsored Schemes implemented during 1979-80 were as under :—

(i) N.M.E.P. (Rural)

(ii) Filaria Control Programme

(iii) Leprosy Control Programme

(iv) T. B. Control Programme

(v) STD (VD) Control Programme

(vi) Prevention of blindness

(vii) Community Health Volunteers Scheme

(viii) Multipurpose Workers Scheme

(ix) Reorientation of Medical Education.

8.48 All the above 9 schemes were of category II *i.e.* funding on 50:50 basis by the Centre and the States. The Central assistance given by the Planning Commission included assistance for tribal areas and special component plans for Scheduled Castes. The total revised outlay for all the centrally sponsored schemes for 1979-80 as approved by the Planning Commission was Rs. 71.72 crores. The Ministry also stated that here was no separate sub-head for tribal areas, but it was being considered to provide separate sub-head for 1980-81.

8.49 It was reported by the Ministry that a study of vanishing tribe in Andaman and Nicobar Island was underaken by the JIPMER, Pondicherry, but due to various reasons the study was not successful.

8.50 Regarding family welfare programme and MCH activities, the States were requested by the Ministry that in numerically small and extremely backward tribal areas the population control measures need not be pushed, but the MCH services including immunisation and improvement of nutritional status should be given special attention. No special funds were, however, allocated for provision of MCH services in tribal area. Assistance in kind in the form of drugs for immunisation and tablets of IRON and Folic acid and Vitamin 'A' for improvement of nutritional status was given through the Medical Store Depots. The Ministry have also informed that the Planning Commission have agreed in principle to relax the present norm for the establishment of PHCs/sub-centres in tribal, hilly and backward areas of the country from 50,000/5,000 population, respectively to 20,000/3,000 population, respectively. The States/Union Territories were asked to intimate their additional requirements on the basis of these revised norms. The States were also requested to give preference to tribal/backward areas in selecting PHCs for implementation of the community health volunteers scheme.

Ministry of Social Welfare

8.51 The Ministry of Social Welfare informed that it had two areas based schemes namely Integrated Child Development services (ICDS) and functional literacy for adult women (FLAW). The former was a centrally sponsored scheme while the later was a central plan scheme.

8.52. The scheme of ICDS aimed at providing a package of services for children under six years of age and nursing mothers and expectant women in tribal and backward areas and urban slums. The services under the ICDS scheme included supplementary nutrition, immunisation, health check up, referral services, nutrition and health education for mothers and non-formal pre-school education.

8.53 The scheme of FLAW aimed at providing non-formal education to adult women in the subjects of health and hygiene, food and nutrition, home management, child care and civic education, vocational and educational skill. These schemes were launched in the year 1975-76 on an experimental basis in 33 projects in the States and Union Territory of Delhi. The scheme of ICDS was further expanded to additional 67 projects during 1978-79 and 50 projects in 1979-80 and another 50 projects in 1980-81. Thus 200 projects had been sanctioned to different States and Union Territories till 1st April 1980. Out of these 67 were located in tribal areas, 105 in backward rural areas and 28 in urban slums. The Ministry also informed that in addition to existing 200 projects, a proposal to set up 750 projects during the next plan period was sent to the Planning Commission for their approval and out of the proposed additional 750 projects about 225 (30% of 750) were proposed in tribal areas. The selection of the project areas was made on the factors like, area predominantly inhabited by tribals, particularly backward tribes; backward areas; drought prone areas; areas inhabited predominantly by Scheduled Castes; nutritional deficient areas; areas poor in development of social services; and location of slums.

8.54 As the schemes of ICDS and FLAW had a saturated area approach it was informed that the benefits of these schemes were not availed of exclusively by the Scheduled Tribes or any other particular caste. However, larger number of beneficiaries belonged to Scheduled Castes, Scheduled Tribes and other weaker sections of the population of these project areas. The year-wise grant in aid released by the Ministry of Social Welfare to the States/Union Territories *vis-a-vis* the amount allotted to the tribal areas are given below :—

(Rs. in lakhs)

Year	Total grant-in-aid released by Ministry of Social Welfare		Amount allotted in the tribal areas	
	ICDS	FLAW	ICDS	FLAW
1	2	3	4	5
1975-76 . .	92.73	34 02	22.85	7.40
1976-77 . .	57.33	22 21	15.29	4.72
1977-78 . .	115.14	30.10	26 35	4 92
1978-79 . .	323 09	134.24	82.51	35 48
1979-80 . .	490.00	175.00	102.75	36.70

8.55 The special Nutrition Programme for pre-school children, pregnant women and nursing mothers was started in 1970-71 with the object of providing supplementary nutrition to the target groups in the weaker sections of the community. The programme was implemented in selected areas in urban slums, tribal areas and other backward areas. By the end

of the Fourth Plan in 1973-74, it covered nearly 37 lakh beneficiaries. The programme was expanded in Fifth Plan period and coverage in 1978-79 was 69.18 lakhs. The daily supplementary feeding consisted of 200 to 300 calories and 10 to 15 gms of protein per child and 25 gms. of protein per mother. The supplementary feeding is provided to 250 to 300 days in a year. In the Fifth Plan period the programme was transferred to State Sector under M.N.P. The States were required to maintain it at the level obtaining in 1973-74 from their non-Plan budget and plan provision was made to expand the programme. During 1978-79 about Rs. 33.45 crores were available for the programme both under non-Plan and Plan. Increase in the provision for nutrition supplement from 20 paise per day per child and 25 paise per day per mother to 30 paise per child and 35 paise per mother was taken up with the Planning Commission.

8.56 Another programme of Balwadi Nutrition was also started in 1970-71 through national level organisations by the Ministry of Social Welfare. Four National level organisations namely, the Central Social Welfare Board, Indian Council for Child Welfare, Bharatiya Adimjati Sevak Sangh and Harijan Sevak Sangh were given grants in aid to distribute it to voluntary organisations through their State units. The programme covers children in the age group of 3—5 attending the Balwadi run by these organisations. The information regarding grant-in-aid given to these organisations during last 6 years is given in the table below :—

(Rs. in lakhs)

	1974-75	1975-76	1976-77	1977-78	1978-79	1979-80
	1	2	3	4	5	6
1. Central Social Welfare Board	81.69	127.27	100.00	90.77	100.00	103.00
2. Indian Council for Child Welfare	21.00	32.97	29.62	24.16	30.18	24.14
3. Harijan Sevak Sangh	11.38	14.56	7.00	10.61	12.30	12.30
4. Bharatiya Adimjati Sevak Sangh	10.93	14.20	8.69	8.66	12.52	10.53
TOTAL	125.00	189.00	145.31	134.20	155.00	149.97

Ministry of Rural Reconstruction

8.57 The Ministry had sponsored several schemes for increasing employment opportunities in the rural areas of the country to raise the income level of the identified target groups. The schemes are Integrated Rural Development (IRD) programme, Drought Prone area Programme (DPAP), Small Farmers Development Agency Programme (SFDA), Desert Development Programme (DDP), Food and Work Programme (FWP), National Programme of Training of Rural Youth for Employment (TRYSEM) etc. Most of these schemes/programmes were in operation in almost all the States and Union Territories in the country and the tribals were covered along with other segment of the society. It is reported that no separate provision for tribal sub-Plan area has been provided under these schemes.

8.58 Under the food for work programme instructions were issued to the States that large number of works could be taken up in the tribal areas. The blocks within the tribal sub-Plan were not included under IRD in the first phase of launching of IRD programme.

8.59 The scheme for development of rural markets in Integrated Tribal Development Programme was started in 1977-78. Since the rural markets had no basic facilities and they were mostly owned by the local bodies/private individuals and not much attention was paid to their development, the development of infrastructure in these markets was essential for the farmers and the buyers. Looking to the importance of these markets to small/marginal farmers, the Government of India sanctioned a scheme in 1977-78 with an outlay of Rs. 5 crores under Fifth Five Year Plan for providing assistance to rural markets falling under the category of Integrated Tribal Development Projects, hill areas development Projects and drought prone areas. Out of these Rs. 50 lakhs were earmarked for the development of markets located in tribal areas throughout the country. The scheme envisaged the development of core infrastructural facilities in rural markets like the periodical *Hats* and *Shandies* which were linked to the regulated markets of the area. The scheme also aimed for the development of essential infrastructural facilities in wholesale regulated markets The amount to be sanctioned under the scheme was Rs 1.5 lakhs to each primary market and Rs. 5 lakhs to wholesale markets covered under Hill Areas Development Project. DPAP and ITDP.

The Statewise position regarding the assistance sanctioned for primary rural markets and wholesale markets situated in ITDP areas from 1977-78 to 1979-80 may be seen in the table below :—

(Rupees in lakhs)

State		1977-78		1978-79		1979-80		Total	
		No. of Markets	Assistance	No. of Markets	Assistance	No. of Markets	Assistance	No. of Markets	Assistance
1		2	3	4	5	6	7	8	9
Andhra Pradesh	W.S.	..	..	..	..	..	..	..	..
	P.	..	..	..	..	1	1.00	1	1.00
Bihar	W.S.	2	6.00	2	10.00	2	6.00	6	22.00
	P.	12	12.00	62	62.00	..	4.00	74	78.00
Karnataka	W.S.	..	..	..	..	..	..	..	..
	P.	2	2.00	1	1.00	..	0.50	3	3.50
Madhya Pradesh	W.S.	1	3.00	1	3.00	3	9.00	5	15.00
	P.	..	..	..	..	5	5.00	5	5.00
Maharashtra	W.S.	..	..	1	3.00	3	9.00	4	12.00
	P.	1	1.00	1	1.00	3	3.50	5	5.50
Orissa	W.S.	2	6.00	..	..	..	..	2	6.00
	P.	3	3.00	3	3.00	3	3.00	9	9.00
Rajasthan	W.S.	..	..	1	3.00	..	2.00	1	5.00
	P.	..	..	..	..	..	..	..	..
TOTAL	W.S.	5	15.00	5	19.00	8	26.00	18	60.00
	P.	18	18.00	67	67.00	12	17.00	97	102.00
Budget allotted		20.00		30.00		30.00		80.00	

1. W.S. stands for Wholesale Markets.
2. P. stands for Primary Markets.

MINISTRY OF EDUCATION & CULTURE

Apprenticeship Training

8.60 Under the 'Apprenticeship Training' programme apprentices are engaged by various organisations|establishments for one year on the job apprentices training. The Central Government shares the stipend amount being paid to these apprentices on 50 : 50 basis. The programme is being managed through four Regional Boards of Apprenticeship Training at Bombay, Calcutta, Madras and Kanpur. These Boards notify the number of apprentices to be engaged by each organisation|establishment. Following efforts are reported to have been made by the Boards for improving Scheduled Caste|Scheduled Tribe candidates placements in the various establishments :—

1. The Principals of the institutions are contacted by the Directors of the Boards for information as to the number of Scheduled Caste|Scheduled Tribe candidates appearing for the final examination.

2. Each one of the Scheduled Caste|Scheduled Tribe candidates is provided with the information as well as application form for the training facilities under the apprenticeship Act.

3. After receipt of the applications from Scheduled Caste|Scheduled Tribe candidates, the Directors of the Boards get in touch with the training organisations to see that the placement is effected. Frequent monitoring of the placement information with regard to Scheduled Caste|Scheduled Tribe candidates are undertaken.

4. Any vacancies from among the number of reserve category not filled up, as per the returns from the training organisations, might be circulated to the other Boards also, in case a particular Board does not have any more candidates of this category. During the year 1979-80, Rs. 134.47 lakhs were released to the Boards of Apprenticeship Training to meet their establishment expenditure as well as the Central Government's share of the stipend being paid to the apprentices.

Universalisation of elementary Education

8.61 Under the Centrally Sponsored Scheme of Experimental Projects for Non-formal education for

children of the age group 9—14, non-formal education centres were identified keeping in view the needs of the backward areas and weaker sections, particularly Scheduled Castes and Scheduled Tribes. Special Central Assistance under the scheme for running of non-formal education centres is confined to the nine educationally backward States *viz. Andhra Pradesh, Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh* and *West Bengal.* The Central sector allocation for this scheme was Rs. 25 crores.

8.62 Guidelines were also issued to all the States for formulation of programmes of Universalisation of elementary education. The States were advised to prepare sub-Plans for the education of Scheduled Tribes and earmark adequate funds for the education of tribal children not only in proportion to their population but with added weightage.

University Grants Commission

8.63 The University Grants Commission has set up a committee to coordinate all efforts required for ensuring that the facilities reserved for the Scheduled Castes/Scheduled Tribes by the Government are actually made available for these communities in the matter of admission, employment, fellowships, hostel facilities, etc. The committee observed that an impact study of the utilization of these facilities and identification of areas of disparity should be undertaken. The University Grants Commission is also preparing a sub-Plan for higher education among the tribals. The University Grants Commission assists colleges located in the tribal areas where enrolment of Scheduled Tribe students in the degree classes is 1|3rd of the total enrolment or 100 whichever is less.

Indian Council of Agricultural Research

8.64 During 1979-80 intensive efforts to strengthen the research and training facilities in the tribal and neglected areas were made. At the Central Agricultural Research Institute for *Andaman & Nicobar Islands,* work was in progress on cattle humpsore disease and surveillance on the liverfluke disease of buffaloes. The cultivation of Potatoes was introduced, and improved seeds of vegetables were multiplied for distribution to the farmers. About 1,300 tropical fruit-trees were procured for trial.

8.65 Tribal research centres were established for research on horticulture, rice, cassava and niger at Godhra (*Gujarat*), Ranchi (*Bihar*), Korapurt (*Orissa*) and Srikakulam (*Andhra Pradesh*). An Operational Research Project was sanctioned for the improvement of socio-economic conditions of the tribals in Melghat area of Amravati district, *Maharashtra.* Studies were undertaken on the natural and physical resources, and farm, and forest practices in 3 tribal districts of *Madhya Pradesh* and a project was started for the development of tribal areas in Mandla District. The following schemes were sanctioned for the establishment of ORPs and training programmes for the socio-economic upliftment of tribals :

1. Economic development of tribal people in Melghat District, Amravati (*Maharashtra*).
2. Study of Natural Physical resources, socio-economic constraints and farm Forest Practices of 3 tribal Districts of *Madhya Pradesh.*
3. Development of Tribal Areas in Mandla District (*Madhya Pradesh*).
4. Socio-economic upliftment of tribals Kinwat Tehsil, Nanded District (*Maharashtra*).
5. Socio-economic upliftment of Tribals in Dang and Sabarkanta District of *Gujarat.*
6. Socio-economic upliftment of Tribals by introducing Mesta based farming systems in Srikakulam District of *Andhra Pradesh* and Koraput District (*Orissa*).
7. Socio-economic upliftment of Tribals in Sironcha Tehsil of Chandrapur District (*Maharashtra*).
8. Enhancing income and employment of marginal farmers and landless labourers in Tribal Areas of Banswara district of *Rajasthan.*
9. Economic upliftment of the Tribal in District Srikakulam, *Andhra Pradesh.*
10. Improvement of Horticultural Potential of Tribal areas in Tehsil Melghat District (Amravati), *Maharashtra.*
11. Scheme for intensification of Research on upland Rice and Marua (Ragi) for Tribal Areas of *Bihar.*
12. Tribal Area Potato problems and the development of Potato crops at (i) Lahaul-Spiti (*Himachal Pradesh*), (ii) Ahmednagar and Akola (*Maharashtra*) and (iii) Vadodra (*Gujarat*).
13. Scheme for Crop Improvement as Research support for Tribal Development agency, Phulbani and Keonjhar (*Orissa*).

8.66 The ICAR received several projects from Agriculture Universities and Institutes and some of them which were being considered for sanction are stated below :—

1. Training of Tribal women in *Andhra Pradesh.*
2. Socio-economic upliftment of Tribal people/backward classes in *Goa.*

3. Socio-economic upliftment of the Tribals in the area of Panchmahal and Broach District (*Gujarat*).

4. Socio-economic upliftment of the Tribals in the areas of (i) Udaipur (*Rajasthan*), (ii) Kosabad District Thana (*Maharashtra*) and (iii) Nilgiri Hills (*Tamil Nadu*).

5. Establishment of a Tribal Centre at Surguja in *Madhya Pradesh.*

8.67 It was also reported that a Project for the socio-economic welfare of Scheduled Castes and Scheduled Tribes costing about Rs. 2 crores was being processed for sanction in consultation with the Planning Commission and Ministry of Finance. The vast masses of Scheduled Caste in rural backward and neglected areas are reported to be poor and have limited opportunities for improving their socio-economic conditions. The objective of the scheme was therefore, to introduce science and technology, while modernising the rural vocation in which these people were engaged. To start with 17 centres were proposed to be established under this project during the current plan period. In addition to the ICAR research complexes in the North Eastern Hilly Region covering *Meghalaya, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura* and *Sikkim*, a comprehensive integrated research and training programme was also being developed to cover the cold desert area of Laddak and other areas of *Jammu & Kashmir.* To develop a cadre of technical manpower to various developmental programmes was also drawn and implemented under this scheme for Human Resources Development. Under the scheme 3,000 fellowship were provided at the under graduate level, 2,100 at the M.Sc. level and 1,350 at the Ph.D. level.

8.68 As has been indicated earlier the Planning Commission had asked the Central Ministries and Departments to prepare special Programmes relating to each sector and adopt the ongoing programmes in consultation with the State Governments keeping in view the specific requirement of the tribal area. *In view of the fact that the tribal population comprises 7.5 per cent of the total population in the country and the geographical extent of the tribal areas is even higher, at least 10 per cent of the total outlay in various developmental Ministries should flow to the tribal areas. The percentage might differ from State to State varying with the percentage of tribal population. But according to an estimate for the year 1979-80 funds quantified for the tribal sub-Plan areas amounted to about Rs. 75 crores which might be approximately 1 per cent of the total Central Plan budget. Since the centre has special Constitutional responsibility towards the Scheduled Tribes and Scheduled Areas, the Central Ministries have got significant role to play. It is reiterated that concerned Ministries should complete the desired exercises as early as possible, so that clearcut quantification from central and centrally sponsored schemes of the concerned Ministries may be available for the tribal development. As recommended in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1978-79, it is reiterated that Planning Commission should find out the effect of the orders relating to devolution of funds to the State Governments by the Centre in so far as development of tribal areas are concerned.*

Pockets of tribal concentration and dispersed tribes

8.69 The Scheduled Tribes have been declared in respect of 19 States and six Union Territories in the country. The Tribal sub-Plans cover 17 States and 2 Union Territories. States/Union Territories like *Arunachal Pradesh, Nagaland, Meghalaya, Mizoram, Dadra & Nagar Haveli* and *Lakshadweep* do not need sub-Plan approach as the developmental programmes meant for them are naturally addressed to the Scheduled Tribes as they form the majority population in these States and Union Territories. Under the tribal sub-Plan approach 234.76 lakhs Scheduled Tribe population (65.10 per cent) was covered. The Ministry of Home Affairs suggested to the State Governments to adopt a modified area development approach for the development of Scheduled Tribes living outside the sub-Plan areas and the following guidelines were issued :

(i) Modified area development approach comprising a minimum population threshold of about 10,000.

(ii) Family and community oriented programmes which may comprise (a) programmes for a starting of small groups of predominantly tribal groups or predominantly tribal hamlets ; (b) programmes for specific professional groups ; (c) programmes addressed to dispersed tribal families.

8.70 Different States have made progress in identifying a number of tribal pockets outside the sub-Plan areas details of which can be seen at Appendix LXXIX. In this way, it would be seen that 188 pockets with 26.05 lakhs (7.23 per cent) Scheduled Tribe persons were identified. Thus 73 per cent of the total Scheduled Tribe population in the sub-Plan States and Union Territories are covered under the sub-Plan approach. Pockets of tribal concentration are parts of administrative units like a development block or taluka and target groups and community approach becomes essential and target group plans are required to be fitted fully into the larger frame-work of the block or taluka plan. Special project reports for these pockets will be prepared by the State Governments. It is encouraging to note that the Government of Maharashtra had identified 18 modified area development approach pockets and the proposals in this regard were sent to the Government of India for their approval. The Government of India had approved six MADA areas and the proposal in respect of the remaining 12 MADA pockets from un-enumerated areas were reported to be under their consideration. The Government of India sanctioned additional special central assistance to the tune of Rs. 45.60 lakhs during

the year 1979-80 for these MADA pockets. Similarly the Government of *Gujarat* have informed that specific family oriented programme would be prepared for the groups of tribals located in a geographical contiguous area identified as pockets. It was also informed that for some professional groups of tribals, specific programmes benefiting their profession would be prepared and family based plans would also be prepared keeping in view the local situation. The Government of *Rajasthan* is reported to have identified 36 tribal pockets in Alwar, Bharatpur, Bhilwada, Buridi, Chittorgarh, Jaipur, Jhalavad, Kota, Pali, Swai Madhopur, Sirohi, Tonk and Udaipur districts and during the years 1978-79 and 1979-80, Rs. 31.50 lakhs and 190.00 lakhs, respectively were allocated for these pockets.

8.71 In *Uttar Pradesh* it has been reported that there are 5.5 lakhs Scheduled Tribe people but only 5 tribes, namely, Bhutias, Rajis, Jaunsaris, Tharus and Buxas numbering nearly 2 lakhs living in the hills and Tarai regions of the State are scheduled. The people with tribal characteristics in Uttar Kashi and Tehri Districts and tribes of South Uttar Pradesh have not been declared as Scheduled Tribes. The non-Scheduled Tribes living in Southern portion of the State have been included among the Scheduled Castes. The State Government is reported to have taken a decision to extend them the same facilities of development as are available to the Scheduled Tribes and have also decided to bring them within the purview of the Tarai Anusuchit Janjati Vikas Nigam Ltd. for the purpose of their development. These communities are Kol, Gond (Majhwar), Baiga (Cheru), Kharwar, Sahariya, Agaria, Bhuiya (Bhinuya) Korwa, Panika Oraon (Dhanger) Pathari, Parahiya and Ghasia. Looking at the density of the non-Scheduled Tribe population it is observed that Sahariyas numbering 12,483 are dispersed in two districts namely Lalitpur and Jhansi and scattered in as many as ten blocks. As regards other non-Scheduled Tribes their concentration is such that suitable areas can be carved out with 50 per cent and more tribal population. On this basis the following projects have been formulated by the State Government :—

(1) Kaimur Integrated Projects for Adivasi Development for tribes living South of Kaimur and Nagwa Block in Mirzapur district.

(2) Patha Integrated Project for Adivasi Development for Kols of Banda District.

(3) Allahabad Integrated Project for Adivasi Development for Kols of Allahabad District.

(4) Mirzapur Integrated Project for Adivasi Development for Kols of Mirzapur.

8.72 As mentioned earlier the non-Scheduled Tribes coming within the purview of these projects are included in the list of Scheduled Castes in *Uttar Pradesh*. Because of their habitations being remote and inaccessible and lack of local leadership among them, their development so far had not been balanced. In order to bring them to the level of other Scheduled Tribes, the State Government has decided to extend them the same facilities as are available to the Scheduled Tribes. In their development, the block would be the first tier and the project consisting of a number of blocks would be the second tier. In order to take up such programmes which do not form part of the block plan and are necessary for development of education, economic conditons, housing, health and other needs additional funds will have to be provided. The Tarai Anusuchit Janjati Vikas Nigam Ltd., would form the third tier. Its main function would be to coordinate activities of the projects, to secure them the funds and allot them to the projects. The tribals of South Uttar Pradesh are backward and most of them are agricultural labourers. It has been reported that as suitable agricultural land is not available for programmes relating to exploitation of minor forest produce, organisation of stone quarries and processing of agricultural and forest produce have been envisaged for them. The efforts of the State Government are commendable and it is hoped, will go a long way in improving the lot of non-Scheduled Tribes covered under the projects.

Primitive Tribes and their problems

8.73 While looking at the problems of tribal communities, it is natural that more focus of developmental planning should be on these tribal communities who are more backward. With this end in view, there had been an effort to identify the more backward communities among Scheduled Tribes and some efforts were also made to prepare special programmes for these groups. The Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes, Scheduled Areas and Scheduled Tribes Commission and Shilu Ao Committee listed the more backward communities amongst Scheduled Tribes. When the tribal development was reviewed on the eve of the Fifth Plan, it was suggested that backward communities known as 'Primitive Groups' should be identified and financed on cent per cent basis by the Ministry of Home Affairs. As already mentioned in the earlier reports of the Commissioner for Scheduled Castes and Scheduled Tribes, a workshop on Primitive Tribal community was held in January, 1975 and the issue was also discussed at the Conference of Tribal Commissioners and State Chief Ministers held in October, 1976.

8.74 To pursue the matter further the Planning Commission also issued guide-lines at the time of preparation of 1st Tribal sub-Plan. It was specifically indicated that (a) special attention should be given to areas and groups facing special problems including primitive tribal groups in backward pockets, shifting cultivators and tribals affected by major projects ; (b) for the purpose, these communities and groups should be identified adopting well-defined criteria, (c) the tribal sub-plan must attempt in broad terms answers for the main issues facing the tribal communities in

these areas and the problems of special groups, (d) special assistance be provided for such groups or communities against a basic-policy-frame which could vary from the general approach in the sectoral programmes, unfettered by the existing formal, procedural or legal frame. The final course could be defined only after fully examining the impact of all the factors.

8.75 The Ministry of Home Affairs also issued guidelines stressing that the Primitive group had to be distinguished from improverished group, and it was emphasised that the distinguishing feature of Primitive group should be that each family should be considered as a distinct entity for the programme. While identifying the primitive groups, the States have been generally following the criteria suggested by the Workshop on Primitive Groups held in 1975. The three norms were (i) pre-agriculture level of technology; (ii) low level of literacy and (iii) a stagnant or diminishing population. Based on these norms, various State Governments identified 52 communities as primitive till the end of 1979-80. A state-wise list may be seen at Appendix LXXX. Much progress could not be achieved during the Fifth Plan period in the preparation of project reports and as reported till July, 1980, out of 52 primitive tribal communities identified project reports of only 25 groups had been prepared, list of which may be seen at Appendix LXXXI. It will be seen from the Appendix that the Governments of *Bihar, Karnataka, Kerala, Madhya Pradesh, West Bengal* and *Andaman & Nicobar Islands* are lagging far behind in submitting the project reports.

8.76 Some studies of primitive tribes have indicated that incidence of genetic abnormality like sickle-cell Anaemia and sexually transmitted diseases are prevalent among some of the groups. In the previous Reports of the Commissioner for Scheduled Castes and Scheduled Tribes it has been mentioned that some of the Primitive groups like Andamanies, Onges and Shompons in *Andaman & Nicobar Islands,* Kotas and Paniyans in *Tamil Nadu,* Paharias in *Bihar* and Totos in *West Bengal* are facing special health problem. Studies undertaken by Tribal Research Institute, Pune among Madia Gonds, Kathkaries and Kolams in *Maharashtra* have brought out critical problems of health and nutrition. The State Tribal and Harijan Research-*cum*-Training Institute, Bhubneshwar in their study among Kutia Konds of District Phulbani of Orissa have highlighted the health and genetic problems. These studies have clearly pointed out that most of the disease afflicting the tribals are mainly due to insanitary conditions, lack of personal hygienic health education and ignorance.

8.77 A study of the socio-economic conditions and developmental programmes for Cholanaickans was conducted recently by the Institute for Research Training and Development studies of Scheduled Castes and Scheduled Tribes Kozhikode, Kerala. Cholanaickans popularly known as the cave men of *Kerala,* whose very existence came to light a few years ago, have already been recognised as one of the primitive groups. They number about 350 souls and are distributed as indicated below :—

S. No.	Name of Forest Range	Number of families	Estimated population		Total
			Male	Female	
1	2	3	4	5	6
1.	Karulai Range (Nilambur Territorial Division)	44	90	81	171
2.	Chungathara Range (Nilambur Special Forest Division) (Punchikolli)	31	54	57	111
3.	Chungathara Range I & II (Chaliyar Basin) .	15	38	30	68
	TOTAL . . .	90	182	168	350

8.78 They are living in the interior forest of the upper Valley of the Nilambur Forest Division of Ernad Taluk, Malappuram District. Their land is situated partly in the reserve forest of Karulai Range and partly in the Chungathara Range of vested forests. They dwell in rock shelters which are found on the bank of Chaliyar River and its tributaries. Some of the important observations and conclusions of the study are as follows :—

1. The Cholanaickans population is threatened with extinction. Their death rate is higher than the birth rate. The analysis of the data collected between January, 1977 and December, 1979 among the Cholanaickans inhabiting Karulai Range and Chungathara Range revealed that there were 24 deaths and only 8 births took place during this period and one of the major cause of death was reported to be prevalence of a mysterious fever. During 1977—79, the Cholanaickan land was swept over by a mysterious fever with symptoms like high temperature, headache, swelling all over body etc. The rate of infant mortality is quite high. Most of the children died were found victims of mal-nutrition. The parents and most of the family members of the deceased infants were found having protruded bellies, swollen faces and joints, shrinking skin and coarse hair etc. Another major cause of death during this period was due to the attack of wild elephants and also by accidents mainly falling from the trees during their honey collection sessions.

2. They were also reported to have contracted diseases like sexually transmitted diseases from non-tribals. The presence of large number of non-tribal labourers in the Cholanaickan land have caused a disequilibrium in the eco-system, and have caused many social, cultural and economic problems.

3. The sudden commercialising of the collection of minor forest produce have done harm to Cholanaickans as they now subsist mainly on rice and bartered goods and they are gradually losing their interest in their traditional food articles. In old days when there was not much restriction on hunting in the Cholanaickans land they were able to fill the shortage of protein by hunting small animals like monkey, squirrels, rats etc. and by fishing etc.

4. They are not covered by any national immunisation programme including small pox vaccination. The most common health problems reported among the Cholanaickans were fever, headache, tooth ache, arthritis, stomach pain, infected wounds, cuts, scratches etc. Since they believe that certain diseases were caused by the wrath of their ancestral spirits and these diseases could be cured only by appeasing them, the modern medical facilities have not yet attracted them. It appeared that there were no concerted efforts on the part of the authorities to introduce the modern medicines in that area.

5. No meaningful developmental programme have so far been initiated, except starting a Branch co-operative Society, of Chokked Girijan Co-operative Society, and it has been reported that agents of the Chokked Girijan Co-operative Society were also exploiting them. The Branch Society is incharge of the collection of minor forest produce and the co-operative society is also responsible for the collection of reeds and bamboos in this area and the society was also entrusted to impart training in cutting reeds. The study reveals that instead of giving training to the tribals they deployed a large number of non-tribals who stayed in that area and must have been responsible for many problems for these people.

8.79 It is presumed that the State Government of *Kerala* would take into consideration the above recommendations made by the Institute while formulating the developmental programmes for this group and these programmes would be phased in such a way so that this group may be able to consolidate their economic and socio-cultural life in their natural habitat. *The State Government should try in the first instance to regain their confidence and should regulate the minor produce collection and food gathering rights exclusively to the Cholanaickans inside their territory, prohibiting the entry of non-tribals, forest labourers, casual visitors and other undesired elements in the Cholanaickans' land. If possible the whole area should be declared as protected area so that the Cholanaickans may not disappear from the map of tribal world. The development of this group will have to be family based and the State Government will also have to go cautiously avoiding over administrating the area and also implementing many schemes at a time.*

8.80 It is encouraging to note that some State Governments have initiated some of the schemes for primitive groups to suit the peculiar local and felt needs of these people. State-wise information as compiled from different areas is indicated below :—

Andhra Pradesh

Three primitive groups namely Chenchu, Konda Reddy and Kolams have been identified so far. According to 1971 census their population was 14,642, 42,777 and 26,498, respectively. Out of these three primitive groups Kolams are having low literacy rate *i.e.* 1.30 per cent whereas Chenchu and Konda Reddy are having 6.5 and 4.20 per cent literacy, respectively. According to a sample study conducted on the fertility of Chenchu women and 5 tribal communities of Sirikulam district, children below 15 years of age constituted 43 per cent among the Chenchus while 40 per cent among the other tribals of Sirikulam. The study further revealed high rate of infant mortality. As against the State average rate of 112 (1974) the Chenchus reported 140 and the Sirikulam district tribal reported 130.8 infant deaths per 1000 births. Similarly the death rate was also reported to be very high among the Chenchus (29.8 per 1000) as against 17.7 among the other tribals of Sirikulam district and 15.4 in the State as a whole. During the year 1979-80, it was reported that a Plan of action was chalked out for the upliftment of the Chenchus who are living in the districts of Kurnool, Nalgonda, Guntur and Prakasham. The scheme included are (1) organisation of labour co-operative societies, (2) opening of Ashram Schools for a population of 200 to 250 Chenchus, (3) opening of a daily requirement centre by the Girijan Co-operative Corporation for a population of about 1000, (4) Establishment of special nutrition programme centres and (5) family based programme of economic uplift. It is hoped that with the special attention being paid by the State Government to this primitive group, their socio economic condition would be improved. The State Government should also prepare suitable programmes for other primitive groups.

Gujarat

There are 5 primitive groups of tribals in the State which have been identified. Of these five, three tribal groups were identified during the Fifth Five Year Plan period. They were (1) Kotwalias (2) Kathodia (3) Kolghas The additional two primitive groups which were recently identified are (1) Padhar and (2) Sidis. Kotwalias are scattered in the districts of Surat and Bharuch Their main concentration is in Vyara, Songadh and Mandvi taluka of Surat district and their total population is about 13,000. They are

among the poorest and most backward tribal group in the State. According to the monographic studies this group presents a picture of most backward and retarded socio-economic life of landless labourers and barely subsists on household industry of bamboo work, basket making etc. They fetch bamboos from the forest and purchase from the local merchants and make baskets, winnowing fans etc. out of bamboos. Most of them lead nomadic life and keep on shifting from one place to another. The literacy rate among them is 1.2 per cent. This group also suffers from the stigma of untouchability. On account of their poor economic conditions, they were being exploited by the middle men and merchants from who they purchase bamboos for preparation of articles. The Forest Department is now supplying bamboos to these people at their door steps. They are given part payment on delivery of finished products which are marketed by the Forest Department themselves. The sale proceeds are distributed amongst the producers after adjusting their payment. Till 1979-80 (up to December 1979) 414 Kotwalia families had been benefited under this scheme. A housing scheme for 78 Kotwalia families at Waghai in Dangs district is reported to have been completed. The families who had been sending children to the schools were given special incentive grants in kind *i.e.* foodgrains. This has helped in the enrolment of children and also reduced the number of drop outs. Further some Kotwalia families have also been helped to raise their own bamboo plantations. So far as Kolghas are concerned they are concentrated in Dharampur, Vansada and Chiklies taluka of Valsad and are also found in Surat district. Their total population is about 30,000. They are also reported to be extremely poor backward people and are being treated as untouchables by other tribal groups. The literacy rate among them is 3 to 4 per cent, and among the women it is negligible. Kothadias is an other primitive group living at a very low economic level. According to 1971 Census their population in the State was 2,939. The Kathodias mainly depend on agriculture and forest labour. They collect fuel and other forest produce which they sale in the villages and markets. Their main concentration is in the forest and woodland parts of Nizar and Uchhal talukas of Surat district and Utorsumbha mahal and Saberkanta district. The percentage of literacy among them is 2.8 against 14.12 per cent of the tribes of the State and that among women it is 1.6 per cent Padhars is an other primitive group residing in Surendranagar and Ahmedabad districts Their population is about 10,000 A large majority of them are agricultural labourers, and they do not get labour throughout the years. They live on the roots of the trees and herbs. Their literacy is also 4 to 6 per cent. Another group called Siddis are landless labourers and are engaged in agriculture labour. They are reported to be heavily indebted. The percentage of literacy among them is 9.77. Their population was about 3,600 in 1961, which has been reduced to 3,000 according to the Census of 1971. It is presumed that the State Government will prepare project reports for Siddis and Padhars immediately so that they may also get the fruits of planning.

Madhya Pradesh

Besides Abujhmarias four other groups *viz.* Saharias, Hillkorbas, Bharias and Baigas have been recognised as primitive groups. It is reported that a special development agency for each group has been established. According to the latest information no project report has been approved by the Government of India and it appears that the programme of identification and documentation of these groups is going on. The State Government should look to this aspect urgently and submit the project reports to the Ministry of Home Affairs without any further loss of time.

Maharashtra

Three primitive tribes namely Mariagond in Dharamgarh in Chandrapur district, Kolam in Yeotmal and Nanded districts and Katkarias in Kolaba and Thana districts have been identified. The State Government is reported to have appointed two project officers, one in Chandrapur district and other in Kolaba district. For the Kolam primitive tribe in Yeotmal and Nanded districts, the work has been entrusted to the project officers ITDP Project Pandharkwada and District Planning Officer, Yeotmal. Project reports for these three primitive groups have been prepared.

Orissa

Out of nine primitive groups identified so far the State Government have submitted the project reports in respect of the 7 primitive groups (1) Juangs (2) Paudibhuyans (3) Kutrakondhs (4) Dongria Kondhs (5) Lonjia Sauras (6) Souras (7) Bondas. Family oriented approach has been adopted in these projects and the schemes are based on development of horticulture, animal husbandry, tiny industries, formal and non-formal education and health measures. For all the nine primitive groups in an agency has been formulated for each group. During the year 1979-80 1,400 families were to be covered under different programmes with an allocation of Rs. 1.50 crores

Karnataka

Two primitive groups have been identified. They are Jenukuruba and Koraga. An Officer on Special duty with headquarter at Hunsur is reported to have been appointed for Jenukuruba. The State Government had not prepared project reports so far.

Andaman and Nicobar Islands

According to 1971 Census, the primitive tribes of the Andaman & Nicobar Islands constituted about one-sixth of the Island territory's total population. They belong to two distinct racial groups and follow different norms of culture and social behaviour. The 500 or so Negrito tribals inhabiting the Andaman group of Islands belong almost to the stone age civilization. They include the Great Andamanese of whom 23 are surviving today, the Onges numbering about 104, the Jarwas and the Sentinelese. Accurate population figures of Jarwas and the Sentinelese is however not available but it is estimated that the number of Jarwas could be around 250 and that of the Sentinelese around 100. It has been reported that with the efforts of the administration the Great Andamanese have now been settled on the strait island, a small island of the eastern coast of middle Andaman. The Jarwas inhabit a reserved forest of about 648 sq. km. mainly on the western coast of South and Middle Andamans. The Sentinelese are the sole inhabitants of the North Sentinal Island with an area of about 47 sq. km. situated south west of Port Blair. The Onges live in little Andaman, the southern most island in the Andamans, which has now been opened for settlement of mainlanders. The Nicobarese numbering about 18,000 are divided into 12 island communities. In Nicobar there is a tribe called Shompen numbering about 212 who live in the river valleys of great Nicobar, the southern most island of the Nicobar group. It has been reported that several developmental and progressive measures have been undertaken for the upliftment of these tribes. However, in a seminar held in December, 1978, it was indicated by Anthropological Survey of India that the last 10 years had made a most shattering impact on the Onge mind and their economic and social life They had been displaced from some of their hunting and camping grounds, affecting the cycle of their seasonal movement in search of food. The report further says that they were also facing much more interference from outsiders than before. It is, therefore, suggested that developmental and progressive measures should be so designed that they do not uproot these primitive groups from their natural habitant.

8.81 *It is strongly recommended that sensitive officers with specific responsibilities of properly handling and developing these communities may be considered for appointment by the State concerned and at the same time special regulations may be promulgated to protect the command of these groups over resources in the areas in which they live.*

Excise Policy for Tribal Areas

8.82 One of the worst forms of exploitation in the tribal areas is practised by liquor contractors. In order to protect tribals from exploitation, the Ministry of Social Welfare had issued guide-lines in 1975 and 1978 for the excise policy to be followed in the tribal areas. The main guide-lines of this policy were:

(a) To take steps for discontinuance of vending of country liquor in the tribal areas wherever they still remain with effect from 1-4-1979 if not earlier.

(b) In areas where prohibition is not in force the tribal people should be allowed to prepare their own beverages for individual and social purposes, but not for commercial purpose, wherever traditional practice prevails.

(c) To intensify educational efforts amongst the tribals against evil effects of drinking.

(d) To encourage social workers and voluntary organisations for undertaking the task of education work for prohibition.

8.83 More or less the State Governments concerned have accepted the guidelines of aforesaid excise policy for tribal areas. In the Annual Reports of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1977-78 and 1978-79, it was emphasised that though the outstill system was abolished in many areas, it had changed into supply system. It was also suggested that all efforts should be made to wean away the tribals from the habit of liquor drinking.

8.84 In the States of *Bihar, Gujarat, Tamil Nadu* there is complete prohibition and *Rajasthan* have introduced total prohibition in the tribal areas. In *Arunachal Pradesh, Lakshdweep, Andaman and Nicobar Island* and *Mizoram* there are no liquor shops. The position in regard to other States is indicated below:—

Assam

Under the Assam Excise Act 1910, there is no provision for vending the liquor shops through contractors or the contract system of vending the liquor in the tribal areas. Assam Liquor Prohibition Act, 1952 is in force since 1952 in three districts of Assam *viz.*, Kamrup, Goalpara, Nowgong and possession, sale consumption or distillation of liquor therein are totally prohibited under the provisions of the said Act. The liquor shops can be opened in the wet areas only with the prior approval

of the Government and after proper enquiry by the local authorities about demand and necessity of such shops and ascertaining the total public opinion. Fanufacture of 'Pachwai' by the tribal people has been exempted from the provision of the Assam Excise Act provided it is manufactured or processed for home consumption and not for sale. In order to propagate the policy of temperance, the Government have constituted a State Prohibition Council, a non-official statutory body with the executive powers and functions to pursue vigorously the policy of prohibition and create a congenial ground for total prohibition in the State. Seven liquor shops had been closed in Darrang district upto 31st March, 1979.

Andhra Pradesh

Under the present excise policy the tribals are allowed to brew liquor and tap toddy for domestic consumption. While opening 'Arrack' shops in tribal areas cooperatives of tribals are given preference in whose absence Government shops are opened thus eleminating exploitation by contractors.

Bihar

The State Government had introduced prohibition throughout the State in respect of all intoxicants other than Bhang and Toddy with effect from 1-4-1979 but members of the Scheduled Tribes have been allowed to manufacture and possess Pachwai with a licence or permit for domestic consumption and for religious and social occasions. But such self-brewed Pachwai is not allowed to be sold. 407 liquor shops have been abolished since 1st April, 1979.

Himachal Pradesh

Liquor shops in the tribal areas had been closed since 1-4-78, but due to widespread illicit distillation 31 shops in districts of Chamba, Lahaul and Spiti and Kinnaur, which were closed earlier was reopened from 1-4-80. However, Scheduled Tribes were permitted to brew mild and Lord liquor for home consumption on payment of nominal fees of Rs. 5 and Rs. 25 per year per licence respectively.

Madhya Pradesh

It has been reported that in the 8 districts where new excise policy was introduced during the 5th Plan Period, all liquor shops will be closed in the rural areas. The local custom of preparing the traditional drinks has also been ascertained for each area. The tribals are allowed to brew from 'Mahua' for their domestic and social consumption but not for sale. This provision to prepare traditional drinks is not applicable to tribals living in the urban and the industrial areas. The State Government is reported to be considering the extension of the excise policy in the entire sub-Plan area with a view to moderate consumption of liquor. Intensive social service programmes are reported to have been taken up. In the western Bhil region, the State Government is reported to be considering to introduce total prohibition. Since the implementation of the new excise policy the State Government has closed 779 liquor shops.

Maharashtra

Foreign liquor vending shops were closed with effect from 30th September, 1976 in the following selected tribal areas :—

1. Chandrapur district .	(*a*) Scheduled Areas of Sironcha tahsil (excluding the areas within the limits of village panchayats of Etapalli, Aheri and Sironcha).
	(*b*) Scheduled Areas of Gadechiroli tehsil.
2. Amavati district .	(*a*) Melghat Tehsil (excluding Dharni Gram Panchayat and Chikhaldara Municipal Council).
3. Thane district . .	(*a*) Mokhada tehsil.
	(*b*) Talasar tehsil.
	(*c*) Jawhar tehsil (excluding Jawhar Municipal Council).
4. Nasik district . .	(*a*) Surgana tehsil.
	(*b*) Peint tehsil (excluding Peint Gram Panchayat).
5. Dhule district . .	(*a*) Nawapur tehsil (excluding Nawapur Khandhara and Chinchpada Gram Panchayat).
	(*b*) Taloda tehsil (excluding Taloda Municipal Council).
	(*c*) Akkalkuwa tehsil (excluding Akkalkuwa Gram Panchayat).
	(*d*) Akrani tehsil.

On the suggestion of the Government of India, the State Government constituted a committee with two representatives of the Government of India in July, 1976 to go into the special problems of excise policy in the State. The State Government considered the recommendations of the Committee and decided as follows :

(a) In the selected tribal areas, the tribals should be allowed to prepare their own traditional drinks for personal and social purposes, but not for commercial purpose.

(b) Country liquor retail shops should be closed altogether.

(c) Toddy retail shops may be licensed (instead of being auctioned) on the lines of the practice followed in the case of country liquor retail shops. While granting these licences, preference should be given to the local tribals.

(d) The country liquor retail shops in the selected tribal areas have been closed with effect from the 1st July, 1979.

(e) Order under section 139(1)(c) of the Bombay Prohibition Act, 1949 was issued on the 25th April 1980 allowing the tribals in the selected tribal areas to prepare their own traditional drinks for personal and social purpose.

(f) Draft rules were being finalised for licensing of toddy retail shops instead of being auctioned in the selected tribal areas.

As per the information received 64 liquor shops from 1-4-79 to 1-4-80 were closed in Dhule, Chandrapur, Amravati, Thane and Nasik districts.

Meghalaya :

Country liquor is sold through the Government shops licensed in favour of tribals and outstills are granted to local persons who can produce and sell liquor as per demand of the villagers. The State Government is of the view that if vending of liquor is stopped it will definitely lead to large scale illicit distillation. Therefore, it has been considered desirable to continue the contract system of liquor vending. Although the Government have allowed the local people who are accustomed to drink home-made undistilled intoxicating drinks, but these drinks are not very popular amongst the local people and they prefer distilled liquor sold through Government shops.

Orissa :

Liquor vending in the Scheduled Districts of Koraput, Mayurbanj and Sundergarh was abolished except at the headquarters of the districts Sub-Divisions, Tehsils, Municipal or Notified area Councils and the areas having urban characteristics and Industrial areas since 1-4-1977. Tribals in these areas can brew their liquor for their bonafide domestic consumption and not for sale upto a limit of 1.5 litres per individual and 5 litres per household. With regard to the excise policy in the tribal areas the State Government decided that the following principles will be followed in the Scheduled Areas (Districts) of the State with a view to abolish liquor shops in the phased manner.

1. Heavy concentration of tribal population.

2. Inaccesibility of areas.

3. Comparative poverty and lack of purchasing capacity.

4. Comparative freedom from sophisticating influence or urbanisation and industrialisation etc.

419 liquor shops were closed up to 31st March, 1980 in the tribal areas.

Rajasthan :

The tribal area is under total prohibition. Only addicts are being allowed liquor on production of medical certificate from a registered Medical practitioner through authorised permit shops.

Tripura :

There is no contract system of liquor vending in tribal areas. In areas inhabited by non-tribal population, the liquor is supplied by the wholesale contractors appointed by the State Government. Tribals are allowed to manufacture upto 10 litres at a time for their individual consumption at their residence for social purposes. There are no excise shops exclusively for tribal people. The State Government is reported to have closed 4 shops upto 31st March, 1980 in tribal areas.

8.85 It would thus be seen that the goal of abolition of liquor shops in tribal areas has still not been achieved in some States. It may not be out of place to mention here that according to available information the Government of Orissa have revised the policy being already adopted and stopped further closure of liquor shops on the contrary it is learnt that during 1980-81 they decided to increase the number of liquor shops and also reduced the number or dry days from 64 to 53 on the plea of promoting temperance among tribals. For the year 1981-82 the Government of Orissa is reported to have already taken a decision not to close any liquor shop on account of prohibition. It is observed that shift in the prohibition policy of the State Government on the plea of loss of revenue would mar the very spirit of Excise Policy in tribal areas. The State Government should adhere strictly to the national policy of discontinuance of commercial vending of liquor in areas of tribal concentration and loss of revenue should be made up from other sources. The State Government should review their decision taken in 1981-82 of not closing any shop, in the interest of the welfare of Scheduled Tribe of the State. *It is recommended that all liquor shops in the tribal areas should be abolished in the first instance and strict watch should be kept on those*

having links with liquor trade in the recent past. Prohibition being a State subject, should be strictly enforced by States/Union Territory Administrations concerned as per the guidelines issued by the Ministry of Social Welfare. Educating the tribals about the ill effects of drinking habit should be made a part of the propaganda campaign and in this process involvement of reputed social workers and voluntary organisations should be given preference.

Forests

8.86 In India forests occupy an area of 746.00 lakhs hectares and account for 22.7 per cent of the total geographical area. The relationship of bulk of tribals with the forests is so deep rooted that it is not possible to envisage any developmental programmes for them without incorporating forest component in it. The exact number of persons living in forests, or primarily depending on forests is not known and the proportion of tribals among them is also not known. It can be assumed that majority of the tribals are agriculturists and they also depend on forest in varying degrees for their livelihood. They collect minor forest produce like grass, tendu leaves, mahu flowers/seeds, sal seeds, gum, lac, tasar cocoons and several other wild fruits and flowers. Besides these items they also collect wood for the construction of their houses and agricultural implements and firewood for their own use, as well as for sale. The relationship of the tribals with the forests was recognised long back and by virtue of their historical association they had been enjoying certain 'rights and privileges' but in the management of forests no special concern was shown for their socio-economic betterment. On the contrary the administrative authorities had been imposing considerable restrictions on the traditional rights and privileges creating antagonism between the tribal population and the Forest Department.

8.87 The Sixth Plan Document has given clear indication regarding the relationship of tribals and forest development. It states "tribal economy and forest development are actually dependent. Therefore special emphasis would be laid on linking the forestry programme with that economic development of tribal population as well as other weaker sections of the population. Undoubtedly tribals have particularly benefited as wage earners in forestry operations but the forestry projects have not been designed for uplifting the economy of the tribal people in a significant manner. This requires a new awareness for forestry planning in tribal areas".

8.88 The previous reports of the Commissioner for Scheduled Castes and Scheduled Tribes had also been emphasizing the urgent need for reorientation of the whole approach of the Forest Department. In these reports various important aspects relating to forest development, social forestry and their impact on tribal development had been discussed. Some of the important issues discussed in the previous reports were summarised and mentioned in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1978-79.

8.89 The deterioration of environment caused by denudation of forests and other factors is a serious threat to the nation. The maintenance of ecological balance is also to be taken as a part of the developmental process. Although the National Forest Policy aims at maintaining one-third of the total geographical area under forests. Due to heavy pressure on forest land for diversion to cultivation, river valley projects, industrial estates and many other uses in a period of over two decades alone from 1951-52 to 1972-73 as large as 42 lakhs of hectares of forest area was estimated to have been lost. This is no doubt an alarming situation. Smt. Indira Gandhi, Prime Minister while inaugurating the 18th Meeting of the Central Board of Forestry in August, 1980 stressed that conservation and development were not conflicting propositions and the Centre and the State should take up forestry programmes with greater zeal. She also reminded that it was disturbing that forests cover only 23 per cent of the country's geographical area "on record" while actually only 10 per cent had real good forests. The Home Minister in his letter addressed to the Chief Ministers/Governors in March, 1980 also emphasised that the employment and ecological implications should be kept in view. He further emphasised that forest rules and regulations should be reviewed to ensure that exploitation of forest produce is related to local tribal economy and they get reasonable return for their minor forest produce (as also agricultural produce) through cooperatives. Social forestry should be encouraged to meet the needs of fuel, fodder, fruit, simple household furniture, agricultural implements and village industries crafts, to be taken up on appropriate scale. Thus the goals to be achieved in undertaking forestry programmes in the tribal areas are clear but many issues have not yet been operationlised at the field level. As suggested in the previous report for the years 1978-79, *it is reiterated that all forest land developmental programmes should be so imaginatively chalked out so that they directly improve the economy of the tribals living in the forest areas and that their traditional rights and privileges are not encroached upon. The State Governments should ensure that their perspective plans for forestry programmes should form an integral part of the comprehensive plans of the integrated tribal development areas.*

Minor Forest Produce

8.90 Minor forest produce include forest-products other than wood, and they play very important role in the tribal economy. There is a great potential for these products to contribute to the economy of the nation as well. The minor forest produce provide sustenance to the tribal communities particularly in the more backward region in the Sates like *Madhya Pradesh, Orissa, Bihar* and *Andhra Pradesh.* Traditionally, the middle men used to collect the MFP from the tribals on nominal cash price or barter system. Now many States have nationalised a number of MFP items and have started trading them. It may be mentioned here that there is a great potential if these products are properly processed. A variety of MFP like lac, essential oils, medicinal plants, agar wood, honey etc. are in great demand and can be

easily exported provided their collection, grading and marketing are properly organised. It has been observed that Minor Forest Produce is brought from the tribal areas in raw form. The tribals who collect them often do not get even the minimum wages. *It is, therefore, felt that if full benefit of the collected forest produce is to be given to the tribals, it is necessary that the first processing of all such minor produce is done within the tribal areas in the cooperative sector.* This would help in giving added value to the tribals in the form of remunerative price for their collection. According to the available reports the tribal corporations in the States of *Bihar, Orissa, Madhya Pradesh, Gujarat, Andhra Pradesh* and *West Bengal* have set up some processing units like rice mills, lac processing, honey and gum processing etc. In *Andhra Pradesh* and *Rajasthan,* the Tribal Development Cooperative Corporations have monopoly rights to purchase MFP from the tribals. *In order to give full benefits of the produce collected by the tribals, it is recommended that the Tribal Development Cooperative Corporations and Forest Development Corporations should play an important role in arranging to procure MFP from the areas of their operation by offering remunerative prices to the tribals so that they sell their stocks to them.* Various measures undertaken in collection, procurement and marketing of minor forest produce by different State Governments may be seen at Appendix LXXXII.

Social Forestry

8.91 From all available ethnographic accounts it can be assumed that the tribal population in India are agriculturist and they also depend on forest in varying degrees for their livelihood. In the early 19th Century the colonial rulers adopted the policy of massive exploitation of forest reserves for the railways, shipping etc. This affected the forest dwellers. There was no investment to augment the production of housing material, fuel wood, fodder etc. Prior to 1865 there were no restrictions on the enjoyment of forests rights by the tribal people. From that period after independence when the National Forest Policy was revised in 1952 lot of changes took place. The rights of the forest dwellers were curtailed and the privileges of 1894 were changed into concessions. The National Commission on Agriculture pointed out the limitation of 1952 policy statement and suggested that the revised forest policy should be based on the following considerations.

(a) Managing the forest resources of the country so as to provide maximum goods and services for the well being of the people and economic progress of the country.

(b) Checking denudation and erosion in mountainous regions and catchment areas.

(c) Preventing erosion along treeless banks of rivers and in vast stretches of waste lands.

(d) Maximising forest productivity with a view to meeting the growing demand for industrial raw materials like timber and other forest produce for defence communication and domestic needs and to augment employment potential with ultimate aim of national prosperity.

(e) Providing small timber and fuel wood requirements of the rural population.

(f) Providing grass and grazing for livestock in forest areas ensuring that it is not harmful to the forests.

(g) Providing recreational and tourist opportunities in the forests.

(h) Creating blocks of forest interspersed with cultivation or by introducing trees in large number after careful selection for maintaining a healthy relationship between soil, vegetation and animal life. The NCA had of course, given good suggestions but the policy further needed clear indication of the inter-relationship of forest economy with rural and tribal economy and the factors like employment, rights of users and involvement of the local peoples needed further elaboration. It is hoped that correct assessment of the role of tribals would be given due weight while formulating the new forest policy. It is encouraging to note that the new Forest Act is on the anvil and the proposed revised National Policy aims at :—

(i) greater emphasis on the ecological and environmental considerations,

(ii) checking of erosion in mountainous regions catchment of rivers along treeless banks in the hot and cold deserts;

(iii) preservation of natural heritage of flora and fauna in the country;

(iv) management of forest reserve for providing on a sustained basis, the maximum goods and services with due regard to environmental and ecological considerations;

(v) aiding the tribal economy and maximisation of employment;

(vi) checking of deforestation and diversion of forest lands for non-forestry uses; and

(vii) utilisation of cultivable wasteland, strips along roads, rail tracks and canal banks and all other vacant land under public, corporate, community or private ownership for raising tree crops, with cooperation and involvement of people as far as possible.

8.92 Social forestry programmes comprising of (a) mixed plantation on waste lands and Panchayat lands and (b) reforestation of degraded forests and raising of shelter belts were treated as Centrally Sponsored programme but with effect from 1979-80,

these were transferred to the State Sector. However it was reported that *Himachal Pradesh, Maharashtra, Meghalaya, Orissa, Tamil Nadu, Tripura* and *Dadra & Nagar Haveli* had already started some useful schemes for social forestry. *Since social forestry has very important role in rural economy in general and tribal economy in particular, it is suggested that States concerned should allocate adequate funds for implementing this programme.* As suggested in the previous report, 1978-79, the State Forest Departments should take up more social forestry schemes on lands belonging to the Scheduled Tribes. 16 autonomous Forest Development Corporations have been set up in various States and Union Territories. Their main functions are logging, marketing of timber and minor forest produce, raising new plantations and developing infrastructure to exploit forest resources through large scale investment in economically viable projects. By taking such forestry programmes these corporations can play an important role in raising the economy of the Tribals.

8.93 In the Sixth Plan Document (1980—85) it has been stated that 'to intensify the programme in the district where shortage of fuel wood is particularly acute, a new Centrally Sponsored Scheme of social forestry including rural fuel wood plantation and farm forestry is being introduced in 100 Selected districts'. It is presumed that while selecting the districts, the tribal districts having shortage of fuel wood would be given priority. *The proposed new forest policy and Sixth Plan document incorporating the role of social forestry in the economic development of tribals indicates that concern shown in the previous reports of the Commissioner for Scheduled Castes and Scheduled Tribes, National Commission on Agriculture has been taken into consideration that it appears that comprehensive plans interwoven with forestry oriented schemes where forests are rich, have not yet been prepared in all the States concerned. It is, therefore, recommended that in such I.T.D.Ps. which have forest-rich regions, forestry oriented developmental programmes should be prepared on priority basis.*

Forest Villages

8.94 The Union Ministry of Agriculture and Irrigation convened a conference in July, 1978 of Ministers incharge of Forests and Tribal Welfare of the States of *Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Rajasthan* and *West Bengal* which have larger concentration of tribal population to discuss the role of forest in tribal economy. One of the important resolutions passed in the Conference was that forest villages should either be converted into normal revenue villages or alternatively all developmental works be taken up in them. Prior to this conference it had been repeatedly emphasised in the previous reports of the Commissioner for Scheduled Castes and Scheduled Tribes that the whole approach of the Forest Department need to be reoriented and special developmental programmes should be undertaken in the forest villages and basic amenities like educational, medical and drinking water supply should be provided. It had also been emphasised that all the tribals cultivating forest lands outside the reserved forests should be given permanent tenancy rights so as to enable them to practice intensive cultivation. However, it has been observed that this recommendation has, by and large, gone unnoticed by most of the State Governments. The Commissioner for Scheduled Castes and Scheduled Tribes while on tour in *Bihar* in the month of May, 1981 discussed the problem of forest villages. It was brought to his notice that the suggestion made by him earlier to convert the forest villages into revenue villages had not been implemented. He was also informed that there appeared to be great resistance of this move by some section of the bureaucracy. He was also told that earlier the tribals of the forest villages were given *parchas* but when the Abolition of Bonded Labour Act came into force, these parchas were withdrawn by the Chief Conservator of Forests apprehending that the Act might cover the people of the forest villages. It is very astonishing that in spite of the recommendations made by the Regional Development Commissioner, Commissioner of the Ranchi Division, Tribal Welfare Commissioner, Tribal Welfare Minister's Conference and also of the Chief Conservator of Forests, the forest villages in *Bihar* could not be converted into revenue villages. The State Government should look to this aspect and ensure that all the forest villages are converted into revenue villages.

8.95 In *Maharashtra* there are 442 forest villages and in forest settlements have a population of 1.08 lakhs (1971 Census) comprising mostly of tribals and other backward class people. In view of the transfer of administration of forest villages to Revenue Department all the administrative matters have been entrusted to the Revenue Department. Five per cent of forest revenue amounting to Rs. 124 lakhs was given during the year 1979-80 as an aid to Zilla Parishads by the Government for development of village forests, grazing lands, construction and maintenance of roads in forest areas, provision of medical relief, drinking water facilities, construction of school buildings and residential quarters for teachers etc.

8.96 In *Tripura* all the forest village land is being excluded from the limits of the reserved forest and the rights on such land which was allotted to the Forest villagers would be conferred to the tribals under the provision of the rules in force. The State Government further informed that many of the forest villages have already been excluded from the forests and the remaining ones were under the process of survey and dereservation. *All the concerned Governments should take steps to give heritable and inalienable rights to the tribals living in the forest villages over the land which they cultivate, extend all social and economic developmental programmes and in particular organise forest based industries in such villages.*

Human Resource Development

8.97 According to an estimate the primary and secondary sectors of forestry activities generate approximately 240 millions mandays of employment in a year. This is an important aspect which has got direct bearing on the economic development of the tribals and should require close attention in the Sixth Plan

period The partnership spirit between the forest authorities and the tribals implies that the tribals should be trained to participate in various activities like felling, logging, afforestation cooperation management and processing etc The partnership spirit is possible if firstly the management of the forest is done in such a way that it creates confidence among the tribals and give them a sense of involvement and secondly, if the contractors are eliminated from forest working In the previous Reports of the Commissioner, the National Commission on Agriculture and the Central Board of Forestry it was recommended that the contractors should be eliminated from the forest working States like *Andhra Pradesh, Madhya Pradesh, Jammu & Kashmir, Sikkim* and administration of *Andaman & Nicobar* Islands have already eliminated the system of contractors and replaced it by the departmental working In *Gujarat* except for a few areas which are worked departmentally, the entire work of forests is done through forest labourers' cooperatives In *Maharashtra* most of the work is done through forest labour cooperative or departmentally or through the Forest Development Corporation It is worthwhile to mention about the experiment being done in *Gujarat* under which a tribal family is allotted a hectare of land for forestry purposes and the family undertakes silviculture as per departmental plans, receiving wages At the expiry of gestation period the profits are shared on 50 50 basis between the family and the department In the district of Valsad in *Gujarat* the Forest Development Corporation is reported to have undertaken on nearly a lakh of hectares, a scheme of comprehensive forestry in which various programmes of forest and tribal economy are interwoven Marketing and training programmes are also organised by the Forest Development Corporation The Government of *Andhra Pradesh* have also initiated 'Kumri cultivation' which is essentially an inter-cultural operation in teak plantation, while the forest Department rear the teak trees, tribals are allowed to clear the grass, weeds on the ground for the cultivation of ginger turmeric, sweet potato etc This helps the tribal economy and the Forest Department does not have to incur expenditure on removal of wild growth It is hoped that other States would also initiate such schemes involving human resource development component

8 98 In addition to ongoing programmes in forestry the four new programmes *i e* tree for every child, eco-development force, eco-development camps and Agro-Forestry programmes have been proposed for implementation during the Sixth Plan period It is hoped that with these programmes together with the extensive tree planting work, which will be undertaken under the National Rural Employment Project, will help to build up the ecological infrastructure, essential for sustained development

Constitution of a Committee to suggest guidelines to re-orient forest policy to serve the tribal economy

8 99 The Union Ministry of Agriculture & Irrigation had convened a Conference of the State Forest Ministers and Ministers in-charge of Tribal Development in July 1978 The Conference passed some resolutions which had been discussed in the previous Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1978-79 To enable the States to orient these resolutions into practice, guidelines were required to be prepared The Ministry of Home Affairs decided to constitute a Committee in April, 1979 with the following terms of reference —

(a) Appraisal of the nature of rights of tribals in respect of land and forests

(b) Review of integrated forestry development programmes with particular reference to social forestry

(c) Review of horticulture age-forestry and other productive programmes with particular reference to satisfaction of basic consumption needs of tribals generation of employment and creation of incremental income for the tribal and the non-tribal segments of the indigenous population

(d) Review of the activities of the various bodies concerned with the forest and tribal economy with reference to their role in promotion of interest of tribal economy

(e) Concrete suggestions for guidelines to be laid down to re-orient forest policy so that, *inter alia*, it serves the interests of the tribal economy

8 100 It is understood that the Committee had already commenced its work and given useful suggestions on forestry and on the draft of the Forest Policy Resolution It is hoped that suggestions given by the Committee would go a long way in improving the forestry programmes being initiated by the State Governments concerned and other various bodies concerned with tribal economy and forests

Shifting Cultivation

8 101 Shifting cultivation or *Jhum* is primarily practised by tribals in *Arunachal Pradesh, Assam, Manipur, Mizoram, Meghalaya, Nagaland* and *Tripura* In States, like *Bihar, Orissa, Andhra Pradesh, Madhya Pradesh* and *Kerala* it is practised partially Some communities in *Madhya Pradesh, Maharashtra, Karanataka* and *Sikkim* practise shifting cultivation marginally According to an estimate about 233 blocks spread over 62 districts in 16 States are having the affected area under shifting cultivation involving nearly 12 per cent of the tribal population of the country It is estimated that over 5 28 lakhs families practice shifting cultivation It is understood that about 9 lakhs Scheduled Tribes are engaged in shifting cultivation on an area of 17,700 sq miles in the State of *Orissa* alone *Meghalaya* has 3 50 000 persons depended on shifting cultivation with 76 000 hectares of land under the system In *Manipur* 3 00 000 persons in five districts are engaged in shifting cultivation on an area of 60 000 hectares In *Madhya Pradesh* 2 550 cultivators were engaged in shifting cultivation in Abhujhmarh area in Bastar District over 6 794 acres of

land In *Andhra Pradesh*, shifting cultivation is in practice in the tribal areas of Srikakulam Vijayanagaram, East Godavari, West Godavari and Khammam districts and about 24,793 tribal families are engaged in it over an area of 39175 90 acres

8 102 The practice of shifting cultivation has been criticised as it involves the destruction of forest wealth and erosion of the soil of hill tops The Commissioner for Scheduled Castes and Scheduled Tribes had suggested in his previous reports that special Cells should be created in the States concerned to prepare composite programmes for checking shifting cultivation In the absence of relevant information from the States it is not possible to know the progress achieved

8 103 A Centrally Sponsored Scheme of Pilot Projects for control of shifting cultivation was initiated by the Ministry of Agriculture & Irrigation, during the year 1977-78 The scheme was implemented in the States/Union Territories, of *Andhra Pradesh, Orissa, Assam, Meghalaya, Nagaland, Tripura, Arunachal Pradesh* and *Mizoram* Under this scheme basic development work such as terracing of land for agriculture and raising of plantation of horticultural crops were undertaken During the years 1977-78 and 1978-79 some progress was achieved under the scheme However, as per the decision of National Development Council, the scheme was transferred in the general sector of respective States during the year 1979-80 With the transfer of this scheme to the States, more funds for the left over programmes including maintenance were expected to be made available by the State Governments for tackling this problem The Centrally Sponsored Scheme of Pilot Projects is now operational only in the Union Territories of *Arunachal Pradesh* and *Mizoram* The progress achieved under the scheme in both the Union Territories during 1979-80 and 1980-81 may be seen in the table below —

(Rs in lakhs)

Sl No	Union Territory	Units Allotted	Progress Achieved during 1979-80 Physical targets achieved	1979-80 Financial (outlay)	1980-81 Physical targets achieved	1980-81 Financial (outlay)
1	2	3	4	5	6	7
1	Arunachal Pradesh	9	5	9 745	4	20 39
2	Mizoram	3	1	3 515	2	4 00

Since the scheme has been transferred to the General Sector of the States concerned, it has become all the more important for the States to prepare comprehensive projects for the shifting cultivators to wean them away from this practice

8 104 It may be mentioned that the Governments of *Andhra Pradesh Meghalaya Orissa* and *Tamilandu* had prepared composite programme to tackle the problem of shifting cultivation Programmes of land development, plantation of horticulture trees/quick growing species and other useful schemes were taken up during 1978-79 The programmes for prevention of shifting cultivation taken up in *Orissa* were discussed in detail in the previous report The Government of *Andhra Pradesh* have prepared an ambitious programme to wean the tribals away from shifting cultivation A two pronged approach of development of *podu* lands by planting fruit trees and taking up programme for rehabilitation of *podu* cultivators has been proposed The whole area under 'Podu' will be covered with horticultural plantation within first three years of Sixth plan period In addition other programme, like horticulture outside *podu* areas, inter cultivation within *podu* areas proposed for horticulture, 'Kumri' cultivation in forest plantation areas, organisation of labour contract societies and strengthening them, assignment of forestry works on priority to tribals, rejuvenation of minor forest produce yielding forests etc will be taken up

Work done by the Indian Council of Agricultural Research

8 105 The Indian Council of Agricultural Research, is reported to have developed a form of cultivation which is treated as a viable alternative to shifting cultivation The I C A R has established a separate research complex to look after the problems of the States/Union Territories of north-eastern region comprising *Meghalaya, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura* and *Sikkim* The new land-use pattern recommended by the scientists as an alternative to shifting cultivators has proved effective in saving both soil and water The experiments have shown that erosion of soil can be stopped effectively by covering top one-third portion of the slopes with forest trees and pasture grass, middle one-third with horticultural plants and utilising the lower one-third part for crop production after proper terracing The perennial streams can be used for all season water supply by constructing small earthen dams at field level It has also been observed that maize intercropped with soyabean and followed by wheat is the most profitable crop sequence for 1,000 to 1,200 metres altitude in *Sikkim* In the valley where water is available in plenty, the yield of rice can be doubled by lowering the water table through drainage of surface water at all the stages of crop growth Maize and potatoes can be confined to the upper slopes and fingermillets and rice to the lower slopes for obtaining better yields

8 106 Although the land use pattern developed by the I C A R as an alternative to shifting cultivation is in the experimental stage, it has all the characteristics which are required to motivate and encourage shifting cultivators to adopt the new land use pattern The new-land-use pattern will go a long way in boosting the economic conditions of persons engaged in shifting cultivation The experiments being conducted by I C A R would no doubt boost up the economic conditions of the tribals Much would however, depend as to how the States concerned can dissuade the tribes from this practice which have been in existence since ages and with which are attached different kinds of rituals and beliefs

Studies undertaken by the Agro-Economic Research Centre for North-East India, Jorhat.

8.107 The Agro-Economic Research Centre for North-India conducted sample studies on the schemes taken up by the Governments of *Meghalaya, Tripura* and *Manipur* in the recent past to wean away the shifting cultivators. In *Meghalaya* programme like terracing of land, allotment of two hectares of land per family with irrigation facilities and free supply of seeds were taken up in Garo Hills District for settlement of shifting cultivators. In addition each family was granted Rs. 400 as incentive besides Rs. 2,000 for construction of their residential house at selected sites. The study revealed that in spite of various facilities provided by the Government, only 16 per cent of the families covered by the programmes in the sample had left shifting cultivation and started settled farming and remaining 84 per cent families continued shifting cultivation partly or wholly.

8.108 In *Tripura*, it was found that the scheme for settlement of shifting cultivators failed as 41 per cent of the household, settled in the colony left for unknown destination and remaining 59 per cent of the household were found dependent on shifting cultivation.

8.109 In *Manipur*, the Integrated Hill Area Development Project in West Manipur District was studied. The Project started functioning from 1974-75 with financial support of the Government of India. The project was established with the main objective to take up agricultural development programmes under which terracing of land with irrigation facilities were to be provided. The main idea behind establishment of the project was to demonstrate the shifting cultivators the benefits of terraced cultivation and also to encourage them to take to settled cultivation. Under the programme cash and kind subsidy to the extent of Rs. 1800 per hectare for construction of terraces was arranged at the initial stage. While sanctioning subsidy priority was given to areas where perennial water sources for diverting hill streams/ rivulets were in existence. It was further decided to provide one hectare land per family with irrigation facility with the target of terracing of 1,000 hectares of irrigated terraces during the years 1974—79. The study revealed that only 1.33 acres of land per family was provided to the beneficiaries instead of stipulated one hectare land. The irrigated terraced area was only 31.16 per cent, under the project. The irrigation facilities provided were inadequate and failed to provide water during lean period. Only 22.70 per cent targeted area was terraced during the years 1974—78 and remaining 77.30 per cent targeted area was left to be covered only in one year. The study further revealed that because of inadequate supply of terraced land 84 per cent beneficiaries had to continue shifting cultivation. It was also observed that a few of shifting cultivators were prepared to take up settled cultivation and to take up terracing of land on their own provided financial help was made available.

8.110 *There is no single satisfactory answer to the problem of weaning away the shifting cultivators and piece-meal attempts may not produce tangible results. Since the problem is complex in nature and involves socio-religious rites and rituals, any sectoral approach would not solve the problem. It is, therefore, suggested that institution like Forest Research Institute, Dehradun, Forest Management Institute, Ahmedabad, States Forest Institutes, State Forest Development Corporation, Indian Council of Agricultural Research, Tribal Research Institutes, Universities etc. should be involved in the task of drawing up detailed projects with special reference to each area and integrated and multi-disciplinary approach should be adopted to tackle the problem. Sizeable funds should be provided by the Centre and State Governments for weaning away the tribals from shifting cultivation.*

Irrigation in Tribal Areas

8.111 Looking at the economy of the tribals, it is observed that a vast majority of them depend on forests and agriculture. In order to improve their socio-economic conditions, it is necessary that emphasis is laid on increasing their agricultural production and for this purpose apart from other measures assured means of irrigation is of primary importance. Moreover, because of the given agro-climatic conditions and low level of technology the returns from agriculture in tribal areas is poor. The level of irrigation in the tribal areas is very low. As per an estimate the total irrigation in tribal areas is less than one per cent as compared to the 25 per cent in the country as a whole. The land use statistics of 1975-76 indicated that States|Union Territories having percentage of irrigated agricultural land below the national average were *Assam, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Orissa, Rajasthan, Tripura, West Bengal, Andaman & Nicobar Islands, Arunachal Pradesh, Dadra & Nagar Haveli, Goa, Daman and Diu-Lakshadweep* and *Mizoram*. It can be safely assumed that majority of tribal population in these Stste,/ Union Territories were affected by lack of irrigation facilities. The lack of irrigation facilities in the tribal areas in *Bihar, Manipur, Nagaland* and *Sikkim* is also to be tackled.

8.112 After formulation of tribal sub-Plans during the 5th Plan period which envisaged all round development of tribals as well as tribal areas, importance was given to the irrigation in tribal areas. Most of the concerned States/Union Territories took up major and minor irrigation projects to benefit tribals in their respective sub-Plan areas keeping in view the geological conditions and needs of local inhabitants. However, it was observed that although various irrigation projects were taken up in the tribal areas at some place the benefits were availed of by the non-tribals. In the Annual Report of the Commissioner for Scheduled Castes & Scheduled Tribes, 1978-79, it was observed that most of the tribals were on the upper reaches of the rivers and streams and many irrigation works were taken up

in the lower reaches taking into consideration the total availability of water. This situation prevents most of the tribals from taking the advantage of irrigation projects.

8.113 With a view to providing proper irrigation facilities and also to prepare future plans relating to irrigation in tribal areas in a way that the proper share of its benefit goes to tribals, the Union Ministry of Irrigation issued following guidelines to all the States/Union Territories :—

(i) Urgent attention of the States/Union Territories is required for the preparation of master plans for the development of irrigation in the tribal areas. The aim should be to harness the potential from minor irrigation works in the next 5 years and full potential from major and medium projects in the next 10 to 15 years.

(ii) Design manuals may be drawn up with reference to specific problems in respect of minor irrigation to serve as a guide in future for planning and implementation of the programme.

(iii) Programmes in irrigation should be integrated with programmes for soil conservation, aforestation, development of pastures etc. in the catchment areas.

(iv) A good deal of attention is required to be given to the existing tanks in most of the tribal areas. Restoration of old tanks and take-over the modernisation of old works such as 'Kulhs' in Himachal Pradesh and Zamindari tanks in Madhya Pradesh etc., should be considered urgently.

(v) While the tribal plan is area-based plan, the focus of the benefits should be on the tribal beneficiaries. Only such irrigation works as have more than 50 per cent of the command area in tribal lands should qualify for inclusion in the tribal sub-plan.

(vi) The problem of rehabilitation of displaced tribals should receive high priority. Special programmes have also to be devised while formulating projects to allow settling of tribal landless labourers in the command areas of the projects. Special norms for reservation of land in the upper reaches for use of the tribal are also to be worked out in the project reports.

(vii) In the command of major and medium irrigation projects, after meeting the requirements of displaced tribals and non-tribal families, priority should be accorded to landless tribal families.

8.114 In a letter addressed to Governors and Chief Ministers during April 1980 the Union Home Minister emphasised the need regarding major, medium and minor irrigation work in tribal areas and suggested that the minor irrigation programmes should be taken up for speedy development. Special attention should be given to restoration and repair of sources which have been in disuse. Medium and major irrigation schemes with bulk of the command area belonging to Scheduled Tribes should be preferred. Special vigilance should be ensured so that good land is not alienated by non-tribals in anticipation of these schemes. The Ministry of Irrigation also requested the State Governments in the month of May, 1980 indicating that while formulating the Sixth Plan needs of tribal areas should be given proper consideration and separate sub-Plans for irrigation pertaining to tribal areas may be prepared so that the priorities for those areas could be brought into proper focus. It may not be out of place to mention here that in his 1978-79 Report, the Commissioner for Scheduled Castes and Scheduled Tribes had observed that different agencies were dealing with the ground water, minor irrigation, medium irrigation, major irrigation and lift irrigation in each State and recommended that a Master Plan for irrigation in tribal areas in each State should be prepared. It is, encouraging to note that the Governments of *Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh Maharashtra, Orissa* and *Kerala* have submitted their master plans. A statement showing State-wise irrigation projects taken up for execution and irrigation etc. in the 5th Plan and first year of the 6th Plan which are tribal areas partly or wholly may be seen in the Appendix No. LXXXIII.

8.115 As stated earlier after the formulation of sub-Plan some progress has been achieved by the States particularly in extending the irrigation facilities in tribal areas. Information regarding money provided by the States for 1979-80 and 1980-81 for the Projects benefiting wholly or partly the tribal areas may be seen below :—

(Rs. in lakhs)

Sl. No.	Name of the State	Expenditure during 1979-80	Outlay recommended in lakhs 1980-81
1	2	3	4
1.	Andhra Pradesh	508.00	475.00
2.	Assam	840.00	756.00
3.	Bihar	2430.00	3247.00
4.	Gujarat	2923.00	2987.00
5.	Madhya Pradesh	1631.53	1575.50
6.	Maharashtra	1142.20	1127.80
7.	Manipur	130.00	253.00
8.	Orissa	1358.00	2361.00
9.	Tripura	..	5.00
10.	Rajasthan	1430.00	1500.00
11.	Kerala	110.00	65.00

8.116 The importance being given to the irrigation in tribal areas gets reflected in the amount earmarked by the various States every year in this regard.

However, it is learnt that no funds were released by the Ministry of Irrigation for development of irrigation in tribal areas during the years 1979-80 and 1980-81. *It is, therefore, recommended that the Ministry of Irrigation should specifically earmark funds to be spent in tribal sub-Plan areas for irrigation programmes suiting to the needs of tribal people and paucity of funds should not be a constraint for any on going scheme or new scheme.*

8.117 It was observed by the Commissioner for Scheduled Castes and Scheduled Tribes in his Report for the year 1978-79 that though irrigation programmes etc. were taken up in the tribal areas, yet in some cases benefits were deprived by non-tribals. The findings of the evaluation study of minor irrigation projects in the tribal sub-Plan areas in *Maharashtra* conducted by the Directorate of Economics & Statistics, Government of *Maharashtra* have supported the views expressed by the Commissioner The study was conducted to ascertain the proportion of tribal beneficiaries among the beneficiaries of minor irrigation works at the time of introduction of tribal sub-Plan areas. The study covered three types of works *viz.* (i) Tanks (ii) *Bandharas* and (iii) Lift Irrigation. The study revealed that for all types of projects taken together the proportion of tribal beneficiaries was only 31 per cent. The proportion of tribal beneficiaries for the tanks and lift irrigation was 26 per cent and 28 per cent respectively below the over all proportion of 31 per cent and that for *bandharas* was 78 per cent. In the areas where the topography was suitable for tanks there were more landless tribals than tribals with land-holding Of the total beneficiaries 72 per cent benefited from tanks. Among the tribal beneficiaries there were only 26 per cent. The study further revealed that in Nasik district out of 180. *Bandharas* completed in the local sector 176 were found non-functioning. In Gobapur tribal village, the land was owned by non-tribals of the neighbouring village and from the tank of the village there were no tribal beneficiaries. In the villages covered by the selected 36 projects the proportion of tribal population was only 53 per cent whereas tribal beneficiaries were only 31 per cent of the tribal population.

8.118 Similarly in another evaluation study conducted by the Directorate of Economics & Statistics, Government of *Maharashtra* to find out the proportion of Scheduled Tribe cultivators benefited by the selected Medium Irrigation Projects in sub-Plan areas during 1978-79, it was found out that the percentage of Scheduled Tribe population in the villages benefited by the selected projects in 1978-79 was relatively small *viz.* 17 per cent. The proportion of Scheduled Tribe cultivators was 12 per cent and the percentage of their irrigable area to the total irrigable area was 18 per cent. It was revealed that in the matter of actual irrigation benefits during 1978-79 the percentage of Scheduled Tribe cultivators was 11 per cent and the proportion of their area actually irrigated was 19 per cent. In yet another evaluation study of the scheme of supply of electric pump sets to Scheduled Tribe agriculturists undertaken by the Directorate, it was pointed out that 25 per cent pump sets had not worked at all since they were handed over to the beneficiaries while 8 per cent did not work in the agricultural season in 1978-79. It was revealed that 63 per cent pump sets were inoperative because of lack of power connection and 19 pump sets had no water supply 10 pump sets were defective and hence not used. Moreover, 50 per cent beneficiaries were not satisfied with the arrangements for maintenance of the pump sets. Out of 286 reporting beneficiaries nearly one third complained about irregular power supply, three fourth complained about shortage of working capital and one fifth reported need for repair to wells. It is hoped that the Government of *Maharashtra* would take immediate action on the findings of the above three studies so that actual benefits of irrigation facilities may reach the tribals.

8.119 As observed earlier, most of the tribals are on the upper reaches of the rivers and streams and many irrigation works are taken up in the lower reaches taking into consideration the total availability of water. It was, therefore, recommended in the 1978-79 Report of the Commissioner that certain percentage of total water in each river basin should be kept reserved for upper reaches. In *Gujarat* 20 per cent of the water is reserved for future use of the upstream areas. In *Maharashtra* the reservation is only 5 per cent. The Government of *Bihar* is reported to have taken decision that the benefits of various schemes undertaken in the sub-Plan areas should reach to at least 50 per cent tribal population in the command area.

Displacement due to construction of major irrigation projects

8.120 Major irrigation schemes in tribal and non-tribal areas sometimes submerge tribal lands. In some of the States, there is provision for settling the displaced persons in the command area of irrigation projects by acquiring some land and its re-distribution. Another provision is that the tribals are paid compensation for their lands which are acquired for construction of major irrigation projects. It was felt that the payment of compensation only was not sufficient. There was therefore, need to have provision of providing proper rehabilitation to displaced Scheduled Tribes within the command area of irrigation project. In this connection it is relevant to mention here the findings of a study entitled Kadana—Resettlement—a study of tribal displacement conducted by M.L.V. Tribal Research & Training Institution, Rajasthan which has been mentioned elsewhere in the chapter. The study revealed certain lacunas in the rehabilitation of displaced persons due to construction of dam. In order to give proper compensation and also to rehabilitate Scheduled Tribe and other persons displaced due to the construction of irrigation projects, the Government of *Maharashtra* enacted a law called the Maharashtra Resettlement of Project Displaced Persons Act, 1976, whereby it is obligatory to provide land in the irrigation command to a

family displaced from its own land acquired for an irrigation project. The Government of *Madhya Pradesh* is reported to have agreed to follow the provisions made in the Maharashtra Act. The Government of Bihar have also informed that steps would be taken up to resettle the displaced persons within the command area. *It is recommended that all the States/Union Territories concerned should also take similar steps for rehabilitation of Scheduled Tribe persons displaced due to the construction of irrigation projects within the command area.*

8.121 It was observed in the 1978-79 Report of the Commissioner that in some States no minor irrigation work is allowed to be taken up in an area which is to come up under the command of a medium or major project likely to be taken up in future. Since the minor irrigation works provide water at low investment, it is felt that these small projects should not be discarded only because a minor or major irrigation project is likely to come up in future. It has also been observed that different agencies provide different components of a minor irrigation scheme to the tribal cultivation. It would be in the interest of the tribals if one organisation is made responsible for completing all components of the scheme. It has also been noticed that full utilisation of the capacity of many irrigation tanks had not been possible due to delay in the construction of field channels. In many cases it is found that the land of the tribals are not developed and the practice had been that the Governments constructs the irrigation tanks and hand it over to the cultivators to construct their own field channels. It would be in the interest of the tribals, if the development of land, construction or irrigation channels etc. are made part of the project and executed alongwith the construction of the project. This can further be reinforced by providing extensive demonstration of agricultural extension programmes to familiarise the tribals with the requirement of irrigated agriculture. This would help the tribals to get the full benefit of new investment.

Health Services

8.122 The Scheduled Castes and the tribal communities living in the rural/remote and inaccessible areas call for special medical and health care. Tribal areas have specific health problems. Diseases like Leprosy, Yaws, Tuberculosis, V.D. are rampant in some of the tribal areas. The incidence of sickle cell anemia is also prevalent among some tribes. Although efforts have been made to eradicate malaria yet its incidence is quite high in some tribal areas. We are also lagging behind to provide right type of medication in tribal areas although medical services like P.H.Cs, dispensaries etc. have been established in the rural and tribal areas of the country.

8.123 Some of the tribal communities like Cholanaikans of *Kerala* are small in number and are reported to be facing a number of health problems. The 500 or so Negrito tribals inhabiting the Andaman islands include the Great Andamanese of whom 23 are reported to be surviving today. The others are Onges numbering about 104 and the Jarwas and Sentinelese whose approximate population would be 250 and 100 respectively. In the Fifth Plan period, it was envisaged that State Governments/Union Territory Administrations would take up special programmes for these communities. The All India Institute of Medical Sciences, the Ministry of Health and JIPMER at Pondicherry were also to be associated with these programmes. It is understood that due to some administrative and technical reasons action-oriented research among Scheduled Tribes of *Andaman & Nicobar* Islands could not be carried out successfully by JIMPER, Pondicherry. As per available information the All-India Institute of Medical Sciences, New Delhi did not undertake any health survey of the Primitive tribes nor they have any future plan to do so. However, many of the State Governments/Union Territory Administrations have already taken up some programmes to provide medical facilities in the tribal/rural areas under their respective sub-Plans. Under the circumstances it therefore, becomes necessary that identification of special health problems in the tribal areas and those of Scheduled Castes in difficult occupational groups is taken up in a systematic manner.

Leprosy Control

8.124 Leprosy is one of those diseases which is endemic, chronic and infectious. It is not confined to any specific territory in India and is reported to be prevelant in almost every State. *Andhra Pradesh, Bihar, Karnataka, Maharashtra, Orissa, Tamil Nadu, Uttar Pradesh, West Bengal* are the States where comparatively large number of Leprosy cases have been detected. The disease is rampant both in rural and urban areas. The study of different sub-Plans documents reveals that among other endemic diseases Leprosy was found among tribals in some part of Santhal Parganas, Singhbhum and some pockets of Ranchi District in *Bihar* and in some pockets in Koraput, Mayurbhanj, Sundergarh, Ganjam, Phulbani Kalahandi and Keonjhar districts of *Orissa*. The disease is also prevalent in some pockets of tribal areas in *West Bengal, Gujarat* and *Tamil Nadu.*

8.125 The National Leprosy control programme was being implemented as a Centrally Sponsored Scheme to control the disease in many States/Union Territories. From 1979-80, this programme was founded on 50-50 sharing basis by the Centre and the States. Under this programme, house to house survey is conducted in leprosy prone areas by the Medical and Para Medical Workers attached to the leprosy control units, urban leprosy centres and Survey Education Treatment Centres and such patients are provided with treatment and free supply of anti-leprosy drugs alongwith free medical services as well as laboratory and indoor services. Besides the Central & State Governments the non-official voluntary organisations are also engaged in anti-leprosy activities and they have done some useful work in this regard.

8.126 In the Annual Report of the Commissioner for Scheduled Castes & Scheduled Tribes 1978-79 it was recommended that the State Governments/Union Territory Administrations concerned should make an assessment of the prevailing health situation in tribal areas and draw intensive time bound programmes keeping in view the priorities for the target groups. In this venture social workers and voluntary organisations of repute should also be associated.

8.127 *It is recommended that the State Governments/Union Territory Administrations should identify the pockets as has been done by the Government of Orissa where the prevalance of leprosy is more acute. The State Governments/Union Territory Administrations concerned should establish leprosy control Units in each of such identified pockets having adequate staff and* facilities like Mobile Units, Primary Health Centres and Sub-Centres.

Provision of Medical Facilities in tribal areas

8.128 Medical facilities in the tribal and rural areas are being provided through a net work of sub-centres/ Dispensaries/Primary Health Centres/Rural Hospitals etc. The earlier norm for establishment of a Primary Health Centre catering to the needs of 80,000 to 1,00,000 population and a sub-centre for every 10,000 population covering about 10 villages, was not found appropriate in so far as tribal areas are concerned. It is encouraging that the Planning Commission have agreed in principle, to the establishment of a PHC for 20,000 population and Sub-Centre for 3,000 population in the tribal and hilly areas. If we look at the rural scene we would find that *'Dais'* play an important role at the time of child birth. Training of para medical staff and *Dais* is therefore very important so far as rural areas are concerned. In the 1978-79 Report of the Commissioner it was observed that there were 892 blocks in tribal and backward areas which needed special treatment for providing minimum health facilities. Though 812 PHCs and 2,559 Sub-Centres were functioning in those blocks, 123 blocks were left out where PHC were yet to be established. It was further suggested that in those blocks such Centres may be opened on priority basis. During the year under report very scanty information regarding the health facilities provided to Scheduled Castes and Scheduled Tribes was made available to the office. The Government of *Gujarat* have intimated that in 32 taluks comprising tribal population, there are 6 District hospitals, 16 Taluka hospitals, 2 Referral hospitals, 64 Public Health Centres, 49 Rural dispensaries, 469 Sub-Centres of Public Health Centres and Family Planning Centres. Bed strength in tribal areas is 1,275 covering about 36.00 lakhs population. The Administration of *Dadra & Nagar Haveli* have established one Dispensary, one sub-centre and one Ayurvedic Dispensary in the tribal areas. The Administration of Lakshdweep established on Ayurvedic/Homeopathic Dispensary. In the State of *Nagaland* 3 Public Health Centres, 7 sub-centres are reported to have been established during the year 1979-80 The Government of *Haryana* is reported to have issued instructions that in order to raise the status and prestige of Scheduled Caste localities, all Public institutions like Hospitals, Public Health Centres, Veterinary Dispensaries, Schools etc. which are to be newly opened should as far as possible, be located in or near Scheduled Caste localities/Basties. *It is recommended that along with the establishment of more hospitals and Public Health Centres in the tribal and rural areas, a net work of Sub-Centres/Dispensaries should also be spread so that the basic medical facilities may be available to the Scheduled Castes and Scheduled Tribes. It should also be ensured that Indian system of Medicine is also encouraged in rural areas as that would help in narrowing the gap existing in medical care between the rural and urban areas.*

8.129 It is relevant to mention here the anxiety of Union Minister of Home who addressed the States on 18-4-80 suggesting that the spread and coverage of medical facilities and medical personnel should be rationalised to make full use of the existing facilities. Special health problems of the tribal areas should be identified and programmes for their eradication should be taken up. Tribal medicine men should also be encouraged to practice their own system and may be trained in elementary modern medicine also.

8.130 It is a well known fact that doctors are not willing to work in the interior tribal and rural areas and in some areas Public Health Centres remain without doctors. During 1979-80 there were 53 Public Health Centres in the country without doctors and States/Union Territory Administrations with sizeable Scheduled Tribe and Scheduled Caste population like *Arunachal Pradesh, Bihar, Madhya Pradesh, Orissa, Meghalaya* were among those where doctors were not available to man the Public Health Centres. It was recommended in the 1978-79 Report of the Commissioner for Scheduled Castes and Scheduled Tribes that proper housing and educational facilities should be provided to doctors posted in these areas and doctors should also be posted at sub-centres so that their services are better utilized by people from inaccessible areas. The above recommendation is reiterated. *It is also suggested that all State Governments/Union Territory Administration should make postings of all the newly recruited doctors in the tribal and rural areas compulsorily at least for three years. Only after completion of their term successfully in the tribal/rural areas their names should be considered for further promotions. The doctors who are posted in tribal area should also be sanctioned additional allowance.*

Indian system of Medicine

8.131 The problem in tribal areas is not only to make available medicines, posting of doctors and other para medical staff but to convince the tribals the utility of Allopathic system of medicines. The Indian system of medicine is already quite popular in villages of our country and it has already reached the interior areas including tribal areas It would, therefore, be worthwhile if Ayurvedic Homoeopathic and Unani systems are also popularised along with the Allopathic system of medicine It is encouraging to note that different States having tribal sub-Plan areas have

taken up steps to popularise the Ayurvedic system of medicines. As per available information *Himachal Pradesh* was having one Ayurvedic hospital and 47 Dispensaries in the tribal areas. Similarly in *Gujarat* 15 Ayurvedic dispensaries were opened in the tribal areas during 5th Plan period. The Government of *Tripura* had also started the construction work for two Ayurvedic dispensaries and one Homeopathic dispensary. During 1979-80 in addition to the existing one Ayurvedic dispensary, another dispensary was opened in Lakshdweep.

Community Health Worker

8.132 The Centrally Sponsored Scheme of Community Health workers launched by the Government of India on 2nd October, 1977 is financed on 50 : 50 basis by the Centre and State Governments from 1-4-1979. Under the scheme, the community|village with a population of 1,000 selects a persons from amongst its residents to work as community Health Worker to deliver primary health services to his community|village. According to the latest information 2,386 Primary Health Centres ha l been covered under the scheme in the country and 1,29,654 community health workers had completed their training by 31-12-1979 and were functioning in their respective States|Union Territories. In *Gujarat* all the Public Health Centres in the tribal areas are covered under community health workers scheme. The following additional facilities were reported to be provided under the scheme :—

1. One additional doctor was to be posted at each Public Health Centre.

2. Additional medicines worth Rs. 6,000 per annum were to be provided to every Public Health Centre.

3. Medicines worth Rs. 60,000 per annum were to be distributed free, through community health workers, among the population covered by each Public Health Centre.

4. A non recurring grant of Rs. 5,000 was to be given to every Public Health Centre for equipment and laboratory facilities.

8.133 The National Institute of Health and Family Planning in collaboration with six other institutions had taken up evaluation studies of the scheme. These Studies revealed that the community health worker Scheme was well received by the people. The available information indicates that the Government of *Punjab* has discontinued the scheme, during the year 1979-80 The Governments of *Haryana* and *Rajasthan* have also not agreed to extend the scheme in its third phase, which was to commence from 2nd October, 1979. It was felt that the discontinuance and the non-extension of the scheme is because of the revised pattern of financing. The Governments of *Jammu & Kashmir, Tamil Nadu, Arunachal Pradesh* and *Lakshdweep* are reported to be implementing alternative schemes *Since a large number of workers have already been trained and* 2,386 *Primary Health Centres have also been covered, it is, suggested that the State Governments/Union Territory Administrations concerned should ensure that a scheme which is meant for the service of the poor people is not discontinued.*

Nutrition

8.134 Under-nutrition and mal-nutrition are the worst problems confronting the whole country. Infant mortality, child mortality and maternity mortality are still large. The facts revealed by the Third International Congress of the World Federation of Primary Health Association held recently at Calcutta were simply alarming. The Executive Director of UNCEF revealed that 10,000 children die in India everyday. Among the other grim revelations at the Conference was the fact that one out of every ten children born anywhere in the world in 1980 was now dead. If this is the situation as a whole one can well imagine the plight of children born in backward and tribal areas. Mal nutrition is most acute among tribals because in tribal areas natural resources have depleted and no new sources of sustenance have emerged which are within the economic reach of the poor tribals. The disappearance of the wild animals, change in the area of vegetation, opening up of tribal areas and commercialisation of minor forest produce have further added to mal-nutrition and under-nutrition. In the Commissioner's Annual Report for 1978-79 it was recommended that trial areas should be covered by specific nutritional programmes. The emphasis should be on target groups like expectant and nursing mothers, pre-school going children, primitive tribes and weak and infirm persons besides coverages of children and others suffering from mal-nutrition.

Applied Nutrition Programme

8.135 In 1979-80 the scheme of Applied Nutrition Programme was transferred to the State Sector and the State Governments were made responsible for monitoring the progress of the Programme. The ANP was launched by the Government of India during the year 1963 to combat mal community in the rural areas predominently inhabited by the weaker sections of the society. The UNICEF plays an important role in the implementation of this programme. Available information indicates that *Manipur, Andaman & Nicobar Islands, Pondicherry* and *Dadra & Nagar Haveli* are progressively implementing the programme. The Government of *Orissa* have informed that after discontinuance of Central assistance, it was difficult to provide adequate funds for A.N.P. under state sector during the year 1979-80.

Special Nutrition Programme

8.136 The Ministry of Social Welfare, started the Special Nutrition Programme for pre-school children, pregnant women and nursing mothers, with the object of providing supplementary nutrition to the target groups in the weaker sections of the Society during the year 1970-71. The supplementary nutrition consists of 200 to 300 calories and 8 to 10 gms. protein for a mother for 150 to 300 days in a year.

Initially, the programme was implemented in the selected areas in urban slums, tribal and Backward areas. In the fifth plan period, the special Nutrition Programme was transferred to the State Sector under Minimum Needs Programme. During the year 1978-79, an amount of Rs. 16.28 and 17.07 crores was provided by the States from their non-plan budgets and plan budgets respectively for maintenance and expansion of the programme. This programme was expanded considerably and the coverage of beneficiaries were mainly Scheduled Caste/Scheduled Tribe children. During the year 1978-79 the coverage was about 69 lakhs. A statement showing State-wise number of beneficiaries under the scheme during 1978-79 may be seen at Appendix No. LXXXIV. During the year 1979-80 it was understood that 21 lakh additional beneficiaries would be covered under this programme. However, the programme as a whole was evaluated.

8.137 The Conference of Ministers incharge of Social Welfare Departments held in the month of September 1979 recommended that the programme of supplementary Nutrition for undernourished children of weaker sections was essential and should be given adequate financial and administrative support. The conference also made some valuable suggestions which are given below :—

1. Careful selection of beneficiaries.

2. Provision of supportive health service, specially immunisation.

3. Enlisting the support of local branches and members of organisations like the Indian Academy of Paediatrics and the Indian Medical Association; and

4. Utilisation of local foods in the light of advice given by the National Institute of Nutrition and State Nutrition experts.

The conference also proposed to increase in the provision for nutrition supplement which was 20 paise per day per child and 25 paise per day per mother. This recommendation was examined by an expert committee which recommended that the average cost per unit of supplementary nutrition for children should be 25 paise and for pregnant and lactaling women 50 paise per day and that the incidental charges for processing and transportation should be additional 10 paise per Unit instead of 5.5 paise as under the existing pattern of expenditure. The Committee also recommended that this unit cost should be applicable to all nutrition programmes including Special Nutrition Programme.

Balwadi Nutrition Programme

8.138 The Government of India also started the Balwadi Nutrition Programme during the year 1970-71. The programme is being implemented through four National level organisations namely, the Central Social Welfare Board, Indian Council for Child Welfare, Bhartiya Adimjati Sevak Sangh and Harijan Sevak Sangh. The Government of India gives grants-in-aid to these organisations to implement the programme. Further, these organisations distribute the grants to voluntary organisations through their State units. Under the programme the children in the age group of 3—5 attending the Balwadis run by voluntary organisations are covered. The nutrition supplement given to children, under the programme, consists of 300 calories and 10 gms. of protein per child per day. The number of children covered under the programme is 2.3 lakhs. The amount of grants-in-aid given to four organisations during the last six years may be seen in the statement below :—

Name of the Organisation	1974-75	1975-76	1976-77	1977-78	1978-79	1979-80
1. Central Social Welfare Board	81.69	127.27	100.00	90.77	100.00	103.00
2. Indian Council for Child Welfare . . .	21.00	32.97	29.62	24.16	30.18	24.14
3. Harijan Sevak Sangh	11.38	14.56	7.00	10.61	12.30	12.30
4. Bhartiya Adimjati Sevak Sangh . . .	10.93	14.20	8.69	8.66	12.52	10.53
TOTAL	125.00	189.00	145.31	134.20	155.00	149.97

Integrated Child Development Service

8.139 The Centrally Sponsored Scheme of Integrated Child Development Service was launched by the Government of India during the year 1975-76 on an experimental basis in 33 projects in the States and the Union Territory of Delhi. The Service under the I.C.D.S. includes supplementary nutrition, immunisation, health check up etc. The scheme of I.C.D.S. was expanded in additional 67 projects during 1978-79, 50 projects in 1979-80 and another 50 projects in 1980-81. Thus as on 1st April 1980, 200 projects were sanctioned to different State/Union Territories. Out of these 200 projects, 67 I.C.D.S. projects were located in the tribal areas, 105 in backward areas and 28 in urban slums. The year-wise grants-in-aid released by the Ministry of Social Welfare to States/Union Territories as well as

amounts allotted to the tribal areas may be seen in the statement below :—

(Rs. in lakhs)

Year	Grant-in-aid	Amount allotted to tribal areas
1975-76	92.73	22.85
1976-77	57.33	15.29
1977-78	115.14	26.35
1978-79	323.09	82.51
1979-80	490.00	102.75

8.140 It is clear from the above statement that the amount allotted to tribal areas for I.C.D.S. projects has considerably increased since 1975-76 to 1979-80. It is encouraging to note that the Ministry of Social Welfare purposes to establish in 225 tribal Blocks more I.C.D.S. projects in the Sixth Plan period.

8.141 In the 1978-79 Report of the Commissioner for Scheduled Castes and Scheduled Tribes, it was recommended that all nutritional programmes should be incorporated in the Integrated Tribal Development Projects so that there may be wider coverage of nutritional programmes in tribal areas. The above, recommendation is reiterated.

Studies on Health Problems of Scheduled Tribes

8.142 There is great need to conduct health surveys in tribal areas. During the year 1978-79, the Tribal Cultural Research and Training Institute, Hyderabad completed a study on the 'Incidence of Blindness among the Tribals of Andhra Pradesh.' The study covered 64 blocks, 123 villages and 4,392 households covering 22 tribal communities in 19 districts. The study was taken up with the following objectives :—

1. To estimate the incidence of blindness complete and partial among the various tribal population of the State.
2. To assess the age/groupwise incidence.
3. To estimate the area-wise and tribewise incidence of blindness.
4. To study the causes of blindness and indigenous methods of treatment.
5. To study the available modern medical facilities and their adequacy.

Some of the main findings of the study are given below :—

1. Out of the total sample house-holds, 26.34 per cent reported either one or more members suffering from partial or total blindness. Among the total tribal population, 4 out of every 1000 have total blindness as against 5 to 6 persons in *Andhra Pradesh* State as a whole. In addition 5.02 per cent of the tribal population had defective vision or partial blindness. In the agency areas there were about 4 to 5 total blind as against 3 to 4 persons only in the plains areas, whereas the partial blind tribals were 46 in the agency areas and 57 in the plains areas per 1000 population.

2. The study reveals that total blindness among tribals was more in the districts of Medak, Rangareddy, Guntur and Srikakulam and it was least in the districts of Nellore, Krishna, West Godavari, Warangal and Nizamabad. The highest percentage of partial blindness (10 per cent) was reported from Chittoor district, and the lowest was observed in Nizamabad district. Totally blind children were observed only in 5 districts, *viz.*, Chittoor, Mahabubanager, Srikakulam Guntur and Nalgonda. The highest percentage of partially blind children was observed in Nellore district.

3. This study further indicates that the incidence of blindness among the Pardhans, Yerukulas, Jatapus, Kotias and Manne Doras is more than that among the other communities, while it is negligible among the Konda Reddis and Porjas.

4. The incidence of blindness appears to start at a very early age. 11.25 per cent of the totally blind people were blind congenitally, 7.5 per cent immediately after birth, 11.25 per cent before one year of age. Thus congenital, neonatal and infantile causes were of high magnitude. The highest number of blind individuals were observed in the age groups 30—40 years and 40—50 years. The causes of blindness among the tribals were infectious diseases, injuries, nutritional diseases, cataract etc., and old age.

5. The tribals did not bother to take any treatment as long as the ailment was not considered very serious. Nearly 68 per cent of the sample did not take any treatment, while 11.17 per cent availed modern medical facilities, 1.83 per cent availed eye camps and the others resorted to home remedies or native medicines. There were several cases of tribals loosing complete eye sight by getting themselves operated through quack doctors or applying native medicines.

6. The study reveals that the tribal areas in both plains and agency districts have no

specialist services for eye diseases. The eye camps conducted in different parts of the agency areas could do yeomen service.

8.143 It was recommended in the study that the tribals should be educated about the common eye diseases and the use of modern eye drops, ointments etc., for common ailments. Some mobile eye hospitals may be established in the tribal areas to tour and treat the patients on the spot. The number of eye camps in tribals areas may be increased. All the Primary Health Centres in tribal areas should be geared to have the services of eye specialists at least once in a month to cater to the needs of the local population and they may be supplied with sufficient quality of ophthalmic medicines. It is hoped that the Government of *Andhra Pradesh* would take prompt action in implementing the above recommendation.

Drinking Water

8.144 In view of the large number of villages in the country having inadequate water supply system, the importance of providing safe drinking water in the villages can hardly be overstressed. Looking at the problem from the point of view of two district groups *i.e.* Scheduled Castes and Scheduled Tribes, it is seen that these groups are facing various types of difficulties relating to provision of drinking water to them. Availability of drinking water sources may be one problem but where the water sources are physically available actual access may be barred to some sections of the deprived groups. It is, because of the stigma of untouchability that accessibility to physically available water sources is denied to the Scheduled Caste persons in many parts of the country. It is therefore, essential that the problem of drinking water is viewed so far as Scheduled Castes are concerned, from the point of social accessibility also.

8.145 The problems of drinking water in case of Scheduled Tribes may be different. It has been observed that position of drinking water supply in tribal areas is acute on account of paucity of drinking water sources and the large number of scattered hamlets at varying distances. Another problem in many tribal areas is non-availability of safe drinking water sources. In many rural areas Scheduled Castes/Tribes have to depend on contaminated water sources on account of the presence of excess content of iron or fluoride or salinity etc. It is therefore necessary that in the tribal areas the first primary duty is to provide some source of safe drinking water and where it is not available to improve the existing ones rather than wait for the ideal situation. The Commissioner for Scheduled Castes and Scheduled Tribes, during his tour in the *Saranda* forest areas of Singhbhum district, *Bihar* which witnessed considerable unrest, developmental activities were nowhere to be seen, but the tribals had high appreciation of the work done by the district administration in providing water pumps during the scarcity period and these pumps were still working.

8.146 If we look at the planning process in the past so far the drinking water problem is concerned, we would find that from the beginning of the First Five Year Plan highest priority has given to the provision of safe and adequate water supply in rural areas. However, many villages in tribal and rural areas continued to suffer from chronic scarcity of drinking water or relying on unsafe sources of water, resulting in various diseases. It is an evident fact that due to financial constraints it was not possible to provide adequate drinking water facilities to rural and tribal areas during the previous Five Year Plans. More so the general experience has been that the benefits of most of the welfare and development schemes accrued mostly to the economically better off sections of the community. The rural water supply programmes were attempted in the first instance to deal with the problem villages falling in the following categories :—

(i) Those which do not have an assured source of drinking water within a reasonable distance.

(ii) Those where the sources of water supply are endemice to water borne diseases like cholera or guinea-worm infestation.

(iii) Those which suffer from excess of salinity, iron or fluorides or other toxic elements hazardous to health.

8.147 The drinking water schemes were implemented under the Backward Classes Sector of the State Plans, National Drinking Water Supply and Central Accelerated Rural Water Supply Programmes. Schemes are also being undertaken under the Minimum Needs Programmes and ITDPs. Based on the available information State-wise position regarding drinking water supply programme for Scheduled Castes and Scheduled Tribes under different sectors may be seen at Appendix LXXXV. As per an Assessment Survey of 1971-72 the total number of problem villages in the country was 1,53,000. Most of the problem villages were identified in the States of *Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Rajasthan, West Bengal* and *Himachal Pradesh,* which have sizeable Scheduled Caste/Tribe population. During the year 1972-73 the Centrally Sponsored Scheme of Accelerated Rural Water Supply was started by the Government of India with the main objective of providing drinking water in the difficult areas and problem villages. It was felt that left to the State Governments themselves, the provision of drinking water in the villages got stuck up in the conflict of priorities, therefore, the Government of India reviewed the A.R.W.S. scheme in the year 1977-78 and the States were allotted an amount of Rs. 38.20 crores on 100 per cent basis for implementation of the scheme during that year. During the year, 1978-79 and 1979-80 an outlay of Rs. 60 crores was earmarked for the scheme.

8.148 The important scheme of Rural Water Supply under the M.N.P. was started by all the States during the year 1974-75. The plan allocation under the programme are to be utilised for drinking water supply to

the problem villages, as identified in 1972 survey. The Government of India have been giving due importance to the supply of rural drinking water which gets reflected in the ever increasing investment during preceding plans. The expenditure on drinking water schemes during the first Five Year Plan were Rs. 3, Rs. 30, Rs. 48, Rs. 208 and Rs. 348 crores respectively. For the five year plan 1978—83 an allocation of Rs. 1458 crores was envisaged for rural water supply including Rs. 1388 crores for the problem villages under M.N.P. (Rs. 1062 crores) and A.R.P. (Rs. 326 crores).

8.149 Although the Schemes under Accelerated Rural Water programme and Minimum Need Programmes are in existence since 1972-73 and 1974-75 respectively, it was observed that by March 1978 only 50,000 problem villages were covered under these programmes leaving a balance of 1,03,000 problem villages. The year-wise progress, total number of villages covered in tribal areas and the number of Scheduled Castes/Scheduled Tribes population covered under these programmes is not known. However, based on the available information, the State-wise population covered and Scheduled Castes/Scheduled Tribes population covered under various programmes including Centrally Sponsored Accelerated Rural Water Supply Programme, during the year 1979-80 in respect of 14 States is given below :—

(Population in lakhs)

Sl. No.	Name of the State	Total population covered	SC/ST population covered
1.	Andhra Pradesh . . .	24.60	4.19
2.	Gujarat	6.45	2.47
3.	Haryana	2.56	0.51
4.	Himachal Pradesh . . .	3.24	0.79
5.	Karnataka	24.68	1.85
6.	Kerala	2.54	0.34
7.	Manipur	0.88	0.56
8.	Meghalaya	0.85	0.85
9.	Nagaland	Not available	0.38
10.	Punjab	1.83	0.49
11.	Tripura	1.48	0.62
12.	Andaman & Nicobar Islands .	0.32	0.012
13.	Arunachal Pradesh . .	0.179	0.179
14.	Pondicherry	0.177	0.053
	TOTAL	72.19	15.49

8.150 The above statement clearly indicates that in the 14 States/Union Territory Administrations during the year under report, 72.19 lakh persons were covered including 15.49 lakh Scheduled Castes/Scheduled Tribes population which was 21.45 per cent. Similarly in the States of *Andhra Pradesh* and *Karnataka*, 24.60 and 24.68 lakhs population was covered out of which 4.19 and 1.85 lakh Scheduled Caste and Scheduled Tribes population was covered in these States respectively. This coverage is quite inadequate. However, considerable progress was made in providing drinking water supply to Scheduled Castes/Scheduled Tribes in the States/Union Territories of *Gujarat, Manipur, Meghalaya, Tripura, Arunachal Pradesh* and *Pondicherry* during the year under report.

8.151 Based on the scanty information received from some States/Union Territory Administrations, it is observed that progress under the drinking water supply was not encouraging. As observed earlier some rural areas suffer from excess of salinity, iron or fluorides or other toxic elements hazardous to health. A news item appeared on 27-9-80 which revealed that about 80 people of Shibganj basti predominantly inhabited by Scheduled Castes in Unnao district of *Uttar Pradesh*, who had been drawing water from the wells for the last 5 years, died of a disease suspected to have been caused by excess fluoride in water. Some other persons were also reported to be down with a disease which was causing paralysis to the limbs and slowly bringing the death. It was further reported that the disease was detected in 1976 and water samples sent for chemical analysis were declared dangerous and unfit for human consumption. The district authorities covered two wells situated in the basti and reportedly dug up a new well. It was further indicated that the new well was away from the *basti* so it could not solve the water problem of the area. The villagers were thus forced to take water from the nearby pond. A scheme for providing alternative potable water for the area was proposed but it could not be implemented. The disease was now reported to be spreading to adjacent villages. The matter was taken up by the office of the Commissioner for Scheduled Castes and Scheduled Tribes with the Health Department of the State Government of *Uttar Pradesh*. However, till drafting of the report no reply from the State Government was received. *It is suggested that the State Government should immediately make suitable alternative arrangments for drinking water facilities in the area.*

8.152 In the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1978-79 it was recommended that protected water supply of drinking water should be provided in tribal areas where it is lacking and the existing sources should be improved. In the identification of problem villages in the tribal areas, the unit should be hamlet rather than a village. *The recommendation is reiterated. It is also suggested that each State Government/Union Territory Administration should review the existing position with regard to availability of drinking water supply for Scheduled Castes and Scheduled Tribes separately and also from the point of view of social discrimination against Scheduled Castes and accessibility and other factors relating to Scheduled Tribes. It is further recommended that bulk of plan programmes and allocations for drinking water supply both in the State and Central Sectors should be routted through Component Plan and Tribal sub-plan respectively for these two categories of backward classes.*

An Evaluation study of Drinking Water Supply Programmes

8 153 The Programme Evaluation Organisation of the Planning Commission completed a quick evaluation study entitled 'Accessibility of the poor to the Rural Water Supply' during 1978-79 in the tribal and rural areas of the country The poor were operationally defined to be those who belonged to the Scheduled Castes, Scheduled Tribes and were landless agricultural labourers (do not own land but have a homestead) The coverage of the study consisted of 17 States, 34 districts, 34 blocks, 99 villages and 1,174 households

8 154 The study brought out that the facilities of drinking water to the 'poor' are not adequate Although they have been provided drinking water through the piped water and bored/tube/drilled wells under M N P /A R P then share in relation to non-poor has been less Thirty four per cent of the localities inhabited exclusively by the poor were having only 16 per cent of drinking water points, against it 17 per cent localities inhabited exclusively by the non-poor were having 19 per cent of the drinking water points

8 155 Similarly there were only 10 per cent piped water points in the localities of the poor, while in the localities of the non-poor the percentage of piped water points was 17 Further the private piped water points in the localities of non-poor were three times more as compared to those of the poor On an average, while a locality inhabited by the poor had not even one drinking water point the locality inhabited by the 'non-poor' had two

8 156 The study further revealed that among the major reasons for the poor not being benefited from the drinking water points were, point at a distance/ alternative sources at hand, frequent breakdown/out of order, inadequate duration of water supply and 'meant for higher Caste groups' Although 93 per cent of the respondent reported that the drinking water points were located within a radius of half a kilometer from their residence yet point at a distance was one of the main reasons for not availing of the facility from these points and were going in for other alternative sources The study has pointed out certain basic loop-holes in the preparation and implementation of the drinking water supply programmes in the tribal and rural areas of the country The study has also come out with some very useful suggestions in respect of preparation as well as implementation of the various drinking water supply programmes which may be seen at Appendix LXXXVI

8 157 It is encouraging to note that high priority is being accorded to the provision of safe drinking water during the Sixth Plan period and except in some difficult areas like hilly and desert region all the remaining problems villages will be covered It has also been reported that India has pledged its support to the International Drinking Water Supply Sanitation Decade (1981—90) launched by the United Nations and attempts would be made to provide access to the maximum number of people to safe water supply during the period consistent with the availability of resources. The stand taken by the Government of India is welcome and it is hoped that during the Sixth Plan period majority of the problem villages will be covered under drinking water supply schemes and target date for accomplishing the task will not be changed or postponed further

Development of Tribal languages/dialects

8 158 India is the seventh largest country in the world and the tribal situation in the country presents a varied socio-cultural picture Some areas have high concentration of tribal population, whereas in others their number is small A number of languages and dialects are spoken in the country. Of these 15 languages *i e* Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu and Urdu have been specified in the Eighth Scheduled to the Constitution About 250 Scheduled Tribe communities speaking about 100 languages and 225 subsidiary tribal languages are scattered all over the country According to the available reports only 42 tribal languages were being used as media of instruction at the primary stage in 10 States and Union Territories

8 159 According to an estimate there were about 10 crore students in schools (at all stages) in 1979 and tribal students constituted an important segment of the student population Due to certain socio-economic and historical reasons the tribals continued to live in comparative isolation and the fruits of educational development could not reach them to the desired extent The rate of drop outs and failures. have been comparatively more among tribal students specially in classes I and II

Provisions of Constitutional safeguards for linguistic Minorities

8 160 The Constitution provides for imparting of education at the primary stage in the mother tongue to children belonging to linguistic minority groups The Articles of the Constitution having direct bearings on the safeguards for linguistic minority groups which include many tribal communities are indicated below —

Article 29

(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

Article 30

(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 against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Article 350*A*

It shall be the endeavour of every State and of every local authority within the State, to provide adequate facilities for instructions 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.

Use of tribal languages as media of instruction at primary stage

8.161 According to available information, the following tribal languages are being used as media of instruction at the primary stage.

(1)	Assam . . .	—Bodo, Garo, Hmar, Khasi, Kheza, Manipuri.
(2)	Bihar . . .	—Santhali, Oraon/Kurukh, Ho, Mundary, Sadui/Sadri.
(3)	Madhya Pradesh .	—Oraon/Kurukh.
(4)	Meghalaya . .	—Khasi, Kheza, Garo.
(5)	Nagaland . .	—Ao, Sema, Angami, Konyaka, Lotha, Chokri, Kheza, Rengma, Kuki, Zemi, Liangmai, Sangtam, Chang, Phom, Khiem Mungan, Timchunger, Zeliang, Chakhasang.
(6)	Tripura . .	—Mizo/Lushai, Tripuri.
(7)	A&N Islands .	—Karen, Nicobari.
(8)	Goa, Daman & Diu	—Konkani.
(9)	Himachal Pradesh .	—Bhuti.
(10)	Mizoram . .	—Mizo/Lushai, Chakma.

8.162 It is rather discouraging to note that in *Madhya Pradesh* tribal pupils speaking Bhilli, Korku, Kurukh, Madia, Gondi and Halbi are not receiving instruction at the primary stage through the mother-tongue. Similarly, in *West Bengal* although Santhali is spoken by over three per cent of the population, Santhali has not yet been introduced as a medium of instruction at the primary stage. In *Orissa* also no arrangements exist to teach Santhali in primary classes. In *Bihar*, although the speakers of Santhali, Mundari and Oraon constitute 3.57, 1.21 and 1.1 per cent respectively, no arrangements have been made to impart education in these languages in primary classes. In *Rajasthan*, Wagdi, the mother-tongue of tribals in Udaipur, Dungarpur and Banswara districts has not been accepted as a medium of instruction in tribal schools. In *Himachal Pradesh*, Bhoti, a tribal language is also not being taught in primary classes. In *Manipur*, the speakers of Thadon, Tangkeful, Kabui, Mao, Paite, Hmar, Kach Naga and Vaiphei constitute 5.57; 5.39; 3.75; 3.11; 2.30; 2.17; 1.21 and 1.15 per cent of the population respectively and primary education is not imparted in tribal language. Several of the tribal communities have published text-books in the Roman script and are using them in the schools run by them. *It is recommended that the concerned State Governments/Union Territory Administrations should make efforts to introduce instruction in tribal languages as early as possible.*

8.163 The work done by the State Government and Union Territory Administrations in the development of tribal languages/dialects may be seen at Appendix LXXXVII.

Work done by the Central Institute of Indian Languages, Mysore

8.164 The work on the development of tribal languages, alphabets and literature is being undertaken by the Central Institute of Indian Languages, Mysore. The Institute has developed a bilingual education programme for the speakers of tribal languages in which the initial education is imparted in the particular tribal language and that the learners are gradually transferred to the medium of the language of their State or region. The study of tribal and border languages is undertaken for the purpose of preparing linguistic, instructional and folklore materials. During the year 1979-80, the Institute prepared adult literacy primers in Apathani, Nocte and Mishmi for *Arunachal Pradesh*, in Bodo and Karbi for the tribals of *Assam* in Ao, Angami and Lotha for *Nagaland* and in Mizo for *Mizoram*. The Bhutia literacy primer prepared in 1978 was being printed by the Government of *Sikkim*. The other literacy primers prepared at the Institute were in Wagdi for *Rajasthan*, Halbi for *Madhya Pradesh* and Mundari for *Bihar*. The Institute also planned to prepare literacy primers in 11 more languages of *Arunachal Pradesh* and organised a training programme for the literacy teachers of that Union Territory. The Institute published linguistic work *i.e.* Tangkhul Naga Phonetic Reader (Manipur) Angami Grammar (Nagaland) during 1979-80.

8.165 The Institute is working on 40 tribal languages and has planned to prepare a phonetic reader, a grammar, a dictionary and instructional material for primary schools and the adult education

programme for each of these languages. The State-wise position is indicated below :—

(1)	Nagaland . .	—Ao, Angami, Sema, Lotha, Naga Pidgin, Konyak.
(2)	Manipur . .	—Manipuri (Meithei), Thadou, Thangkhul, Mao.
(3)	Tripura . .	—Kok Borok (Tripuri).
(4)	Meghalaya . .	—Jaintia, Khasi.
(5)	Mizoram . .	—Mizo (Lushai).
(6)	Arunachal Pradesh .	—Adi, Apatani, Mishmi, Nocte.
(7)	Sikkim . . .	—Sikkim Bhutia.
(8)	Assam . . .	—Bodo, Mikir, Miri (Mising).
(9)	Jammu & Kashmir .	—Ladakhi (Bedhi), Purki(Balti), Shina, Brokskat, Gojri.
(10)	Rajasthan . .	—Bhili (Wagdi Dialect).
(11)	West Bengal . .	—Santali.
(12)	Bihar . . .	—Kurux, Malto, Mundari.
(13)	Orissa . . .	—Kuvi, Saora.
(14)	Madhya Pradesh .	—Abujh-Maria.
(15)	Maharashtra . .	—Maria Gondi, Varli, Kolami.
(16)	Karnataka . .	—Jenu Kuruba Dialect of Kannada.
(17)	Tamil Nadu . .	—Kota, Irula.

The other important achievement of the Institute is in the preparation of School primers in the 43 languages are given below :—

Language	State	Class
1	2	3
Kokbaruk	Tripura	I & II
Bodo	Assam	I
Mising	Assam	I & II
16 languages . . .	Nagaland	I
14 languages . . .	Manipur	I
Mizo	Mizoram	I
5 languages . . .	Jammu & Kashmir	I
Kuvi	Orissa	I & II
Oriya	Orissa	I
Saora	Orissa	I
Abujhmaria . . .	Madhya Pradesh	I

Besides the work mentioned above the Institute have been preparing instructional material, books, linguistic materials and folklore material. A list of such publications at different stages may be seen at Appendix LXXXVIII. The work done by the Central Institute of Indian languages, Mysore for the development of tribal languages in the country is commendable. It should, no doubt, go a long way in the cultural preservation and educational development of tribal people.

8.166 *It may be relevant to mention here that National Council of Educational Research and Training in collaboration with the Government of Orissa prepared a curriculum for Saora students for classes I to V. It has also been proposed to prepare text books in Saora language. This is a welcome step. It is suggested that the other States concerned should also seek the help of N.C.E.R.T. in the preparation of curriculums for tribal students within the framework of general objectives and national goals of education.*

Central Assistance to Voluntary Organisations engaged in the development of tribal dialects/languages

8.167 The Ministry of Education and Culture have been giving assistance to Voluntary organisations/ Educational institutions for promotion of Indian languages including tribal languages. During the years 1978-79 to 1980-81 the Ministry sanctioned an amount of Rs. 24843 for the development of tribal dialects and languages to the Institutions, mentioned below :

(a) Institute of Tribal Dialects and Culture, Bhubneshwar, *Orissa* was given Rs. 10,000 in 1978-79 for teaching tribal languages to Government officials.

(b) Rejnyong Mutanchi Ringmom Kurmom, Gangtok was given Rs. 4,843 in 1979-80 for publication of a monthly magazine 'Mayal Lyang' in Lepcha language.

(c) Matharvanam Vigyana Prachar Ashram, Marichigooda, *Orissa* was given Rs. 10,000 in 1980-81 for publication of 27 manuscripts of Soura language.

8.168 Considering the number of tribal languages/ dialects which need to be developed, the Central assistance given and non-official organizations engaged in their development is not encouraging. More voluntary Organisations should come forward to take up this job. The States concerned should also encourage greater participation of voluntary organisations in undertaking the job of development of tribal languages/dialects.

Problem of availability of text-Books and teachers for teaching tribal languages

8.169 Teaching tribal languages is directly linked with the availability of text-books and teachers. The question of script for tribal languages is also a factor to be considered. The C.I.I.L., Mysore has produced primers and other literature for the teaching of tribal languages. The major difficulty faced by some of the State Governments is that most of the tribal languages/ dialects have no script of their own. Majority of the State concerned prefer to use the script of the dominant language of the State. This has a benefit because the tribal students will not be forced to learn a different script and language when they go in for studies at higher stages of education. However, in a State where there are a number of dialects spoken by small number of tribal communities peculiar problems may arise. In *Arunachal Pradesh,* in the past, major tribal dialects were selected as medium of instruction in primary schools and text-books were produced in Devanagari script. But due to various difficulties this policy was given up and now the medium of instruction is English. Previously, the medium of instruction was Assamese. Some States have adopted Roman script in production of tribal primers. In *Nagaland* and *Manipur* use has been made of the Roman script for this purpose. The demand of a script for Santhali Language attracted wide attention in the States of *Bihar, Orissa* and *West Bengal.* The question is

whether the 'O.L.' script or the Roman script or the regional language should be adopted. Similarly, the demand of imparting education through the medium of Ho language in the Orang Kshiti script in primary schools in the district of Singhbhum in *Bihar* needs to be attended to. *There is no doubt that if education is imparted to the tribal students in the primary classes in their tribal languages/dialects they will feel attracted towards education and the high rate of failure in Classes I and II may come down.*

8.170 In some States tribal languages are used as media of instruction beyond Classes I and II. In *Nagaland*, Ao, Angami and Sema have developed their language text-books upto Class X, Lotha and Konyak upto Class VIII, Chokri upto Class VI and the rest upto Class IV. In *Tripura*, Mizo (Lushai) is the medium of instruction at the secondary stage of education. There is no doubt that many tribal languages may not prove useful in teaching subjects like Arithmetic, Science and Social Studies. *It is, therefore, necessary that the State Governments and educated tribal persons should make efforts to develop the tribal languages so that these can be fruitfully used as media instruction beyond primary stage of education.*

8.171 Some of the State Governments have not appreciated the full import of Article 350A of the Constitution by issuing orders that instruction through the mother-tongue should be provided if the mother-tongue happens to be one of the languages mentioned in the VIIIth Schedule to the Constitution. Thus the speakers of tribal languages/dialects in the State of *Madhya Pradesh* are denied instruction in their mother-tongue. Some of the other States like *West Bengal* and *Orissa* who also do not provide instruction in primary classes in the tribal languages/dialects have tried to overcome the difficulty by taking shelter under the orders issued by them that Santhali knowing teachers would be appointed in the schools located in tribal areas to explain the lessons to the students in Santhali language. *Another important point that is lost sight of by the State Governments is that the propagation of education through tribal languages and dialects would make it easier for the involvement of the tribal people in the development work that is being undertaken on a large and intensive scale in the tribal areas. For the knowledge of the tribal persons engaged in collection of minor forest produce, if bulletins and posters are published in tribal languages and dialects, they may prove more useful in increasing the awareness among the tribals about the rates on which they can sell the produce collected by them and the agencies who are prepared to buy them. Protective laws should also be published in tribal languages/dialects so that the tribals know the laws against alienation of their land, their rights in forests and facilities available to them under various developmental programmes. Even in adult education programmes the teaching of tribal languages and dialects would prove more fruitful and useful to the tribals and administration. In the light of the above points the State Governments should accelerate the work regarding the development of tribal languages/dialects and imparting education in these languages to the tribals.*

Infrastructural Development

8.172 Development of roads, railways and facilities like telecommunications and electricity are important if fruits of development are to reach the rural poor particularly the tribals living in remote and inaccessible areas of the country. Most of the tribal problems are due to the fact that infrastructure has not been adequately developed. In some regions block headquarters are not connected by all weather roads electricity has not reached the interior. In many tribal areas building of infrastructure will have to be given a high priority because of the fact that other services depend on existence of infrastructure.

Road development in tribal areas

8.173 It is an evident fact that road network in the tribal areas is considerably below the State and the national average. With the concept of tribal sub-plan and formulation of ITDPs, urgency of faster transportation system with the interior tribal areas have become manifolds. It becomes all the more important to link sub-divisional Headquarters, interior Tehsil and Block Headquarters, market centres, etc., in a short time. When lot of investment has been made in the tribal areas it becomes necessary that the area has efficient supervision also.

8.174 Road development is undertaken both by the Central and State Governments as part of the Central and State sector road programmes respectively as per the priorities and allocations determined by the Planning Commission and the guidelines issued by them to both the Central and State Governments. As for the road development in the tribal areas is concerned, it is observed that if effective protective measures are not taken in advance, it is likely that road development network may bring in exploitative factors which might go against the interests of the Scheduled Tribes. It is relevant to point out the views of Kashtakari Sangthana a voluntary Organisation working in the tribal areas in Thana District that development projects in Dahanu and Talasari talukas had shown that investment on road construction was high but the benefits to the tribals were 'almost negligible', and that roads were seldom being used by the tribals who normally walk long distances along short cuts, but the grass merchants, clandestine timber merchants, contractors, money lenders and land grabbers make good use of the network of roads to 'invade' the tribal areas and exploit the community. It is, therefore, necessary that while working out road development plans in the tribal areas a cautious approach should be adopted. It has also been observed that some of the States are having multiplicity of agencies for implementing the rural roads programmes. In the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1978-79, it was recommended that all sub-divisional headquarters, block headquarters should be linked up with all weather pucca roads in a phased manner. In the first stage it is of paramount importance that weekly market centres and PHCs are linked to the block headquarters with all weather roads. In case where immediate necessity is for the construction of culverts, bridges and cross drainage structures to allow people to cross rivers at all times of the year,

top priority should be given to this by the State Governments concerned. In difficult terrain like those in the Lahaul and Spiti and Pangi villages of *Himachal Pradesh* which are not accessible for 8-9 months in a year, the roads are the life lines of the tribals living in those areas. In such cases the road construction should have very high priority.

Telecommunications

8.175 The provision of telecommunications facilities is another important element in the infrastructure of an area. In the general norms for telephone and telegraph facilities, it is reported that the revenue meets at least the cost of maintaining the equipment. This rigid policy deprived most of the tribal areas of these facilities. It is encouraging to note that the norms for opening of post-offices in rural areas including hilly, backward and tribal areas were revised. It has been decided to provide with a long distance public telephone/post and telegraphs office without consideration of profit to a village with 2,500 population in backward and hilly areas. According to information furnished by the Ministry of Communications it is proposed to extend telecommunications facilities to all the ITDPs in sub-Plan areas on priority basis. Besides this, on an average 17—20 places in every ITDP would be provided with telephone communication facilities. It has been reported that public call offices are to be provided at all tribal growth centres. The Ministry have informed that 1,298 growth centres in 73 ITDP, had been analysed and 444 centres had been provided with telephone facility up to March 1979. During the year 1978-79, 210 public telephones and 210 telegraph offices were opened in tribal areas whereas the figures of rural areas in general for the same year was 3,446 and 3,801 respectively.

Postal Services

8.176 New norms for opening of post-office in rural and tribal areas have been laid down by the Post and Telegraph Board. For instance, with regard to the opening of post offices, the population criterion has now been completly dispensed with as far as Gram Panchayat villages are concerned. In other villages, the population criterion has been reduced from 2,000 to 1,000 in the case of hilly, tribal and backward areas. Even in these areas population in a cluster of villages within a radius of 1.5 kms can be combined to fulfil the reduced criterion of 1,000 population. In terms of distance, post-offices can now be opened in all areas if there is no other post office within a distance of 3 kms. Furthermore, the Post Masters General are vested with powers to relax the prescribed conditions in 10 per cent of the cases every year and such powers are liberally excercised. For the public call offices and the telegraph offices in the rural areas, the population limit has been reduced from 10,000 to 5,000 and in the case of backward, tribal and hilly areas to only 2,500.

8.177 According to the Ministry of Communications during 1978-79 and 1979-80, 11,416 post offices were opened in rural areas out of which 5,383 or 47% were in hilly, backward/tribal areas. The Ministry also informed that no separate targets were assigned for opening of post offices in tribal areas. However from available figures out of 11,416 post offices opened in 1978-79 and 1979-80, 1,622 post offices (14.2%) were opened in tribal areas.

Rural Electrification

8.178 Electrification is an important force for development of rural/tribal areas as it provides infrastructural facilities for cottage industries, pumps sets etc. During Fifth Five Year Plan period rural electrification was taken up as minimum needs programme in States having less than 40 per cent coverage. It was subsequently agreed to extend this facility to the tribal areas in those States as well, which did not qualify for this scheme for the State as a whole. As on 1-10-1970, only 36% of villages had been electrified and the coverage varied from 3.9% in *Mizoram* to 100% in *Punjab* and *Haryana*. It is learnt that the Government of India proposes to electrify another 1,02,698 villages so as to cover 50% of villages by 1988, in remaining States. The Rural Electrification Corporation was set up in 1969. During 1974—78, 80,000 villages were electrified and 9 lakh pumps sets energised. The rural electrification projects are also covered by RMNP and are treated as separate category and are eligible for relaxed norms. It is an admitted fact that electrification boosts up industrial activity even in the small or village scale industries sector. In tribal areas, if electric lines are linked up with water points where lift irrigation pumps could be energised, it changes the economy of the area. Statewise information of electrified villages as on 31-3-1980 is given in the Appendix LXXXIX. State-wise position regarding projects approved and financial assistance sanctioned in tribal areas during 1979-80 by the REC may be seen in the table below :

S. No.	State	Projects approved		Pumps to be energised	Small industries to be energised	Financial assistance sanctioned (Rs. in lakhs)
		No. of Projects	Village to be electrified			
1	2	3	4	5	6	7
1.	Andhra Pradesh .	2	113	120	31	45
2.	Assam .	2	224	59	69	145
3.	Bihar . .	4	605	561	196	234
4.	Gujarat .	7	661	2089	622	399
5.	Himachal Pradesh .	1	76	..	15	34
6.	Madhya Pradesh .	17	1840	4301	404	884
7.	Maharashtra	6	445	976	249	309
8.	Meghalaya	6	201	..	15	301
9.	Nagaland .	2	33	..	98	126
10.	Orissa .	18	2017	1036	290	1108
11.	Rajasthan .	3	270	805	147	239
12.	Tripura .	3	72	17	17	49
13.	West Bengal	16	1323	967	911	836
	TOTAL .	87	7880	10931	3064	4709

8.179 It would be seen from the Appendix——— that 43.4% of the total inhabited villages had been electrified as on 31-3-1980. It is encouraging to note that REC had fixed up the target for pump sets to be energised and small industries to be energised in the tribal areas during 1979-80. In the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes 1978-79 it was recommended that rural electrification had to be linked to economic programmes like irrigation and village and household industries. A programme of electrification suitably linked with the plan of processing units for at least the first stage processing of commodities available in the tribal areas and energising pump sets should be prepared.

Railways

8.180 Important role of Railways in opening up backward areas is well known. The average for the entire country is 18.9 kms per 1000 sq. kms. whereas the railway lines in areas of the country where the population is predominantly tribal is about 3,800 kms which comes to 5.32 kms. per 1000 sq. kms. *Mizoram, Manipur, Arunachal Pradesh* and *Meghalaya* are not linked with railway lines while there are short lengths of railways in tribal areas of other States. In *Bihar, Orissa, Madhya Pradesh,* and *Andhra Pradesh* people have to travel hundreds of kilometres in order to catch a railway train. During the year under report efforts were made to collect the information regarding developmental programmes relating to railway and spread of railway net work in the tribal areas. The Ministry of Railways have reported the following new lines and gauge conversion projects which would primarily serve the tribal areas :

S. No.	Name of Project	Exp. upto 31-3-81	Provision for 1981-82	State in which located
1	2	3	4	5
		(Rs. in lakhs)		
1.	Wani-Chanaka (76 kms).	338	46	Maharashtra
2.	Kerala Road—Jayant (35 kms).	1706	100	Madhya Pradesh/Uttar Pradesh
3.	Gauhati—Barnihat (28.21 kms).	105	150	Assam/Meghalaya
4.	Dharmanagar—Kumarghat (33.50 kms.)	195	350	Tripura
5.	Balipara—Bhaluk-pong (33.45 kms).	265	125	Assam/Arunachal Pradesh
6.	Silchar—Jiribam (50.36 kms.)	184	300	Assam/Manipur
7.	Amguri—Tuli (17.07 kms.)	102	50	Assam/Nagaland
8.	Lalaghat—Bairabi (48.77 kms.)	165	225	Assam/Mizoram
9.	Bhadrachalam Road—Manuguru (52 kms).	778	300	Andhra Pradesh
10.	Banspani—Jakha-pura (176 kms.)	472	50	Orissa
11.	Talagaria—Tup-kadih (33 kms.)	145	150	Bihar
12.	Conversion of NG to BG Nadiad—Kapadavani and new BG line from Kapadvani to Modasa (105.14 kms.)	186	11	Gujarat

8.181 The following surveys for new lines and gauge conversions projects falling in tribal areas were reported to have been undertaken :—

S. No.	Name of Project	Exp. upto March 1981	Provisions for 1981-82	State in which located
1	2	3	4	5
		(Rs. in lakhs)		
1.	Lalitpur—Sigraulli, New line.	15.3	6.57	Uttar Pradesh
2.	Barwadih—Keronji, New line.	3.07	3.30	Madhya Pradesh
3.	Parvatipuram—Kora-put.	12.5	Survey completed	Orissa

8.182 It is learnt that new lines in tribal and backward areas seldom yield the minimum return of 10 per cent on the Capital and the lines in there areas are constructed only when there are prospects of industrial activity. *Under the situation it would be desirable if the Planning Commission comes forward to allocate funds separately for new lines for development of tribal and backward areas. It will therefore be necessary that as long as these lines remain unremunerative, the General Revenues may subsidise these lines and the subsidy part of it may come from the special fund created for development of tribal and backward areas.*

Research into the problems of Scheduled Castes and Scheduled Tribes

8.183 With the gradual increase of investment in the tribal areas and other schemes meant for Scheduled Castes, empirical studies to know the impact of welfare programmes on the under priveleged sections of the society have assumed greater importance. Moreover, the approach in the sub-Plan has been to develop each area with reference to its specific problems. If this approach is to get translated into action it calls for competent staff in planning, monitoring, training and evaluation. The Tribal Research Institutes which were started in the Third Plan devoted largely to anthropological studies or to routine evaluation programme

assisgned to them. But in the Fifth Plan period they were engaged in preparation of tribal sub-Plan documents, ITDPs, identification of pockets of tribal concentration and primitive tribal communities, evaluation of development programmes and to conduct bench mark surveys. Besides this these Institutes were also asked to take up studies on land alienation, study of displaced tribals on account of establishment of industrial and irrigation projects and impact of tribal co-operative structure in the sub-Plan areas. It is relevant to mention here that in a meeting of the Directors of the Tribal Research Institutes held on 21st October, 1980 it was rightly emphasised by the Ministry of Home Affairs that the TRIs should strike a harmonious balance between the requirements of pure theory and development practice. To overcome the problems of relative absence of information on the nature and magnitude of the problems of different tribal groups, a beginning was made by starting a Tribal Research Bureau in Bhubneshwar in 1953. Thereafter Tribal Research Institutes were also started in Ranchi (1954) in Chhindwada in 1954 and Calcutta (1955). It may be pointed out here that the study team on Social Welfare and Backward Classes (Renuka Ray Team 1959) and Scheduled Areas and Scheduled Tribe Commission in 1961 and the Study Team on Tribal Development Programmes (Shilu Ao Team 1969) also highlighted the important role of the Tribal Research Institutes. In the earlier reports of the Commissioner for Scheduled Castes and Scheduled Tribes this subject has also been dealt with in great detail and the progress of different Institutes have also been reviewed from time to time. There is no doubt that the TRIs have been contributing to some extent in the developmental efforts of the Scheduled Caste and Scheduled Tribe and in the Fifth Plan period particularly these institutes have played role in the preparation of tribal sub-Plan, project reports and other research studies pertaining to different problems of Scheduled Castes and Scheduled Tribes. There are 12 TRIs presently working in the country in the States of *Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, West Bengal, Uttar Pradesh, Nagaland* and *Arunachal Pradesh* have well established institutes. In addition *Himachal Pradesh, Tamil Nadu, Manipur* and *Tripura* have also set up small cells which are being assisted by the Ministry of Home Affairs. In 1978—83 Plan a provision of Rs. 2 crores was originally approved by the Planning Commission for Research and Training programme relating to Tribal Research Institutes. It was later reduced to Rs. 1.50 crore. During 1978-79, Rs. 30 lakhs were released and 1979-80 against a provision of Rs. 45 lakhs, Rs. 27 lakhs were released. During the Sixth Five Year Plan 1980—85, the requirement has been estimated at Rs. 3.00 crores and out of this provision, two continuing schemes of award of research and fellowship to students working on tribal problems and supporting research projects by expert bodies of inter-state or all-India nature will also be met. The Tribal Research Institutes at *Ahmedabad, Gauhati, Pune, Calcutta, Ranchi, Hyderabad* and *Bhubneshwar* have furnished the information about the work done by them, which may be seen at Appendix XC.

Important Studies undertaken by different Institutes

8.184 As may be seen from the information furnished by the above mentioned Tribal Research Institutes that they have undertaken some significant studies which would help in formulating the policies and modifying existing tribal schemes. Tribal Research and Training Institutes, Gujarat, Vidhyapith, Ahmedabad is reported to have completed socio-economic survey of three primitive groups namely Kolghas, Kothodies and Kotwalias during the year under report. The Institute have also completed two studies relating to block level planning for full employment in Danta Taluka and another on ITDP report for Dangs and Danta. Evaluation of minor irrigation programme in tribal areas is also reported to have been completed by the Institute. Similarly the Tribal Research Institute *Assam* devoted itself in completing the ITDP reports of Mangaldai, Nalhori, Barpeta, Goalpara, Dhubri and Dibrugarh. The Institute have also completed the tabulation and processing of field data and draft report writing on the research study entitled 'Impact of total Prohibition as contemplated by the Government of India—A case study of a tribal village in a rural setting'. Sub-division wise drafting of report of socio economic survey of the Scheduled Tribes (Plans) and Scheduled Castes have also been completed. The Tribal Research and Training Institute, Pune completed 16 research studies during the year 1979-80 and important among them were : (1) Status of land ownership of the tribal people and how far the legal and actual position merge and various steps taken to protect their interest and present policy about alienation and allotment of land ; (2) Socio-economic position of selected Vimukat and Nomadic tribe of Maharashtra State ; (3) Location surveys of Ashram schools for the year 1979-80 ; (4) Evaluation of Dabchari Dairy Development Project in Thane District. Similarly the Cultural Research Institute at Calcutta have informed that several important studies were completed during 1979-80. Studies like alienation of tribal land in Bagmundi and Arsha police station of district of Purulia, assessment of progress of secondary education amongst the Scheduled Castes and Scheduled Tribes of *West Bengal* during 1961—71 and stagnation among Scheduled Caste and Scheduled Tribe students in comparison with other communities students in the secondary stage of education of West Bengal during 1973, will no doubt help the State Government in policy planning. Bihar Tribal Welfare Research Institute, Ranchi is also reported to have completed some important studies during the year under report. Similarly the Tribal and Harijan Research-cum-Training Institute, *Orissa* and Tribal Culture Research and Training Institute, *Hyderabad* also completed some very useful studies during the year under report. The study on incidence of blindness among the tribals of *Andhra Pradesh* completed by TRI, Hyderabad has been mentioned elsewhere in the chapter.

Kadana Resettlement—A study of Tribal Displacement

8.185 Tribal Research and Training Institute, Udaipur completed a study entitled 'Kadana Resttlement'—A study of Tribal Displacement in 1979. The Kadana Project is one of the major projects in which

the Government have assumed responsibility of offering alternative land, residential blocks and cash compensation to the displaced families for their resettlement and rehabilitation. Kadana dam is a part of the inter-state - Mahi-Bajaj Sagar Project of *Gujarat* and *Rajasthan*. The construction of the dam was initiated in 1971 and completed in 1977. The objectives of the study were :

1. To examine the various processes involved in displacement prior to resettlement :
2. To see how fast people adapt, successfully to a change in their way of life ; and
3. To see how Government has carried out the norms of rehabilitation and with what results.

It was revealed that in 132 villages of Sagawana Tehsil of Dungarpur District and Bagidora and Garhi Tehsil of Banswara District, 5940 families of Bhil tribals were effected. At the initial stage villagers did not believe that they were going to be displaced in spite of the fact that the construction of the dam had been started. Some of the important conclusions are given below :

(i) The authorities had not prepared the affected people for such an eventuality. It would have been advisable to prepare the affected groups by suitably educating them through mass media etc.

(ii) The selection of site for resettlement was done in accordance with the wishes of the people. However, the land allotted was not of quality.

(iii) Huge compensation in cash was paid. This was not a good arrangement and as a result much of the money was spent on consumption needs and many middlemen and brokers and relatives took advantage of the situation.

(iv) Although the Government had agreed to provide necessary facilities such as, drinking water, schools etc. This was not adequately provided.

(v) Adjustment to new conditions was generally slow. It would have been better if the resettlement site had, to a certain extent, been developed before the actual displacement.

(vi) The Government had undoubtedly given the affected people an equivalent in a value for what they had materially lost but that vital need of providing welfare seemed to be missing. Paying compensation in cash or kind alone did not solve such a human problem.

Strengthening of Institutes

8.186 One of the points that has been repeatedly stressed is that the State Governments should speed up the process of restructuring and strengthening of different TRIs in the country. This process continued in the Fifth Plan period and some of them were engaged in the preparation of tribal sub-Plans and ITDP reports. A few of them conducted special health surveys and prepared basic papers on primitive tribes. Some bench mark surveys were also undertaken by these institutes. Their role thus became multifunctional. In the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1978-79, it was pointed out that the Tribal and Harijan Research-cum-Training Institute, Bhubneswer, *Orissa* had established five zones for bench mark surveys and formulation of project reports and that some research staff had been transferred and posted at different zones. It was recommended that other research institutes should also put staff in different tribal areas for continuous studies in the field instead of keeping staff at the headquarters. During the year under report only the Tribal Research Institute, *Assam* had informed that they would take up the matter with the Government of Assam for consideration and necessary action. According to the information made available to this Organisation, the Government of *Andhra Pradesh* have restructured their Tribal Research Institute. In *Kerala* the Tribal Research Training Centre has been reorganised as a separate department of the Government under the direct control of the Secretary to Government Development Department and has been renamed as Kerala Institute for Research Training and Development Studies of Scheduled Castes and Scheduled Tribes. The Head of the Institute had been declared as Head of the Department and designated as Director. In *Orissa* senior person has been appointed as Head of the Tribal Research Institute. The Director of the Tribal Research and Training Institute Gujarat Vidyapith, Ahmedabad has the rank of Professor in the Gujarat Vidyapith. The Director has also a status of the Head of the Department and enjoys full freedom in organising the activities of the Institute. The proposal to restructure the Tribal Research Institute in *Rajasthan* and *Madhya Pradesh* were reported to be under consideration of the respective Governments. In *Maharashtra*, a whole time Director to look after the working of the Institute had been appointed and he had been declared as Head of the Department for all financial and administrative purpose. The Institute is working under the administrative control of the Secretary to Government and Tribal Commissioner and Social Welfare, Department. It is learnt that the *Bihar* Welfare Research Institute, Ranchi sent a number of proposals to the Government to restructure and strengthen the Institute, but so far no effective steps appeared to have been taken in this direction. During the year under report in the Cultural Research Institute, Calcutta, out of the total sanctioned strength of 96 persons including technical and non-technical posts, 25 posts were lying vacant. It may thus be seen that various tribal Research Institutes are at various stages of technical competency. As recommended in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1978-79, it is reiterated that the State Governments concerned should restructure and strengthen the Institutes to make them viable to discharge the duties expected of them. In the previous Report of the Commissioner for Scheduled

Castes & Scheduled Tribes the important points emerged from the discussions in the third meeting of the Council, which was held on 26th June, 1976 were highlighted. What action has been taken by most of the State Governments on those points have not been furnished to this office. It is desirable that the Central Research Advisory Council which is an appex body should meet at least every six months so that work done by the Tribal Research Institute could be reviewed. In the previous reports it has been suggested that each TRI should have Research Advisory Committee for formulating the research programme keeping in view the local problems of their respective areas. Available information indicates that Research Advisory Committees for TRIs in *Assam* and *West Bengal* have not so far been constituted. It is reiterated that steps should be taken to constitute Research Advisory Committee wherever they have not been established. It is advisable that the Advisory Committees of the Tribal Research and Training Institutes should be headed by the Chief Minister or Minister in-charge of Scheduled Castes and Scheduled Tribes Welfare so that more weightage may be added to the status of these institutes.

Training

8.187 Desirability of suitable training programme for personnel posted in tribal areas has been emphasised in earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes. Training forms an integral part of the curricula of various Tribal Research Institutes which impart special training to various functionaries. It has been observed that lack of training is one of the basic hurdles in bringing about the desired results. Based on available information training courses conducted by some TRIs were as under :

Tribal Research and Training Institute, Gujarat Vidhyapith, Ahmedabad

8.188 The Institute has been conducting training programmes for Government officials. It has got two categories of training courses one which runs for 21 days and is meant for officers engaged in the tribal sub-Plan areas while the other is meant for Government personnels of lower level which runs for 10 days. The Institute also conducted peripatetic training programmes for village leaders, various other categories of village level workers and youth leaders from the tribal societies. Category-wise training programmes conducted during 1979-80 were as follows :—

S. No.	Category	No. of courses	Officials trained
1.	Senior Officers of ITDP . .	1	10
2.	Officers of the Forest Development Corporation	1	23
3.	Officials of the Forest Department	1	23
4.	Peripatetic training courses . .	8	502
	TOTAL	11	558

Tribal Research and Training Institute, Pune

8.189 During the year 1979-80, the Tribal Research and Training Institute, Pune organised the following types of training programmes :—

S. No.	Name of Training	Duration of course	Category of persons	No. of persons trained
1.	Tribal orientation training for tribal youths (8 courses).	7 days	Tribal youths	240
2.	Training programmes for the personnel of Maharashtra State Co-operative Tribal Development Corporation.	6 days	Employees of M.S.T.D.C.	34
3.	Training programmes for foresters, Forest Guards, at Forest Training Schools.	7 days at each school	Foresters Forest Guards	300
4.	Informal education and propaganda camps (53 camps).	1 day	Villagers	300

Bihar Tribal Welfare Research Institute, Ranchi

8.190 Bihar Tribal Welfare Research Institute is reported to have training and orientation training programmes with two main activities namely orientation training on tribal life etc., for the officers and staff working in the Chotanagpur and Santhal Parganas areas and Pre-Examination Centre for preparation to entry in services like BPSC, Assistant, Stenography etc. It was observed that performance of Pre-examination training centre since 1968-69 has not been very encouraging and revealed a dismal picture. It was reported that hardly any candidate has come out successfully in the States premier services like BCS examination conducted by the BPSC. Not only was the result of the examination poor but much more the institute did not appear to attract sufficient candidates for these training courses even to fill up the quota. Pre-examination courses, therefore, needed serious attention by the Institute and the State Government. The Institute shall have to see that at least sufficient number of candidates are available to fill up the quota kept for each course of study.

8.191 The other wing of the orientation and Pre-Examination Training Division is orientation training course where officials and staff posted in Chotanagpur and Santhal Parganas region are given series of lectures-*cum*-practical training in batches for a duration of about 2 to 3 weeks. Course content are chalked out keeping in mind that any level of worker in the tribal area needs a working knowledge in which all socio-psycho-cultural factors are included which might accelerate the process of development. As per the

report a two week orientation training course on development of Tribal Agricultural Economy was conducted in early February, 1980. It was, however, observed that the desired number of participants could not avail of the opportunity.

Cultural Research Institute, Calcutta

8.192 It was reported that during the year 1979-80, two orientation training courses on tribal life and culture were organised at the Institute. In all 37 officials belonging to different categories who were directly involved in the implementation of welfare programmes for the development of Scheduled Castes and Scheduled Tribes in the State participated in these courses.

8.193 In the absence of more detailed information regarding the training courses conducted by other institutes, it is not possible to give comments in regard to the training programmes conducted by them. *However, in order to give proper orientation to the personnels particularly to the lower level functionaries of Revenue, Forest, Agriculture, Co-operation departments and other non-officials concerned with welfare of Scheduled Castes/Scheduled Tribes the TRIs concerned should organise a comprehensive and realistic training programmes.* It is encouraging to note that in collaboration with the Department of Personnel and Administrative Reforms, Government of India, the Department of Anthropology, University of Ranchi conducted a three week programme (11—29 February, 1980) of training of trainers of all the Tribal Research and Training Institutes of the country, presently engaged in training of functionaries working in tribal areas. Senior and middle level personnels sponsored by various States participated in the course.

8.194 Besides the training programmes conducted by various TRIs in different States, some national level Institutes also conduct training programme on tribal development administration for middle and junior level officers. In this regard, it may be mentioned about a training programme on tribal development administration for middle and junor level officers for central and State Governments and public sector undertakings was conducted by the Indian Institute of Public Administration, New Delhi from January, 14—24, 1980. Officers from *Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan* and *West Bengal* participated in this course.

8.195 The National Institute of Rural Development, Hyderabad has also been organising annually a course on tribal life and development in which, it was reported that specific attention was paid on orienting the economic and development programmes better suited to the tribal culture and ethos with special reference to Integrated Tribal Development Projects. Besides this the Institute have been offering a number of specific courses on strategies for development of the rural poor in which one of the important input relates to alleviation of the economic and special conditions of the Scheduled Castes and Scheduled Tribes During 1979-80 the institute is reported to have conducted the following programmes which touched upon Scheduled Castes and Scheduled Tribes :

(1) Human factors in Rural Development.

(2) Strategies for Economic and Social Development for weaker sections.

(3) Promotion of rural credit.

(4) Development strategies for Agricultural Labour.

(5) Management of development programmes for Small and Marginal Farmers and Agricultural labourers.

Directorates/Bureaus of Economic and Statistics

8.196 Besides the Tribal Research and Training Institute, 31 Directorates of Economics and Statistics were also engaged in undertaking studies on the problem of Scheduled Castes and Scheduled Tribes in the country. It may be mentioned here that the Bureau of Economics and Statistics in various States and Union Territories assume a major role in the planning process by undertaking studies relating to impact of developmental schemes, impact on employment in rural areas and such other studies. As per the information received during the year under report from Directorates/Bureaus of Economics and Statistics of *Himachal Pradesh, Manipur, Maharashtra, Kerala, Punjab* and *Haryana,* the following studies were reported to have been conducted respectively during the year 1979-80.

(1) Evaluation study regarding land to landless Scheduled Caste persons (Himachal Pradesh).

(2) Benchmark Survey of the Manipur West District (Manipur).

(3) Evaluation study of the schemes of supply of electric pumpsets to Adivasi agriculturists (Maharashtra).

(4) Evaluation study of the Minor Irrigation (Maharashtra) Projects benefiting Tribal Sub-Plan areas (Maharashtra).

(5) Evaluation study of the Medium irrigation projects benefiting tribal sub-Plan (area) (Maharashtra).

(6) Socio-economic survey of Tribals in Kerala (Kerala).

(7) Grant of subsidy of Scheduled Castes for purchase of agricultural land (Punjab).

(8) Working of the Punjab Scheduled Castes Land Development and Finance Corporation (Punjab).

(9) Report on Surtapur Farm in Ropar District (Punjab).

(10) Assessment of the benefits accrued to Scheduled Castes from various schemes and programmes in Haryana (Haryana).

8.197 Looking to the number of Bureaus in the country and the information furnished by six of them indicate that the Bureaus concerned have not given priority to the problems of Scheduled Castes and Scheduled Tribes. *It is, therefore, suggested that the concerned Department of Scheduled Castes and Scheduled Tribes of the State and the Tribal Research Institute if there is one and other Universities should decide in-collaboration with each other the studies to be undertaken on different aspects of socio-economic problems faced by the Scheduled Castes and Scheduled Tribe Communities.*

National Level Research Organisations

8.198 Several social scientists in the country were also engaged in research work among Scheduled Castes and Scheduled Tribes. During the year under report the national level research organisations in which these scientists were engaged were approached to furnish information regarding the research work done by these organisations in respect of the problems connected with the welfare of the Scheduled Castes and Scheduled Tribes. The information regarding the research work undertaken by some of these Institutes have been compiled and may be seen at Appendix XCI.

Research Fellowship Awards

8.199 A scheme for the award of research fellowship with a view to encourage a deeper study of the process of socio-economic change in the tribal areas and of tribal communities was introduced by the Ministry of Home Affairs for the first time in 1977. Annually 25 fellowship are awarded to scholars for doctoral and post-doctoral studies, the value of each being Rs. 400 and 600 per month respectively. The scholars are provided with grant for meeting other contingent expenditure including travelling and dearness allowance at prescribed rates. The list of 25 Research Fellowship awards may be seen at Appendix XCII. The researches conducted by these fellows in the tribal areas would no doubt be in clear contrast to library oriented researches or secondary data based researches.

8.200 It was suggested in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1971—73 that funds should be placed at the disposal of the Commissioner for Scheduled Castes and Scheduled Tribes for financing some urgent studies through eminent scholars/institutions. In the budget proposals of this office for the year 1976-77, an amount of Rs. 1 lakh was proposed for this purpose but was not agreed to by the Government. Under Article 338 of the Constitution, the primary function of the Commissioner is to investigate into the working of the safeguards provided for the Scheduled Castes/Tribes in the Constitution. The inadequate research staff sanctioned for this office cannot cope up with the studies that Commissioner would like to be conducted all over the country to evaluate the actual working of these constitutional safeguards. Appreciation of this vital function has been lacking on the part of the authorities concerned. *It is, therefore, urged that the strength of the research staff in this office should be augmented as well as funds provided in the budget of this office to enable the Commissioner to get certain urgent investigations made into the working of the constitutional safeguards provided for Scheduled Castes and Scheduled Tribes.*

Tribal Bench Mark Survey

8.201 It is an admitted fact that for effective implementation, well prepared Project Plan and adequate arrangements for monitoring and evaluation are prerequisites. During the Fifth Plan Period there had been large data gaps in the formulation of ITDPs Although the process of strengthening the existing Tribal Research Institutes in various States has been going on, it is, however, observed that technical inputs in the fields of statistics, rural economy and planning have not been satisfactory. During the Fifth Plan period itself, steps were taken to organise Bench Mark Surveys in States/Union Territories with tribal sub-Plan areas with the intention to collect necessary information on the socio-economic conditions of the people living in the sub-Plan areas and it was emphasised that Bench Mark Surveys should be completed according to time schedule, so that its results could be available for preparing projects in the Sixth Plan period. Thus Bench Mark Survey was started in the Tribal sub-Plan areas of States or Union Territories Administrations except *Andaman* and *Nicobar, Island* and *Sikkim*. These surveys are being conducted either by the Tribal Research Institutes or the Directorate of Economic and Statistics. Available State-wise position is indicated below :—

Andhra Pradesh

The State Government reported that Bench Mark Survey was ready for computerisation at a cost of Rs. 3 lakhs and half of the amount would be provided by Ministry of Home Affairs. The State Government have also informed that evaluation work done among the Chenchus had been completed.

Karnataka

The State Government has informed that preparation of tables from the Bench Mark Survey data has been completed.

Madhya Pradesh

As per available information the State Government has yet to commerce the Bench Mark Survey. The delay was reported to be due to engagement of administrative personnels for scarcity relief operations

Tamil Nadu

The State Government informed that data of the Bench Mark Survey would be analysed soon and results would be made available.

Rajasthan

It is encouraging to note that the State Government of Rajasthan has completed Bench Mark Survey and based on it 7 project reports have also been completed Evaluation of sectoral programmes by the State evaluation Department is also reported to have been started, but it has not been completed so far. The TRI of the State was also expected to take up evaluation of one ITDP. concluded.

Maharashtra

The State Government reported that the field survey had been completed and tabulation was progressing.

Kerala

It is reported that the State Government had not yet taken up the Bench Mark Survey.

Assam

The preparation of tables from the Bench Mark Survey is reported to have been completed. The State/District level reports were expected to be finalised soon.

Himachal Pradesh

The preparation of tables from the Bench Mark Survey is reported to have been completed. The State/district level reports were expected to be finalised soon.

Orissa

The Bench Mark Survey was completed in 1978-79. The State Tribal and Harijan Research Training Institute, in collaboration with the Centre for Regional Ecological and Science Studies in Developmental Alternatives (CRESSIDA) proposes to take up the storing, processing and analysis of the information available from nearly 1.8 million schedules.

Goa, Daman and Diu

The report on Tribal Bench Mark Survey throws light on important aspects relating to the infrastructure facilities available in the sub-Plan areas in the district of Daman. A few revealing facts are given below :

(i) Wells form the main source of irrigation in the rural areas.

(ii) Primary education facilities are well provided for.

(iii) There is no serious problems as such of drinking water supply in the villages, the sources of water being wells and taps.

(iv) All the villages/hamlets are supplied with electricity.

(v) The medical institutions are located at a distance ranging from 1 km to 7 km.

(vi) By and large, postal services are available within 1 to 2 Kilometers.

(vii) The main economic activities are Vegetable cultivation, dairying fishing and salt making.

(viii) The natural endowmens of the tribal areas are rivers, sea, coast, salt pans, palm trees, tanks for irrigation and stone quarries.

(xi) Bus services are available to villagers within half a Kilometre.

(x) The highest level of education among the tribals is SSC whereas in the case of non-tribals it is post-graduate degree.

(xi) About 43.24% of the tribals do not have land and 51.33% have a meagre land of less than 1 hactare.

(xii) As many as 95.43% of the tribals live in their own house.

(xiii) About 28.62% of the total rural artisans are tribals and 9.19% are from Scheduled Caste communities.

(xiv) 47.97% of the total members in the co-operative societies are tribals.

(xv) During the last decade 97.33% of the tribals families had received assistance from the Government 32% for agriculture. irrigation, animal husbandry and village and small industries.

(xvi) 4.85% of the households are indebted to private money-lenders.

(xvii) 51% of the boys and 29% of the girls of the age-group of 6—11 years attend schools.

8.202 Looking at the progress in completing the Bench Mark Surveys by different State Governments and Union Territory Administrations, it is observed that desired progress has not been achieved. *It is strongly recommended that the State Governments/ Union Territory Administrations concerned should gear up their machinery to complete the Bench Mark Surveys, so that data emanating from Bench Mark Survey may be utilised for the projections to be made for sub-Plan areas and Project Reports in the Sixth Plan period.*

Monitoring and Evaluation

8 203 For implementation of right policies and programmes, a strong monitoring and evaluation system is most essential When the programmes and policies are meant for tribal areas, its importance becomes manifold Since the tribal sub-Plan areas are divided into ITDPs and other micro projects, the project administrator is supposed to get feed back from lower functionaries such as Block/ Taluka Development Officer or the concerned district level officers At the district level a review is to be made periodically by the district level authorities While at the State level, the programmes are to monitored by the respective Heads of Departments and co-ordinated by the Tribal Development Commissioner This arrangement is supposed to exist in most of the States However, the system does not adequately throw up the required data to effectively monitor the programmes

8 204 As stated in the previous report the Ministry of Home Affairs constituted a Working Group on Monitoring and Evaluation of Programmes of Tribal Development and Development of Backward Classes in July, 1978 on the suggestion of the Planning Commission The Working Group had suggested *inter alia* a three tier reporting system as below

Level III Reporting—Generate and utilised at integrated Tribal Development project level for planning, decision-making and control Provide data base for level II reporting

Level II Reporting—Emanating from ITDP and submitted to the respective sectoral departments at the State Government level in respect of concerned programmes and in totality to the Tribal Commissioner of the State Government

Level I Reporting—Emanating from the respective sectoral departments at the State level and submitted to the concerned Central Departments/Ministries and from the Tribal Commissioner to the Ministry of Home Affairs

8 205 The Working Group had also suggested a report format However, it is noticed that reliable data from grass root level is not being funnelled upwards as feed back to block ITDP, district, division, State and national levels *Since the Report of the Working Group on Monitoring and Evaluation has already been forwarded to the States it is recommended that implementation of recommendations contained there in, with modifications as may be necessary, should be taken up by the States on priority basis*

8 206 It may not be out of place to mention here that the Planning Commission had already asked the Central Ministries to make their own arrangements for monitoring of programmes for the tribal areas The returns prescribed for the Central Ministries have already been indicated in the report of the above mentioned Working Group In this way each Central Ministry was required to obtain necessary data from field relating to their subjects and monitor the programmes accordingly Since the Ministryw se position is not clear in this respect, it is difficult to know as to what action has been taken by the Ministries concerned in regard to monitoring of programmes for the tribal areas *It is* learnt that the University Grant Commission has set up a special cell in the UGC to monitor the progress made by universities and colleges in the matter of reservation of admission and employment of candidates belonging to Scheduled Caste and Schedule Tribe The cell will also be concerned with formulating new programmes for development of colleges located in predominantly tribal areas in the country These programmes will also be extended to such of the colleges where at least 1/3 of the enrolment is from candidates belonging to Scheduled Tribes

8 207 So far as evaluation of programmes in tribal areas are concerned they are being now done on a selective basis by the Tribal Research Institutes and some other specialised bodies Some States have an evaluation organisation built in the Planning Department and some have it in the State Planning Board and some elsewhere It is appropriate that a national level institute like Vaikunth Nath Mehta Institute on Cooperation has been involved to undertake evaluation of 5 selected LAMPs one each in the State of *Madhya Pradesh, Orissa, Bihar, Rajasthan* and *Gujarat* Similarly, the Indian Institute of Public Administration has also been involved to study administrative structure in a few ITDPs The IIPA has also completed an evaluation study of bonded labour rehabilitation scheme in Tehri Garhwal in *Uttar Pradesh* Reference of the study has already been made elsewhere in this Report *Since right type of evaluation of policies and programmes is a pre-requisite for adequate and proper planning, it is suggested that besides the involvement of national level institutes in evaluation programmes non-official research organisations of repute should also be considered for being entrusted with evaluation of programmes Before entrusting the programmes of evaluation it should be ensured that TRIs and these organizations are fully equipped to take these assignments For an overall assessment Plan Evaluation Organisation of the Planning Commission should also be involved*

CHAPTER 9

DISCONTENTMENT IN TRIBAL AREAS

In the chapters of this Report, on Land & Agriculture and Atrocities, the problems of unrest in tribal areas, land disputes, land alienation, etc., have been highlighted. In this chapter, an attempt has been made to examine all aspects of the question which has created strife and turmoil in the tribal areas all over the country. There is an under-current of resentment against the continued practices of non-tribals to exploit them in collusion with the lower hierarchy of officials. The tribals, by nature, are peace loving and seldom interfere in the rites and customs of the neighbouring communities. But when they find that, the situation cannot be redeemed and an open attack on their life style and their sustenance from the forests and land, is made some leaders within the community come up to give a lead to their stirrings and aspirations. The various political parties try to identify themselves with these movements and absorb them by promising a solution to their age-old grievances. This process has been going on before and after independence. The Britishers pursued the policy of segregating the tribals but our leaders who fought for the independence of the country fully realized the situation and incorporated a number of safeguards in the Constitution to enable the Scheduled Tribe communities to manage their own affairs with adequate funds from the Government.

9.2 About 250 Scheduled Tribe communities speaking about 105 languages and 225 subsidiary languages are scattered in the various parts of the country. The tribal situation presents a picture of diversity. There are some tribal groups which form substantial number whereas there are other groups which number a few hundred. Again, there are some tribal communities which happen to be as advanced as any other comparatively advanced sections of population whereas there are others who have progressed little beyond the life style of primitive communities. Substantial portion of Scheduled Tribes population is concentrated in the States of *Gujarat, Rajasthan, Maharashtra, Andhra Pradesh, Orissa* and *Bihar*. The tribal majority States in the country happen to be *Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Lakshdweep* and *Dadra and Nagar Haveli*. Some of these States are in the North-Eastern part of the country where the Scheduled Tribes form a substantial percentage of State population though their total number is not large. *Nagaland, Arunachal Pradesh, Mizoram* and *Meghalaya* are the States having more than 80 per cent tribal population numbering 19.54 lakhs.

9.3 Grievances and problems of the tribals are long standing ones and were created by the first immigration of outsiders who invaded their home lands and tried to displace them. They often succeeded but at that time there were opportunities for the tribals to recede into interior areas where they could lead their own lives.

Impact of British Administration in Tribal Areas

9.4 Dr. J. H. Hutton, a distinguished author who made a deep study of tribal communities stated, "Far from being of immediate benefit to the primitive tribes the establishment of British rule in India did most of them much more harm than good—It may be said that the early days of British Administration did very great detriment to the economic position of tribes through ignorance and neglect of their rights and customs—many changes have been caused incidentally by the penetration of the tribal country, the opening up of communications, the protection of forests and the establishment of schools, to say nothing of the openings given in this way to Christian Missions. Many of the results of these changes have caused acute discomfort to the tribes". Commenting on this Prof. G. S. Ghurye stated "the acuteness of discomfort was very often so great that it led to apathy, indifference, moral deterioration and even a decline in population".

9.5 The impact of the Government policy on tribals before Independence has been very aptly summed up in the Report of Dhebar Commission in the following manner :—

> "It resulted in reducing the tribals to a state of penury in most parts of India. They were at the lowest level of literacy except in certain parts. Their lands were heavily encumbered and a good portion had already passed into the hands of non-tribals. Their rights in forest were definitely encroached upon. Out-side elements introduced for the purpose of Government and forest work continued to exploit them. On many an occasion the tribals rose in revolt and on many an occasion reforms were ordered but all these proved futile."

9.6 First serious troubles started after the British occupation of India when they tried to take control of the tribal areas as well. This action led to exploitation of tribals by non-tribals and there were some uprisings which were suppressed ruthlessly in the name of law and order. The British Government finally decided on a policy of segregating the tribes into special areas where their lives and interests could be protected. With the passing of an Act in 1874 tribal areas were specified into 'Scheduled Districts' to segregate the tribals in order to protect them. These areas were reconstituted at the time of Government of India

Act 1919 and finally in 1935 more stringent provisions for a special treatment of the tribal areas were incorporated by converting them into 'Excluded and Partially Excluded Areas'. Upto 1947 numerous Acts and regulations were promulgated and reforms introduced.

9.7 After the attainment of Independence, a policy of progressive acculturation of the tribal communities was visualised by abandoning the earlier policy of isolation and segregation. Special facilities were given for the promotion of education, reservations in government services, Parliament and State Legislatures and special financial allocations were made for tribal welfare work. Certain areas considered backward were designated as "Scheduled and Tribal Areas" and provision was made for providing special funds for their development in the process of planning. Protective measures were undertaken by almost all the States to extend relief to indebted tribals, protect their interests on lands and Tribal Research Institutes were established to have better understanding of the tribal life.

Revolts in Tribal Areas during British rule

9.8 *An assessment of the tribal welfare work done so far leads one to believe that the tribal communities have yet to make considerable lee-way to join the mainstream. More strenuous efforts must be made through suitable coordination between official and non-official bodies to accelerate the tempo of development and for better implementation of protective measures.* There are many instances which point out that in case the grievances of the tribals are not suitably attended to their discontent takes the shape of violent agitations and disturbances of law and order. One of the early attempts made by the British to deal with the tribal areas was when they entered Chhotanagpur in *Bihar* about the middle of the 18th century. Their entry was resented and there were a series of disturbances in 1789, 1801, 1807 and 1808 which were put down with the help of armed forces. In 1831-32 there took place Kol insurrection due to discontentment amongst the tribals against the settlement of their lands with out-siders. The tribals also suffered due to arbitrary enhancement of rents, forcible extraction of *begar* and dispossession from their lands. Subsequently attempts were made to introduce agrarian reforms to prevent the lands of tribals from passing into the hands of non-tribals. The most important administrative reform was Regulation XIII of 1833, as a result of which Chhotanagpur was declared a non-regulated area, as it was considered that the Regulations which were intended for the more advanced districts of *Bengal* and *Bihar* were not suited to it. According to the Report of Dhebar Commission, "these reforms and administrative steps, however, more or less remained on paper as the tribals were totally uninformed about them and even if they knew they were too isolated to take any advantage of them".

9.9 In 1855 there was Senthal rebellion on account of oppression by the money-lenders and landlords. In 1869 and 1870 there were disturbances in Dhanbad between the Zamindar of Tundi and Santhals on the question of enhancement of rent and forest rights. Then there was Sardari agitation of 1887 against compulsory labour, periodical contributions, illegal enhancement of rent by landlords. In 1890 the then Lt. Governor Sir Stewert Balley held a conference in Ranchi which resulted in measures to stop the agrarian discontentment. The position, however, did not improve. Simultaneously there were mass conversions to Christianity as many of the tribals felt that they might be protected by the missionaries, but conversions also created a sense of insecurity amongst those who did not convert. In 1895 Mundas revolted under the leadership of Birsa Bhagwan. After the situation was brought under control the Government decided to prepare a complete record of rights. "The inception of settlement and survey operations in Ranchi District was thus a direct outcome of the Birsa Movement".

9.10 In the agency areas of *Andhra Pradesh* there were revolts by the Koya against the oppression of petty officials. The Koya resistants were mercilessly dealt with and their leader Sita Ram Raju lost his life. But due to this movement the forest rules were relaxed and forced labour restrained. This insurrection was preceded by the uprisings in 1803, 1862 and 1879. The 1862 uprising was against the Muttadars who formed a chain of intermediary rent collectors appointed by the British. The Muttadars had been subjecting the tribal population to forced labour and also appropriated their lands.

9.11 The British Government also sent punitive expeditions to *Assam* and *Nagaland,* in 1744 to the Jaintia Hills, between 1850 and 1890 repeatedly to the Lushai Hills and in 1878 to the Naga Hills and in 1912 to the Abor Area.

9.12 Exploitation of tribals had been the cause of many other disturbances such as the Rampa rebellion of East Godavari, the Bastar uprising of 1911 and the Civil Disobedience by the Kond Maliahs of Orissa and by the Tana Bhagats in 1920. Subsequently in the Adilabad District of the then Hyderabad State, many Gonds and Kolams rebelled in 1941 due to alienation of their lands and restrictions imposed by Forest Department.

9.13 The introduction of money economy in the tribal areas has been of comparatively recent origin. Gradually the money-lenders entered tribal areas. It would be relevant to refer here to the condition of Warlis, Thakurs and Kolis described by Mr. J. P. Orr, "The necessity of some policy or other in this direction arises from the notorious fact that by various means, the least iniquitous of which is cajolery, Brahmins, Parsees, Prabhus and Marwaris are getting hold of all land in Dahanu and rack-renting the resident cultivators". Similar conditions prevailed in varying degrees in other tribal areas. The excise policy of the British administration in making the sale of liquor a monopoly and a source of revenue had also devastating effects on the tribal people.

9.14 On the question of the administration of justice in the tribal areas, it is pertinent to quote the remarks

of the late Shri S. C. Roy reproduced in the Report of Dhebar Commission.

> "The British system of law and administraton has further tended to impair the social solidarity of these tribes and has weakened the authority of the social heads or panchayats and the respect they formerly commanded. Until recently, when Government orders validating tribal customary law regarding succession and inheritance were promulgated, the courts often disregarded the customs against inheritance by daughters and applied to them the Succession Act quite inconsistently with the fundamental social structure and ideas of kinship of the tribes. Until recently when rules against alienation of ancestral lands were promulgated by Government, the ancient tribal custom against such alienation was utterly disregarded".

North-East Region

9.15 As mentioned earlier, the tribals of the North-Eastern region resisted the policy of British Government to extend their administration to these areas. This region comprising 5 States and 2 Union Territories, *viz., Assam, Meghalaya, Nagaland, Manipur, Tripura, Arunachal Pradesh* and *Mizoram,* has a strategic geographical and political importance. The region has an international border of 900 Km. with Bangladesh, 130 Km. with Burma and 1050 Km. with the Tibet region of China. Its approach to the rest of India is only through a narrow passage, *viz.*, the North Bengal corridor. Topographically, the different areas of this region are alike, each having hilly terrain, interspersed with valleys. This region was considerad as a very sensitive area where the hill people, mostly tribals, were always concerned that they might lose their identity due to the increasing non-tribal population. To meet their political aspirations, new States were carved out of *Assam.* With the reorganisation of the States, though the political aspirations of the tribals were met, yet their aspirations on the economic front remained unfulfilled. The table given below indicates the percentages of the tribal population in various States/Union Territories in the region, as well as other data showing the low level of their economic development :

S. No.	Indicators of Development	Assam	Meghalaya	Arunachal Pradesh	Nagaland	Manipur	Tripura	Mizoram
1	2	3	4	5	6	7	8	9
1.	Density per sq. km.	186	45	6	31	48	149	16
2.	Decadal population Growth	34.9	31.5	38.3	40.9	37.5	36.3	24.9
3.	%age of tribal of population to total population	10.9	80.48	79.02	88.61	31.18	28.95	94.26
4.	Decadal Growth of Tribal population	37.7	27.3	23.8	33.1	34.1	25.0	20.0
5.	Literacy Rate (%) :							
	(Genl.)	28.14	29.49	11.29	27.40	32.91	30.98	53.79
	(S.T.)	26.03	26.45	5.20	24.01	28.71	15.03	N.A
6.	%age of urbanisation of total population	8.8	14.5	3.7	9.9	13.2	10.4	11.4
7.	%age of Tribal Population urbanised	0.9	8.2	0.9	4.5	4.5	1.2	11.1
8.	Tribals as % of Urban population	1.1	45.6	20.1	37.7	10.6	3.4	92.7
9.	%age of forests to total area in State	35.2	36.6	72.7	17.6	26.9	60.0	61.4
10.	%age of gross irrigated area to total cropped area	18.0	22.7	18.5	33.3	35.7	8.0	11.8
11.	%age of tribal workers engaged in agriculture :							
	Cultivators	86.98	78 45	49 61	89 71	89.47	75.43	N.A.
	Agriculture labourers	5.44	9.60	1.49	0.98	6.42	20.16	N.A.

9.16 It would be seen from the above table that the Scheduled Tribes constitute a predominant majority in 4 States/Union Territories, *viz., Meghalaya, Arunachal Pradesh, Nagaland* and *Mizoram.* In other States *viz.. Assam, Manipur, Tripura,* though the Scheduled Tribes do not constitute a majority, yet they are concentrated in the Hills areas. Thus, as a whole, the North East Region has a majority of tribal population. It would also be seen that a predominant majority of tribal workers were engaged in agriculture and only a very small percentage in secondary and tertiary sectors. A large number of them were engaged in the primitive practice of shifting cultivation with the resultant soil erosion and denudation of forests leading to the average yield being very low. A very small percentage of the total cropped area was under irrigation which further reduced the yield.

9.17 Another factor responsible for the increasing pressure on land in the region was the large influx* of non-tribal population from the neighbouring Bangladesh as well as from other areas of the country. Apart from increasing the pressure on land, the non-tribals started to exploit the tribals by adopting various unscrupulous methods like money lending and ultimately alienated large portions of their lands, in spite of the legislation to check the same. Thus, economically the tribals were very backward and this was a major cause of the unrest among them.

9.18 The different States/Union Territories in the region have natural resources like oil and gas, minerals, hydro-power potential, forests etc., but the level of exploitation of these resources is very low in almost all the areas. The region has another common problem of inadequate transport and communication facilities with the rest of the country, like the railways and airways. The region is thus economically, one of the most backward in the country.

9.19 Educationally also the Scheduled Tribes were lagging far behind the non-tribals as would be seen from the percentages of literacy among them. The unemployment among the educated tribals has created frustration among them.

9.20 With the large influx of non-tribals into the region, the tribals began to feel insecure lest they should be completely dominated by the former. It was in this context that a movement in various States of the region was started a couple of years back for the detection and deportation of foreigners. The region, specially *Assam* and *Tripura* remained disturbed due to violent agitation on this account leading to loss of life and property. *Mizoram, Nagaland* and *Manipur* also remained disturbed. The Central and the State Governments concerned made serious efforts and brought peace in the area. However, a long-term solution to the problem is yet to be found and to that end the Central and State Governments are continuing their efforts by holding discussions with the organisations concerned, side by side with schemes for alround development of the region.

Poor representation in the legislatures and local bodies

9.21 The tribal people were not adequately represented in the legislatures and local bodies. It is significant to point out that there were only 24 tribal representatives in the Provincial Legislative Assemblies under the Government of India Act, 1935 against a total number of 1,535 members. In the Central Provinces and Berar, where the tribals numbered as much as 20 per cent of the population, only 1 seat was reserved for them in the Legislative Assembly. Madras and Bombay also had only one seat apiece. In *Bihar* there were seven. In the Central Assembly out of a total number of 250 seats, there was no provision for a seat for the tribal people.

9.22 After the attainment of Independence a good deal of developmental work has been undertaken in the tribal areas but it is difficult to say that the tribal sections have been able to get a fair deal. It will be seen from the information given in the Annual Reports of the Commissioner that majority of the tribal population continues to be backward in matters relating to educational and economic development. Their lands have been heavily encumbered and a good portion has already passed into the hands of the non-tribals. Their rights in forests have been encroached upon. Outside elements continue to exploit them. They have also suffered on account of the diseases such as V.D. etc. which were brought to the tribal areas on account of their contacts with outsiders. In some of the areas their womenfolk have been exploited and tribal associations have been looked down upon. Many of the tribal areas have been subjected to a good deal of development but its impact has not improved the condition of tribals. There have been instances in which development of tribal areas has resulted in setbacks to the interests of tribal population. The external aggression faced by the country in the past has proved that the Indian frontiers towards Tibet would not be considered safe if the tribals who inhabit the sub-Himalayan region are not well integrated in the Indian Nation.

9.23 Brief description about the conditions prevailing in tribal areas has been given only to suggest that much more remains to be done to create a feeling of confidence and security amongst the tribal population so that they may be able to join the mainstream. Statewise details regarding tribal population of area, enrolment in educational institutions, primitive groups, poverty and other associated factors depicting lower level of development in tribal areas are indicated in the subsequent paras.

TRIPURA

Basic Data

9.24 Basic data indicating the changes in the demographic structure of the State during the last four decades as well as the level of economic and educa-

*Percentage of decadal growth of population in the region from 1941 to 1971 may be seen at Appendix XCIII.

tional development of the Scheduled Tribes in the State, are given in the tables below :—

Year	Total population	Tribal population	Percentage of S.T. population to the total population
1	2	3	4
1931 . . .	3,82,450	1,92,249	50.26
1941 . . .	5,13,010	2,56 991	50 09
1951 . . .	6,30,029	1,92,293	30.09
1961 . . .	11,42,005	3,60,070	31.52
1971 . . .	15,56,342	4,50,544	28.94

Tribal Sub-Plan area

Total population	4.92 lakhs
Scheduled Tribe population . .	3.44 lakhs (69.92%
Percentage of Scheduled Tribe population under sub-Plan to total Scheduled Tribe population in State	76.27
Percentage of area covered under sub-Plan	63.75

I.T.D.Ps.

Total number.	3
Prepared so far	1

Main tribes

Tripura, Tripuri or Tipperah, Reang, Jamatia, Chakma, Halam, Mog, Noatia, Kuki, Garo, etc. . .

Primitive Tribe . . . . . Reangs

	Rural	Urban	Combined
Percentage of total population below poverty line .	64.28	26.34	34.73

Occupational pattern among the Scheduled Tribes

Total number of Sch. Tribe workers . .	1,42,134
Cultivators	75.36%
Agricultural labourers	20.14%
Live stock, Fisheries etc.	1.23%
Other occupations	3.27%

Number of educated unemployed Sch. Tribes registered with employment Exchanges

Matriculates	676
Intermediate	244
Graduates	63

Percentage of Literacy

	Male	Female	Total
General	40.56	20.55	30.87
Scheduled Tribes . .	23.60	6.04	15.03

Enrolment ratio (1977-78)

	Classes I—V	Classes VI—VIII
General	78.7	34.8
Scheduled Tribes	53.5	15.2

Some of the main causes of tension between the tribals and non-tribals in the State are discussed in the subsequent paras.

Pressure on land

9.25 Sixty per cent of the area of the State consists of hills and mountains where plough cultivation is not possible. A large portion of the rest of the land is 'tilla' land where round the year cultivation is not possible. There is a lot of pressure on the limited land available for cultivation, with the result that, out of the total of 2.5 lakhs operational holdings in the State, more than 1.14 lakhs are below 0.5 hectare and about 0.58 lakh holdings are below 1 hectare. Apart from the uneconomic holdings, it may be stressed that the whole State is almost a single-crop area with less than 10 per cent of the cultivated land having assured irrigation facilities. The State's total population increased from 3.82 lakhs in 1931 to 15.56 lakhs in 1971—an increase of almost 400 per cent, which was mainly due to the influx of Refugees from Bangladesh. As would be seen from the population table given above, the Scheduled Tribes who constituted a majority in the State up to 1941 Census, with more than 50 per cent of total population, were reduced to a minority with 30.09 per cent population in the 1951 Census and further reduced to 28.94 per cent in 1971 Census. The main grievance of the Scheduled Tribes thus is that, they have been reduced to a minority in their own land. This demographic change has caused sharp estrangement between the tribals and the non-tribals who are mostly Bengalis.

9.27 The revolt by the Reangs in 1942-43 against the Maharaja of Tripura and the armed struggle in 1949—52 were the fore-runners of political movements among the tribals. Other important factors which inflamed the situation were the uprooting of tribals from the furtile Raima Sharma Valley of Amarpur for a hydel project and extinguishing the rights of the tribals on the reserved forest area granted during the Maharaja's time.

Land alienation

9.28 It is in this background that, land has emerged as one of the most important causes of tension between the tribals and the non-tribals. According to the 1971 Census 95.4 per cent of the Scheduled Tribe workers were engaged in agriculture, out of whom 75.36 per cent were cultivators and 20.14 per cent were agricultural labourers. A large number of tribal families continued to practise jhum cultivation. With the influx of non-tribals, who were allowed by the then Princely State to reclaim land by clearing forests, large areas of tribal lands were alienated to the non-tribals by different methods like *'Dhakal Bikri'* or sale of possession in which the tribal was given a receipt for land though the price paid was only nominal. The process of alienation of tribal lands was further hastened when the money-lenders and petty traders started going to the interior tribal areas. The money lenders advanced loans to the tribals against land. In some cases, for a loan of Rs. 200, 5 bighas of land had to be mortgaged.

Default in repayment of loan often led to forced transfer of land. According to a study, 80 per cent of the tribal land in Kanchanpur area in North Tripura had been grabbed by non-tribals by unscrupulous means. In another study by the Tribal Research Bureau of the State Government in 1974, it was found that in Mohanpur Block near Agartala, 36.5 per cent of the tribal residents had suffered on account of land alienation and over 81 per cent were heavily indebted to the village money lenders.

9.29 In order to stop further alienation of tribal lands to non-tribals, the Tripura Land Revenue and Land Reforms Act 1960 was enacted. It provided that transfer of land from a tribal to a non-tribal could be made only with the permission of the Collector. It also gave preference to Scheduled Tribe persons in the allotment of Government land for agriculture or housing. The Tripura Land Revenue and Land Reforms (Second Amendment) Act, 1974 also made provision for the restoration of tribal lands alienated on or after 1-1-1969 in contravention of the Act. According to available information, one lakh petitions for restoration of tribal lands were received, out of which only 4,300 were disposed of in favour of the petitioners restoring about 7,700 acres of land upto the end of March 1980.

9.30 No doubt, the above mentioned legislation brought some relief to the tribals but they are discontented about some of its features also. Firstly, they are dis-satisfied that only lands alienated after 1-1-1969 will be restored which according to them means that lands alienated before that date stand legally transferred to the non-tribals. The tribals want that all their lands which were alienated when the refugee influx began after partition, should be restored to them. *This demand appears to be quite genuine and the State Government should consider the desirability of including the tribal lands alienated before* 1969 *also within the purview of the Amendment Act,* 1974.

9.31 The second grievance of the tribals is that the pace of restoration of alienated lands has been extremely slow and at this rate they may never be able to get most of their lands back. *The State Government should take necessary action to speed up the process of restoration of tribal lands under the Amendment Act mentioned above.*

9.32 Another cause of friction between the tribals and the non-tribals is the view reported to be held in some quarters that the restoration of alienated lands to tribals renders, a number of non-tribal peasants who have been cultivating these lands since they were uprooted from Bangladesh, landless. They have apprehensions that they would be uprooted again when the lands being cultivated by them are given back to the tribals under the Act. Thus, psychologically they feel insecure leading to tension between them and the tribals. *The State Government has a scheme to rehabilitate the non-tribals from whom land is taken for restoration to the tribals, under which they are to be absorbed in plantations or given alternative lands. While the alienated tribal lands should be restored expeditiously, the above mentioned scheme, needs to be pursued vigorously to remove the above source of tension.*

The Tripura Tribal Areas Autonomous District Council Act, 1979

9.33 Yet another cause of tension between the tribals and non-tribals is the demand of the former for more share in Government. The tribals wanted that Schedule VI of the Constitution should be made applicable to the State. The State Government enacted the Tripura Tribal Areas Autonomous District Council Act, 1979 on 20-7-1979 when it received the assent of the President. It envisaged the establishment of an Autonomous District Council for an area of 7.132 sq. Kms. falling within 462 revenue villages. The District Council was to have the powers, *inter-alia* to manage land (other than land within reserved forest area), regulate trade and money lending, levy taxes, establish and supervise administration of justice, through village councils. As a matter of fact, it envisaged practically all the safeguards and powers to the tribal communities as would have been available under Schedule VI. The formation of the proposed District Council was opposed by the non-tribals since they feared that it would divide the State between tribals and non-tribals and would also jeopardise their interests. The Act was therefore challenged by them in Gauhati High Court. The Court upheld the Act but struck down Section 35(2) in respect of money lending and trading by non-tribals. However, there was a note of dissent on the validity of Section V of the Act which provided that not less than three fourths of the 28 seats of the Council should be reserved for the Scheduled Tribes. In view of the dissenting note, the case was brought before another Bench of the Court whose decision was awaited.

Economic Disparity

9.34 An important factor underlying the tension between the Scheduled Tribes and non-tribals is the wide gap in the economic development of the two groups. Tribal development programmes under the tribal sub-Plan are yet to make their impact in raising the economic status of the Scheduled Tribes. Even the State Government has admitted that the benefit of various schemes of modern education, communications and health care had remained concentrated in the Western areas of the State, leaving large areas in the Eastern parts mainly inhabited by the Scheduled Tribes, lagging far behind, in this regard.

9.35 It was learnt that out of the total number of 21,000 tribal jhumia families, only 7,000 had been settled upto 1979, still leaving about 14,000 families to be settled. This is a source of discontent among the tribals. The State Government had taken up a programme for the resettlement of jhumias but it has not shown the desired impact even though large investments had been made under it. In spite of a proposal to prepare an integrated project, a large number of

schemes under different State Departments had continued in an uncoordinated manner. *The State Government should, therefore, take early steps to integrate the schemes for jhumia resettlement through a nodal authority, in order that the programme is implemented in a coordinated way.*

Exploitation by traditional money-lenders

9.36 A major source of the exploitation of Scheduled Tribe persons specially, the tribal jhumias, has been and still is the traditional money lender, who holds the tribals firmly in his clutches, charging exorbitant rates of interest and ultimately alienating their lands. This sort of exploitation has been possible because commercial banking facilities in the tribal areas are quite inadequate. As a step to remedy this situation, the Tripura Agricultural Indebtedness Relief Act, 1979 was enforced, in order to effectively and completely extinguish the debts of small and marginal farmers, landless labourers and artisans, as on 31st March, 1979 and also for the restoration of the mortgaged land and return of the pledged property.

Political tension

9.37 The emergence of the two organisations, *viz.,* the Tripura Upajati Juba Samiti (TUJS) and the Amra Bengali with distinctly opposing ideology and policy, contributed in giving shape to the prevalent tensions between the tribal and non-tribal population of the State. The former, a tribal organisation was formed in 1967 comprising the tribal youths with a view to agitating for the various demands of the tribals in the State. The TUJS also formed a militant organisation, *viz.,* SENGKRAK. The Amra Bengali emerged in 1972, with a view to protecting the interests of the Bengalis. It was banned from 1973 to 1975 but revived in 1978. The activities of the above mentioned two organisations resulted in hostility between the tribals and the non-tribals.

Violent incidents

9.38 It was in this explosive situation full of suspicion and hatred between the tribals and non-tribals that a minor incident in the market at Lambucherra (West District) on 6-6-1980 sparked off major incidents of violence involving mass killings and arson. Both tribals as well as non-tribals lost their lives and property at Mandai, Maharani, Ompi, Amarpur and other areas in West and South Districts of the State. According to the State Government, 539 persons lost their lives out of whom 69 were tribals. The number of villages affected was 156 and that of hamlets 519. In all, 34,661 huts were gutted in fire out of which 11,025 belonged to tribals. The total loss of property was to the extent of Rs. 20.91 crores out of which the loss suffered by tribals amounted to Rs. 4.43 crores. About 3.72 lakh persons were affected by these incidents out of whom 1.44 lakhs were tribals. The State Government provided prompt relief and rehabilitation measures by starting a large number of refugee camps.

9.39 It has been observed that the economic and other causes leading to the tension between tribals and non-tribals in the State are still continuing.

MANIPUR

Basic Data

9.40 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :—

Total population	10.73 lakhs
Scheduled Tribe population	3.34 lakhs (31.13%)
Sub-Plan Area	
Total population	3.48 lakhs
Scheduled Tribe population (5 Hill districts)	3.13 lakhs (89.94%)
Percentage of Scheduled Tribe population in sub-Plan to total Scheduled Tribe population in State	93.71
Percentage of area covered under sub-Plan	90.03
I.T.D.P.	
Total	5
Prepared	..

Percentage of total population below poverty line (1977-78)

Rural	Urban	Combined
30.53	25.48	29.71

Percentage of literacy (1971)

	Male	Female	Total
General	46.16	19.22	32.80
Scheduled Tribes	38.64	18.87	28.71

Enrolment ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	118.5	53.5
Scheduled Tribes	146.3	54.2

Occupational structures of Scheduled Tribes workers in the State (1971)

Cultivators	89.47%
Agricultural labourers	6.42%
Others	4.11%

Number of educated unemployed Scheduled Tribes registered with employment exchanges (1979)

Matriculates	3,605
Intermediates	988
Graduates	815

9.41 In *Manipur,* though the exploitative practices of the non-tribals against the tribal population are not altogether absent, yet, these are not wholly responsible for the tribal unrest in the State, the main causes thereof being the regional imbalances in the economic and educational development of the hills and plains areas and the backwardness of the Scheduled Tribes in other fields. Some of these causes are discussed in the following paras.

Economic backwardness of the Scheduled Tribes

9.42 The tribal population of the State is concentrated in the 5 hill districts, where they constitute an overwhelming majority, *viz.*, 90.0 per cent. The area in these districts is hilly and the density of population is very low. The predominant majority of the tribal population in the State, *viz*, 95.89 per cent are engaged in agriculture, but of whom 89.47 per cent are cultivators and 6.42 per cent are agricultural labourers. 'Jhuming' or shifting cultivation is their principal mode of cultivation in the hill areas, which indicates the primitive nature of agriculture. No survey to ascertain the population and area involved in shifting cultivation has so far been carried out. It is, however, estimated that about 60,000 hectares of land is under this mode of cultivation. Thus, the economy in the tribal areas of the State is essentially at a subsistence level, which is certainly not conducive to contentment among the population. *It is necessary to gradually divert the tribal population from shifting cultivation to permanent cultivation in terraced land on hills as well as to Horticulture and Forestry. With vast forest land and sparse population, the tribal areas in the State have also great scope for the development of animal husbandry and poultry. Handloom weaving and manufacture of handicrafts also have considerable scope if necessary inputs and marketing of finished products can be assured.*

Land alienation

9.43 Most of the land in the tribal villages belongs to the village community, for all practical purposes. The problem of alienation of tribal land, though not acute, exists in the areas bordering the hills districts and valley districts. The alienation in such cases is mainly to cultivators of Nepali origin. The educated sections of the tribal population are very conscious of this problem and want to stop further alienation and also restoration of the lands already alienated. The transfer of tribal land to non-tribals has been restricted by law but no action has so far been taken by the State Government for the restoration of the tribal lands. This causes a lot of discontent among the tribals. *Special measures on the part of the State Government for the restoration of alienated land, are therefore urgently called for.*

Drinking Water

9.44 Tribal villages in the State are located on high hills, leading to shortage of water which is normally collected from springs, sometimes after covering long distances in hilly terrain. According to a survey, there were about 1700 villages and hamlets in the sub-Plan area, out of which only 535 villages had been covered with some sort of water supply schemes upto 1977-78. This leads to a lot of dissatisfaction among the tribals. *Various water supply schemes, like Rural Water Supply Scheme, Accelerated Rural Water Supply Scheme, etc., should therefore be stepped up to solve the problem.*

Educated un-employment

9.45 There is acute problem of unemployment among the educated tribal youths who aspire for white collar jobs. 3,605 matriculates, 988 intermediates and 815 graduates were registered with employment exchanges as on 31-12-1979. They are a discontented lot and can be easily exploited by interested people to create unrest in the tribal areas. *Unemployment among the educated tribals is, therefore, required to be removed early by providing to them various avenues for employment.*

Communications

9.46 A major bottleneck in the development of the tribal areas in the State is the lack of proper means of communications. The coverage of roads in the State was only 12 Kms. per 100 sq. Kms., as against the national average of 39. In the case of hill areas inhabited mainly by tribals, the coverage was far below the 12 Kms. mark. There is no railway in the State. In the absence of good communications, the State, and specially the tribal areas therein, remain secluded and cut off from the mainstream of national life. The tribals have also to face lot of hardships in travelling to different places. *It is, therefore, desirable that all the District and sub-Divisional headquarters and other important centres should be connected by a net work of good roads, at an early date.*

Autonomous District Councils

9.47 Six Autonomous District Councils, created under the Manipur (Hill Areas) District Councils Act, 1971, started functioning in 1973. There is one Council in each of the five Hill Districts except in the North District, in which there are two councils. These councils have been entrusted with some developmental and executive functions. The programmes coming within their purview include primary education, medical and veterinary dispensaries, construction and maintenance of inter-village roads and execution of soil conservation schemes. *The implementation of these programmes by these councils, in the tribal areas needs to be stepped up.*

Regional Imbalances

9.48 Lack of economic and other development is more acute in the 5 Hill districts predominantly inhabited by the Scheduled Tribes, than that in the Plains areas constituting the Central District. After the inclusion of the hills districts in the tribal sub-Plan, development work in that region has started but the progress so far is not very satisfactory. This sort of regional imbalance in the hills and plains areas has created bitterness among the tribals in the hills Districts. The All-tribal Students Union of the State has been complaining of harassment, neglect and insult from the dominant Meitei Community, which reflected the growing antagonism between the hill tribals and the people of the plains areas.

9.49 It may be pertinent to point out here that the law and order situation in the State was disturbed for some time during 1980, due to the violent activities

of the Meitei extremists and as a result of the agitation launched by students' organisations in the State demanding detection and deportation of foreign nationals. These disturbances were however confined to the Central District and areas inhabited by the tribals were completely free from disturbances. It was reported that the tribals had started an anti-Meitei movement in the state. Insurgency in *Nagaland* and *Mizoram*, also had its impact on the bordering areas of *Manipur*. The State also has a border with Burma which poses a direct problem of insurgency. The situation is thus quite explosive. *It is, therefore, desirable that urgent steps should be taken by the Central and State Government to remove the regional imbalances in the State by accelerating various development programmes in the Hill districts, in order to defuse the situation.*

MIZORAM

Basic Data

9.50 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the Union Territory are given below :—

Area	21,019 Sq. Km.
Total population	3.32 lakhs
Scheduled Tribe population . .	3.13 lakhs (94.28%)

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	95.00	57.00
Scheduled Tribes	N.A.	N.A.

In *Mizoram*, the causes of tribal unrest are not to be found in the exploitative activities of the non-tribals but in its economic backwardness and some other factors which are discussed in the following paras :—

9.51 The Union Territory which was constituted in 1972 out of an earlier District of *Assam*, has a predominant Scheduled Tribe population, *viz.*, 94.28 per cent. It was not, therefore included in the tribal sub-Plan because the development plans of the Union Territory were primarily meant for the Scheduled Tribes themselves.

Primitive agriculture

9.52 There were about 60,000 families in the Union Territory of whom about 50,000 families were engaged in agriculture. Leaving aside about 10,000 families, who were in the process of permanent settlement, about 40,000 families were still carrying on agricultural production by means of the practice of 'jhuming' or shifting cultivation. Thus, a predominant majority of the tribal population in the Union Territory was still engaged in *jhuming*, which had an average yield of only 600 Kg. of rice per hectare as against the all-India average rice yield of 1152 Kg. per hectare. As a result, most of the tribals in the Union Territory are at a subsistence level of economy. It is proposed by the Union Territory Administration to settle about 30,000 shifting cultivators on permanent cultivation during the Sixth Plan period.

9.53 Land in the Union Territory is one of the largest unexploited resources. It was learnt that, at present about 5 per cent of the total area of the Union Territory was under cultivation (including shifting cultivation). A sample survey had revealed that there was a scope and potentiality of bringing at least 16 per cent of the total land under cultivation. It is proposed to cover 4 per cent additional area of land under cultivation during the Sixth plan period. Thus by the end of the Sixth Plan, in addition to the existing 1 lakh hectares of land under cultivation, 90,000 hectares of more land will be brought under cultivation. *This programme needs to be implemented efficiently in order to raise the agricultural production in the Union Territory and also to settle the shifting cultivators on settled cultivation.*

9.54 The Territory has to depend on other States for almost 2/3rd of its food requirements. The main factors responsible for an inadequate production of foodgrains, in addition to shifting cultivation are frequent security operations and grouping of villages due to security reasons, the Thimgtam famine in 1977-78, inadequacy of roads, transport and irrigation facilities. As a matter of fact, village economy in the Territory was virtually crippled in the process of grouping and subsequent degrouping of villages on security grounds. Frequent disturbed conditions in the neighbouring States and disruption of communication on the main road between Cachar District and Aizwal also proved a serious bottleneck in food production, in the absence of any rail and air services with the rest of the country.

Industries

9.55 The entire Union Territory is industrially, extremely backward. It has not been possible to achieve much in the field of industrial development. Lack of technical know-how and shortage of skilled labour is a major hurdle in the way of industrial advancement. Till recently, industrial development in the Union Territory was practically confined to village and small types of industries only, *e.g.*, handlooms, handicrafts, knitting and tailoring, etc. Most of the above mentioned village industries were also practically restricted to the extent of meeting only the domestic needs of the articles and no systematic efforts were made to organise the skilled workers into cooperative sectors. There is scope for the establishment of a paper mill and plywood manufacturing factory in the large industries sector due to the abundance of bamboos and timber required for the purpose. However, so far these factories had not been established. Under the village and small scale industries sector, it was proposed to set up a mini sugar plant in the Sixth Five Year Plan. *It is desirable that the above mentioned factories in the large as well as village industries*

sectors should be set up as a time bound programme in order to increase the industrial production as well as to create additional avenues of employment for the tribal youths.

Communications

9.56 From the point of view of internal and external communications, the Union Territory is the most backward area in the country. Roads are the only means of communication there, due to the peculiar hilly terrain and there are no railways. Large areas in the territory are actually inaccessible. It is located between Burma and Bangladesh and has only a single narrow link road with the rest of the country through the Cachar District of *Assam*. The tribal population therefore feel great difficulty in moving about in the territory and also in transporting goods from one part of the territory to the other. Attempts have been made to include new road schemes in the Union Territory in the Sixth Plan.

Rural Electrification

9.57 Up to the end of December, 1980 only 2 towns and 28 villages in the Territory were electrified. It was revealed in a recent survey that the perennial rivers of the territory have the potential to generate 1400 M.W. of assured electricity with prospects of producing an additional 600 M.W. *These resources should be urgently tapped to provide the required electricity to the tribal population for consumption as well as for productive purposes.*

Drinking Water

9.58 Water supply for drinking purposes is very scarce in the Territory and during the dry season it is sometimes sold for Rs. 2.00 for every 20 litre.

9.59 It was in this background of a very low level of economic development in the Union Territory that the tribal population were exploited by interested parties for political ends. Since the Territory has an international Border with Burma, it had an acute problem of insurgency. The result was the frequent violent activities of the Mizo National Front which had issued 'Quit Mizoram Notice' in June, 1979 requiring all non-Mizos to leave the Union Territory by the 1st July, 1979. This situation was also influenced by the fall-out from the agitations in the neighbouring States of *Assam, Tripura* etc.

9.60 In pursuance of the efforts of the Government of India to bring about complete normalcy in the Territory and meetings of the M.N.F. leader, Shri Laldenga with the Prime Minister in 1980, an agreement was reached, according to which, the M.N.F. agreed to stop all underground activities with effect from 1-8-1980. The Government also decided to suspend operations by the security forces from that date excepting cases of clandestine crossing of international borders and normal law and order.

NAGALAND

Basic Data

9.61 Basic data indicating the population and level of economic and educational development of the Scheduled Tribes in the State are given below :—

Total population (1971)	5.16 lakhs
Scheduled Tribe population	4.58 lakhs (88.76%)
Location	—The State is bordered Assam on the Northern and Western sides, Bangladesh (International Border) and Arunachal Pradesh on the Eastern side and Manipur on the Southern sides.

Occupational distribution of Scheduled Tribe workers :

Cultivators	89.71 per cent
Agricultural labourers	0.98 per cent
Others	9.31 per cent

Percentage of total population below the poverty line in 1977-78

Rural	Not available
Urban	4.11
Combined	4.11

Percentage of literacy (1971)

	Male	Female	Total
General	34.42	19.21	27.33
Scheduled Tribes	30.17	17.68	24.01

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	167.5	75.8
Scheduled Tribes	165.4	126.5

Number of educated unemployed registered with the employment exchanges :

Matriculates	493
Intermediate	57
Graduates	44

The causes of tribal discontent in the State lie not in exploitation by non-tribals but in the economic backwardness of the State as well as the problems created by the activities of the insurgents coming across the international border. Some of these causes are discussed in the following paras :—

9.62 The whole of the State is hilly with a predominant majority of Scheduled Tribes who constitute about 89.00 per cent of the total population. The State has

not been included in the tribal sub-Plan because all its developmental plans were primarily meant for the Scheduled Tribes themselves.

9.63 It would be seen from the above table that agriculture is the main occupation of the people in the State and 90.09 per cent of the tribal population is engaged in agriculture. However, the methods of agriculture were still primitive and *jhuming* or shifting cultivation was still dominant. This practice was still being carried out in an area covering about 70.00 per cent of the total cultivated area in the State, with the result that the average yield of foodgrains was very small and foodgrains had to be brought from other States. The State Government were making efforts under various schemes to settle the shifting cultivators on permanent cultivation. The agricultural backwardness of the State was mainly responsible for the alround under development of the State.

Minor irrigation

9.64 There is no scope for large or medium irrigation in the State. The minor irrigation works so far undertaken are mostly diversion channels from hill streams. Since the hill streams in the State are rain-fed, all these go dry in winter. As a result, the major part of the irrigated area is only for one crop during kharif season. Survey and investigation of both surface and ground water resources was in progress and needs to be stepped up in order to provide assured irrigation round the year.

Communications

9.65 Roads are the only means of transport in the State. However, in spite of the priority given to the development of road transport, the progress has not been very satisfactory, mainly because of the hilly terrain. Even a number of administrative headquarters are yet to be connected by dependable roads and most of the sub-Divisional Headquarters are not connected by bus service. Out of more than 960 villages in the State, 557 villages had been connected by roads by the end of the Fifth Plan period. During the Sixth Plan, it was proposed to connect about 61 more villages with roads. Since roads are the only means of transport in the State, the programme of road development should be stepped up.

Industries

9.66 The State has not made much headway so far as modern industry is concerned. Only 4 medium-sized factories were established during the Fourth and Fifth Plans for the manufacture of sugar, paper and plywood etc. Although there are great potentialities for setting up various medium and small scale industries based on various agricultural and forest products, the same have not so far been exploited to a great extent due to lack of transport facility, difficult terrain and shortage of technical manpower. The surveys conducted by the Geological Survey of India and the State Department of Geology and Mining revealed that the State was endowed with vast reserves of coal, limestone, magnetite and other valuable minerals. *It is desirable that these resources should be exploited early to establish modern industries in order to create employment opportunities as well as to increase the industrial production in the State.*

Power

9.67 Generation of power in the State has so fat been neglected. Bulk of the power was being purchased from *Assam*, which resulted in its high cost. Moreover, *Assam* was not able to meet the full requirement of the State and there was acute shortage of power in the State. The State has 960 villages, out of which 270 villages had been electrified by the end of 1978-79 which constituted 28 per cent of the total number of villages and covered about 40 per cent of the population. It was expected that by the end of 1980-81, 345 villages would be electrified.

Drinking water supply

9.68 Hardly 30 per cent of the population in the urban areas of the State were provided with protected and safe drinking water up to the end of 1977-78. In the rural areas of the State all the 966 villages and 122 hamlets were declared as "problem villages", so far as drinking water supply was concerned. Out of these, about 430 villages were earlier provided with water supply facilities in some way or other through pipes, wells, small storage tanks etc. But some of these systems became inoperative due to drying up of sources in the hills. By the end of Fifth Plan period, only 239 villages were having dependable water supply system. Thus, out of 1,088 villages and hamlets, 839 did not have proper drinking water supply system at the end of 1977-78. *The implementation of the various water supply schemes, therefore, needs to be stepped up.*

Educated unemployment

9.69 A large number of educated tribals were unemployed in the State. For example, 493 matriculates, 57 intermediates and 44 graduates among the Scheduled Tribes were registered with the Employment Exchanges in the State at the end of 1979. This causes a lot of frustration among the educated tribal youths. *It is desirable that employment opportunities in the State should be increased by speedily implementing various development programmes.*

9.70 In addition to the above mentioned causes, on account of which the State remained economically very backward, the problem became more serious with the activities of the insurgents from the neighbouring country, which arrested the pace of economic growth in the State. The situation was exploited by vested and anti-national elements and the State witnessed a series of violent incidents. After signing of the Shillong Agreement in 1975 peace has prevailed in the State. The agitation in *Assam* for the deportation of the foreign nationals also had its influence on the prevailing situation in the State. Efforts were being made by the Government of India to solve the Naga problem, in consultation with the leaders of the former underground Nagas.

ASSAM

Basic Data

9.71 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State, are given below :—

Total population	141.70 lakhs
Scheduled Tribe population	13.44 lakhs (9.48%)
Sub-Plan area :	
Total population	17.67 lakhs
Scheduled Tribe population	9.67 lakhs (54.73%)
Percentage of Scheduled Tribe population under sub-Plan to Scheduled Tribe population in State	71.95 per cent
Percentage of area covered under sub-Plan	14.96 per cent
Integrated Tribal Development Projects :	
Total	19
Prepared	1

Percentage of total population below poverty line (1977-78)

Rural	Urban	Combined
52.65	37.37	51.10

Occupational distribution of tribal workers (1971)

Cultivators	86.98 per cent
Agriculture labourers	5.44 per cent
Other occupation	7.58 per cent

Percentage of literacy (1971)

	Male	Female	Total
General	37.74	18.91	28.81
Scheduled Tribes	34.62	17.16	26.03

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	69.7	36.2
Scheduled Tribes	68.8	39.7

Number of educated unemployed Scheduled Tribes registered with Employment Exchanges (31-12-1979)

Matriculates	5,158
Higher Secondary/Intermediates	1,120
Graduates	541

The main causes of tribal discontent in the State are discussed in the following paras :—

Economic Backwardness

9.72 The tribal economy in the State is predominantly agrarian. About 92.42 per cent of the Scheduled Tribe workers were engaged in agriculture, out of whom 86.98 per cent were cultivators and 5.44 per cent were agricultural labourers. The pressure on land had increased due to an unusual increase in the population of the State on account of the large influx from Bangladesh. The growth in this State population was 19.93 per cent during 1941—51, 34.98 per cent during 1951—61 and 34.95 per cent during 1961—71. The level of agricultural techniques, being traditional, was low and the tools and equipments used were primitive, leading to low yield. Due to the subsistence level of cultivation the income level was very low. This could be substantiated from the fact that 52.65 per cent of the population in the rural areas of the State was below the poverty line. The economy of the Scheduled Tribes was characterised by uneconomic holdings, small capital inputs, low productivity, chronic indebtedness and participation of a very small percentage of their population in the secondary and tertiary sectors. Their economic uplift depends very much on how fast they can be initiated into scientific agriculture with particular emphasis on crop intensity and higher productivity.

Indebtedness

9.73 Another serious problem among the Scheduled Tribes of the State was indebtedness which was wide-spread and chronic. According to a socio-economic survey, about 50 per cent of the tribal families were in chronic debt, the main source of loans being the private money lenders who provided more than 70 per cent of the loans at interest rates ranging up to 100 per cent. Another survey in Goalpara District revealed that the proportion of indebted households was 53.2 per cent. Thus, the Scheduled Tribe persons were being exploited by non-tribal money lenders, as a result of which a number of poor tribal cultivators had lost their lands and become land-less agricultural labourers. The Assam Rural Indebtedness Relief Act, 1975 was enacted to give relief to the tribals alongwith others, of the grinding burden of indebtedness.

Land alienation

9.74 As mentioned above large areas of tribal land were alienated to non-tribals by various unscrupulous and fraudulent methods. The Assam Land Revenue Regulation 1886 (as amended in 1964) provided for the protection of the Scheduled Tribes against alienation of land and restoration of alienated land to tribals. Transfer/exchange and lease of land in tribal blocks and belts were restricted and could be made only with the approval of the District Councils. These tribal belts and blocks were located within districts of Goalpara, Kamrup, Darrang, Lakhimpur and Nowgoan. In spite of the above mentioned legislation, alienation of tribal lands inside and outside the tribal belts was still taking place on account of the influx from Bangladesh, Nepal and *Bihar*. The Scheduled Tribes felt agitated on this account. The All Assam Tribal Students Union were reported to have demanded that the Government should evict non-tribals and foreigners from tribal belts and blocks.

They also demanded immediate land settlement with individual *pattas* to tribals currently occupying the lands. *The State Government should take early action to check further alienation of tribal lands to non-tribals and to restore the alienated lands to tribals.*

Unemployment

9.75 As indicated above, over-population in agriculture among the Scheduled Tribes was evidence of their under-employment and disguised unemployment, obviously due to lack of employment opportunities outside agriculture. Due to largely, rural nature of tribal population, there was meagre registration of the unemployed with the Employment Exchanges. However, the rising trend in the registration of the unemployed was indicative of the seriousness of the problem. A large number of educated unemployed were also registered with the Employment Exchanges. As on 31st December, 1979, the number of such educated unemployed was (1) matriculates 5,158, (2) Higher Secondary/ Intermediates 1,120 and (3) Graduates 541. *Unemployment among the educated tribal youths creates discontent among them and needs to be removed by implementing various development programmes, in order to increase employment opportunities.*

Rural Electrification

9.76 Though the State has immense power potential, yet the per capita consumption of power in the State was one of the lowest in India. By the end of the Fourth Plan period, only 1,389 villages out of the total of 22,000 villages in the State had been electrified. It was learnt that the number of villages electrified in the tribal sub-Plan area was insignificant.

Development Programmes

9.77 According to the original guidelines for the preparation of the tribal sub-Plan, it was found that the sub-Plan in the State would be able to cater to only about 22 per cent of the tribal population, leaving about 78 per cent of the tribals outside its purview. This was because of the reason that the tribals were not found in concentration of 50 per cent or above in any of the Districts or Sub-Division. The criteria were, therefore, relaxed to include smaller areas with 50 per cent or more tribal concentration in the sub-Plan. Thus 54 tribal blocks with 50 per cent or more tribal concentration were identified and included in the tribal sub-Plan, covering about 72 per cent of the total tribal population in the State. The progress of the various development programmes in the tribal sub-Plan was, however, not very satisfactory, as a result of which the Scheduled Tribes continued to remain economically backward.

Agitation for the deportation of foreign nationals

9.78 A prolonged agitation had been going on in the State since the second half of 1979, initially for deletion of names of foreign nationals from electoral rolls and later for the postponement of the elections which were due to be held in the first week of January, 1980 as well as for deportation of foreign nationals. The problem assumed special importance in the context of the revision of the electoral rolls in connection with bye-election to a Parliamentary Constituency in the State. About 40,000 objections were filled in that constituency alone out of which about 25,000 were upheld. The prolonged agitation in the State caused deep distress and concern alround. The normal life was disrupted and development activities were almost brought to a stand-still.

9.79 Some other demands were also made by different tribal organisations. The Plains Tribals Council of Assam demanded in their meeting with the Prime Minister in June, 1980 that (1) areas that had pre-dominance of tribal people, should be clubbed together and given constitutional recognition to form a contiguous region which should be declared as a Scheduled Area; (2) this region should be placed under a unitary administrative set-up with reasonable autonomy; (3) the administration of this area should be conducted by an elected autonomous body. It was also reported that the Progressive Plains Tribals Council of Assam had also met the Prime Minister in July, 1980 and submitted a memorandum demanding a separate plains tribals autonomous region comprising northern tracts of Goalpara, Kamrup, Darrang, Lakhimpur and Sibsagar districts.

9.80 In wake of the above mentioned agitations launched by all Assam Students Union/All Assam Gana Sangram Parishad, etc., the State Government took various steps to see that the law and order was firmly maintained and that the linguistic and religious minorities were protected. These steps included induction of additional force to quell disturbances, declaration of certain affected areas as "distrubed" under the Assam Disturbed Areas Act, 1955 and the Armed Forces (Special Powers) Act, 1958. In addition, collective fines were imposed on the errant villages. The Government were anxious to find a solution satisfactory to all concerned. The main point of disagreement was the cut-off-year for the detection and deportation of the foreigners. In this connection the organisations at the State and National levels, which had discussions with the Central Government were (1) All Assam Students Union, (2) All Assam Gana Sangram Parishad, (3) All Assam Minorities Students Union, (4) Plains Tribals Council of Assam, (5) Plains Tribals Council of Assam (Progressive), (6) All Assam Tribals Students Union, (7) Indian Citizens Rights Preservation Committee (Assam) and (8) Assam Gorkha Sammelan etc. The Government had a series of discussions at various levels with different political organisations. The Prime Minister also had meetings with leaders of opposition in Parliament. The Government is continuing its efforts to find an amicable solution to the problem. It is hoped that the problem will be settled soon.

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MEGHALAYA

Basic Data

9.81 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :—

Total population	10.12 lakhs
Scheduled Tribe population	8.14 lakhs (80.43%)
Growth of population	
1941—51	8.97%
1951—61	27.03%
1961—71	31.50%

Occupational distribution of Scheduled Tribe workers (1971)

Cultivators	78 45%
Agricultural labourers	9.60%

Percentage of total population below the poverty line (1977-78)

Rural	53.87%
Urban	18.16%
Combined	48.03%

Percentage of literacy (1971)

	Male	Female	Total
Scheduled Tribes	30.11	22.79	26.45

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	120.0	43.4
Scheduled Tribes	126.4	45.1

Number of educated unemployed Scheduled Tribes registered in Employment Exchanges (as on 31-12-1979)

Matriculates	1,062
Intermediates/Higher Secondary	603
Graduates	290
Percentage of villages electrified (as on 31-3-1974)	2
Per capita consumption of electricity	6 KWH

9.82 The State is bounded on the South and West by Bangladesh with which it has a long international border. On the north and east it is bounded by *Assam*. 85.46 per cent of its population lives in rural areas. The State has an area of about 22.500 sq. km., most of which is mountainous terrain, with sparse population, the density of population being 45 in 1971.

9.83 The State has a predominant majority of Scheduled Tribe population which accounts for 80.43 per cent of the total population. It was not therefore included in the tribal sub-Plan, since all its development programmes were primarily meant for the Scheduled Tribes. Though the entire State is backward in view of the predominant majority of tribal population, yet some areas were identified as "Specially backward" and "most backward" on the basis of a survey conducted by the State Government in 1975-76. The economic indicators used in the survey for this purpose were (i) distance from the road, (ii) distance from the nearest educational institutions, (iii) distance from the nearest health centre and (iv) availability of clean drinking water. The Blocks in these backward areas covered by development programmes during 1975-76 included (i) Nongstoin Development Block (ii) Mawkyrwat Development Block (iii) Pynursla Development Block, in Khasi Hills, Saipung-Darrang Development Block in Jaintia Hills and (i) Songsak Development Block, (ii) Chokpot Development Block, (iii) Rongram Development Block in Garo Hills. During 1976-77, such programmes were taken up in (i) Bhoi Area Development Block (ii) Mairang Development Block (iii) Shella Bholaganj Development Block, in Khasi Hills, (i) Selsela Development Block (ii) Dambu Rongjeng Development Block (iii) Dalu Development Block in Garo Hills and Khliehriat Development Block in Jaintia Hills.

9.84 The causes of tribal unrest in the State lies in the extreme economic backwardness of the tribal population. Some of these causes are discussed in the following paragraphs.

Agriculture

9.85 About 88 per cent of the tribal workers were engaged in agriculture, out of whom 78.45 per cent were engaged in cultivation and 9.60 per cent in agricultural labour. Pressure on land had further increased due to the large influx of non-tribal refugees from Bangladesh. The methods of agriculture were primitive and it was estimated that about 42 per cent of the tribal population was dependent on the wasteful practice of jhuming or shifting cultivation. This resulted in a poor agricultural yield with the result that the majority of their population was below the poverty line. Shifting cultivation also led to soil erosion and denudation of forests. *The problem needs urgent attention of the State Government, in order to settle the shifting cultivators on settled cultivation. They should also be provided necessary agricultural inputs and guidance for improvements in the techniques of agriculture.*

Transport

9.86 Isolation of the State due to its hilly terrain and lack of transport facilities are responsible for the absence of infra-structure for marketing of agricultural products, growth of small and rural industries and for ensuring movement of essential commodities to the interior areas. *A net work of good roads connecting all villages should be urgently completed by the State Government to put a stop to the isolation of the interior tribal creas and also to enable development activities to be carried out in those areas.*

9.87 The border areas of the State account for 22 per cent of the total areas and 23 per cent of the rural population. The economy of these areas was disrupted after the partition of the country due to the discontinuance of the traditional channels of trade. *The rehabilitation of the economy of these areas needs to be stepped up.*

Educated unemployment

9.88 A large number of educated tribal youths were unemployed leading to a lot of frustration among them. About 603 Intermediates and 290 graduates, besides 1,062 matriculates were registered with employment exchanges as on 31-12-1979. *Creation of more employment avenues are needed by developing small scale industry.*

9.89 The flow of funds from the Nationalised Banks and other financing agencies was quite inadequate. The cooperative structure in the State was also very weak. There had not been any worth while scheme for finnacing of projects for medium term and long term development in agriculture and forest sectors from the Agricultural Refinance Development Corporation. *The situation requires urgent attention.*

Agitation on issue of Foreigners

9.90 The agitation in Assam on the issue of 'foreigners' also had its effect on the State. There were many incidents of violence in October and December 1979 directed mostly against non-tribals. The tribal students in the State had also been agitating on the issue of foreigners. Due to the influx of non-tribals from Bangladesh and other parts of India, the tribals had the apprehension that they might be ultimately dominated by the non-tribals. This fear of the tribals was exploited by various political parties which supported their demands against their grievances. The State Government was able to contain the agitation. However, the long-term causes of tribal unrest, enumerated above still remain. *The State Government should take urgent steps to remove these causes of discontent among the tribals by accelerating the pace of their economic growth.*

ARUNACHAL PRADESH

Basic Data

9.91 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the Union Territory are given below :—

Total population	4.68 lakhs
Scheduled Tribe population	3.69 lakhs (78.85%)

Occupational distribution of tribal workers (1971)

Cultivators	94.61%
Agricultural labourers	1.49%
Other occupation	3.90%

Percentage of literacy (1971)

	Male	Female	Total
General	14.60	3.54	9.34
Scheduled Tribes	8.72	1.70	5.20

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	71.8	19.9
Scheduled Tribes	62.4	19.1

Per Capita consumption of domestic electricity	0.2 KWH
Coverage of roads	7 km. per 100 km.
Total cultivated area of land	1,453 sq. km.
Area under shifting cultivation	1,269 sq. kms.
Number of villages electrified (1971)	130 out of total of 2,975 villages
Drinking Water Supply	1,151 villages out of total of 2,973 villages
Doctor—Population ratio	1 : 3497

9.92 The Union Territory is bounded on three sides by international borders with Bhutan, China and Burma and on the southern side by *Assam* and *Nagaland*. The development of the Territory has been hampered by its relative isolation from the mainstream of the economy on account of the lack of adequate infrastructure and communications. Due to this the local economy has not been able to receive any stimulus or develop any links with external markets. Unless the area is opened up to some extent and infrastructural and communication constraints removed to a certain degree, it may perhaps be difficult to implement development programmes.

9.93 Since a predominant majority of population in the Union Territory belongs to the Scheduled Tribes, it has not been included in the tribal sub-plan, but all its development programmes are primarily meant for the Scheduled Tribes. Tribal discontent in this territory is due to its extreme economic and educational backwardness.

9.94 A predominant majority of the Scheduled Tribe workers were engaged in agriculture, and the techniques of agriculture were mostly primitive. Large areas of land were under the wasteful practice of shifting cultivation. Out of the total area of 1.67 lakh hectares under cultivation, shifting cultivation was being practised in an area of 0.92 lakh hectares in 1971. This resulted in very low yield and a subsistence level of cultivation. The Union Territory Administration were making efforts to induce the shifting cultivators to take to settle cultivation.

9.95 The climate and topography of the Union Territory was also ideally suited for horticultural crops like pineapple, citrus and apples. But lack of markets for such products resulted in a decline in the area thereunder.

Power Generation

9.96 The Union Territory has a vast potential of power generation or hydro-electric power which is estimated at about 20,000 M.W. which if properly harnessed, cannot only support its own development programmes but can also feed the rest of the region. However, so far only about 8,000 KW of hydel power had been generated through Micro-Hydel schemes, with the help of which 130 villages out of a total of 2,973 villages and District headquarters had been electrified. The per capita consumption of domestic electricity was only 0.2 KWH.

Water Supply

9.97 According to the Union Territory Administration, all the villages in the Territory can be classified as problem villages in terms of provision of safe drinking water. Merely providing piped water supply is not sufficient to meet the standards of sanitation as is evident from the large scale prevalence of gastro-intestinal disorders and skin diseases in the Territory. All its villages were proposed to be covered under the Rural Water Supply Programme and provided piped drinking water and wherever piped water supply had been provided, schemes for filtration and treatment were to be taken up during the Sixth Plan period.

Employment and Manpower

9.98 The Territory had a problem of under-employment of local population and shortages in the supply of skilled and semi-skilled manpower. Since the major employment opportunities had so far been limited to Government jobs, the scope in that area had reached saturation point. The Territory was therefore faced with a problem where educational facilities were being expanded out the neo-literate tribal youths were not willing to return to their traditional occupations. *Training infrastructure should be developed for such youths, catering to different vocational needs, to enable them to take up self-employment, so that frustration among them is not misdirected to adopt wrong channels.*

9.99 The Arunachal Pradesh Freedom of Religion Act, 1978 was enacted to allow freedom to profess any faith. This legislation will, *inter alia,* ensure the preservation of the tribal culture.

MADHYA PRADESH

Basic Data

9.100 Basic data indicating the population and the level of economic and social development among the Scheduled Tribes in the State are given below :—

1. Total population . . . 416.54 lakhs
2. (*a*) Scheduled Tribe population . 98.14 lakhs
   (*b*) Percentage of Scheduled Tribe population under sub-Plan to Scheduled Tribe population 74.78%
3. (*a*) Area . . . . . 4,42,841 sq. km.
   (*b*) Sub-Plan Area . . . 1,63,938
   (*c*) Percentage of area covered under sub-Plan . . . 37.02%
4. Literacy (1971) . . . . 22.12% (State)
   7.62% (Sch. Tribe)
5. I.T.D.Ps. . . . . Total number—42
   Reports prepared—40
6. *Enrolment*

Class	Year	General	Sch. Tribes
I—V	1973-74	78.2	61.0
	1977-78	60.6	46.6
VI—VIII	1973-74	23.6	7.5
	1977-78	27.2	10.2

7. *Percentage of total population below poverty line* (1977-78)
   Rural 59.82%
   Urban 48.09%
8. *Occupational Pattern among Scheduled Tribe workers :*
   Cultivators 62.15%
   Agricultural Labourers . . 4.33%
   In other services . . . 33.52

Primitive Groups :

(1) Abujhmarias (2) Saharias (3) Hill Korbas (4) Bharias of Patalkot (5) Baigas of Baigachak.

Number of educated unemployed Scheduled Tribes registered with Employment Exchanges :

Matriculates 2,872
Intermediates 10,343
Graduates 1,410

9.101 Tribal areas in Southern Region comprising Bastar and the adjoining area have rich natural resources with sparse population and scanty infrastructure development. Benefits of social services have not reached a substantial part of this region. The Eastern Region comprising parts of Raigarh, Bilaspur, Shahdol, Sidhi have a growing pressure of population. The mineral development activity is most intensive, though it is still moderate compared to the adjoining regions

in *Bihar*. The proportion of tribal population is steadily going down in many regions within migration. The Central Region beginning with Mandla and Jabalpur extending upto Betul suffers from pressure of population which has had a heavy toll of forests. The Western Bhil Region has the highest pressure of population with natural resources completely depleted. The Bhils in Jhabua have to supplement their income by large scale season migration outside. 73 per cent of the families of the tribals are reported to be agriculturists, 20.5 per cent are agricultural labourers and the rest have various other occupations. Majority of the tribals live below subsistence level. On account of construction of big projects the tribals are not only displaced due to acquisition of their lands but are also ousted by the alien population which enters their areas due to openings created through new avenues of employment, trade and business.

Shifting cultivation

9.102 Shifting cultivation is practised in Abujhmarh region of Bastar, Lanji Range of Balaghat District (Kamars), Chilpi range of Rajnandgaon (Maria Gonds), Bajag and Karanjia ranges of Mandla (Marias) and Lormi range of Bilaspur (Marias) as also amongst Hill Korbas who live on the tri-junction plateau of Raigarh, Sarguja and Bilaspur. The economic condition of shifting cultivators continues to be miserable and during the last three decades not enough has been done to improve it.

Education

9.103 There are some tribal communities, which are still at less than 1-2 per cent literary level. The medium of instruction in primary schools in tribal areas is Hindi and not the local tribal languages. There are only 12 colleges in the tribal areas of the State. The general quality of these institutions is not satisfactory. The Scheduled Tribe population constitutes about 24 per cent of total tribal population, but only 4.69 per cent of total post-matric scholarships are awarded to the tribal students of *Madhya Pradesh*. Most of the tribal graduates of *Madhya Pradesh* happen to be first generation learners and so feel handicapped in competing for All India services with tribal graduates from other states who had better background and opportunities.

9.104 Advance purchase of crops at low price is widely prevalent, which leads to the exploitation of tribal agriculturists by traders. Even in tribal areas the tribal farmers have been pushed to hilly unproductive areas and most of the fertile lands in the valleys and plains have been occupied by the non-tribals. The soils in tribal areas are poor in nitrogen except that in Jhabua and Bastar. Over 68 per cent of the population in Bastar District of *Madhya Pradesh* belong to tribal communities such as Halbas, Gonds, Marias. Dhurwas, Parjas etc. Agriculture covers only about 7 lakh hectares out of a total area of 39,000 square kilometres. There are practically no irrigation facilities and only one monsoon crop of low yielding variety of paddy is grown. The area is, however, rich in mineral and forest resources. Despite, its natural wealth Bastar is among India's most backward pockets.

Exploitation by non-tribals

9.105 M. P. Land Revenue Code (Third Amendment) which received the assent of the President on the 10th November, 1976 sets aside all malafide transfers of land from tribals to non-tribals retrospectively from 2nd October, 1959. Under a new Section 257-A, no legal practitioner can appear on behalf of any party where one of the parties belonged to a Scheduled Tribe except with written permission of the Revenue Officer/ Court before whom the case was pending. The tribals of Bastar have been exploited by zamindars, mahajans, contractors and officials. Over the years they have lost their lands to outsiders, who have prospered. All the pucca house on the road-sides belong to the non-tribal settlers. An official survey of Jagadalpur tehsil is reported to have revealed two thousand cases of illegal land transfers. Vast forests were destroyed and tribal lands acquired for Bailadila Iron Ore Project. Most of the employment went to outsiders. Social tensions increased and most unfortunate happening was the exploitation of hundreds of tribal girls who were lured into false marriages by project officials and outsiders and subsequently deserted. Dandakaranya Development Authority settled 30,000 refugees from East Pakistan in the interior areas but did not fulfil even 20 per cent of its commitment to develop the tribals. A survey of Jagadalpur Tehsil is reported to have revealed an average annual family income as Rs. 543.20 and the average annual expenditure of Rs. 550.15. Over 40 per cent of the tribals of the Tehsil were reported to be indebted and the average loan was about Rs. 100.

9.106 Abhujmarh area continues to remain unsurveyed even for revenue purposes. Adjacent district of Raipur which happens to be advanced and prosperous has been declared as industrially backward area and made eligible for several concessions but Bastar has been denied this treatment. All wood and timber from the district is transported outside for processing. In the process of development, some of the felt needs of the tribals have been over-looked.

9.107 It is obvious from the information given in foregoing paras that so far the tempo of development relating to Scheduled Tribe population has not been adequately accelerated in *Madhya Pradesh*. It is significant to refer here the statement made in one of the State Governments recent document where it was pointed out "there has been no impact of development so far". This conclusion was made on the basis of analysis conducted in 173 blocks of the Sub-Plan area with reference to 9 indicators *viz.* density of population, size of villages, proportion of tribal population, level of literacy, percentage of cultivators, percentage of landless labourers, intensity of cultivation, level of irrigation and percentage of villages electrified.

BIHAR

Basic Data

9.108 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below : —

Total population	563 53 lakhs
Scheduled Tribe population	49.33 lakhs (8.75%)

Occupational distribution of Scheduled Tribe workers (1971)

Cultivators	61.90%
Agricultural labourers	28.10
Other occupations	10.00%

Sub-Plan area

Total population	74.93 lakhs
Scheduled Tribe population	37.86 lakhs (50.53%)
Percentage of Scheduled Tribe population under sub-Plan to Scheduled Tribe population in State	76.75
Percentage of area under sub-Plan	25.08

I.T.D.Ps

Total	14
Prepared	10

Primitive Tribes

(1) Birhor (2) Mal Paharia (3) Asur

(4) Birjia (5) Parahaiyas (6) Korwa

(7) Hill Kharia (8) Savar (9) Sauria Paharia.

Percentage of population below poverty line

Rural	Urban	Consolidated
58.91	46.07	57.49

Percentage of literacy (1971)

	Male	Female	Total
General	30.60	8.49	19.79
Scheduled Tribes	18.45	4.85	11.64

Enrolment Ratio (1978-79)

	Classes I-V	Classes VI-VIII
General	73.2	21.2
Scheduled Tribes	75.4	16.4

Number of educated unemployed registered with employment exchanges as on 31-12-79

Matriculates	17,196
Intermediates/Hr. Secondary	5,814
Graduates	1,996

93 per cent of the tribal population in the State is concentrated in the Plateau region of Chotanagpur and Santhal Parganas. Four tribes—the Santhals, the Oraons, the Mundas and the Hos, constitute about 80 per cent of the total tribal population in the State.

Some of the main causes of tribal unrest in the State are discussed in the subsequent paragraphs.

9.109 The tribal areas in Bihar have been disturbed for several years. Numerous agitations leading to violent incidents have been reported. Even during the British days, the tribals had risen in revolts at many places. These agitations have their origin in the exploitation by money-lenders, traders, forest, P.W.D. and Excise contractors and land owners, some of whom occupy elected positions. Protective measures enshrined in the Constitution against alienation of tribal lands had not succeeded against the nefarious activities of the unscrupulous money-lenders. Benefits of special developmental programmes had not percolated to the poor tribal people. Large scale irrigation and industrial projects had resulted in their displacements without satisfactory arrangements for their rehabilitation. No doubt, some tribals had benefited from the economic development of the areas but it was generally the stronger elements amongst them who had derived benefits from various programmes. Grabbing of land was taking place not only at the hands of the non-tribals but also by economically stronger elements amongst tribals, by purchase of lands owned by poorer tribals. Distance was growing between the tribals and the non-tribals as well as between the tribals and the Government. As a result of pent-up feelings and growing anger amongst tribals, there took place a number of clashes between the tribals and non-tribals in many villages during the last few years. Regarding alienated lands, the tribal leaders were of the view that they were within their rights to harvest the crops which had been grown by the non-tribals on the lands which were at one stage in their possession and were grabbed by non-tribals. The Administrative authorities on the other hand considered this as a somewhat serious law and order problem and deployed Central Reserve Police to control the situation. However, all these developments created acute bitterness amongst local tribal population who alleged that, in the process, many acts of high-handedness were committed by the police on the persons belonging to Scheduled Tribes. During 1977-78, a call was revived for the establishment of a separate State of Jharkhand by some political elements in Chhotanagpur and Santhal Parganas. The first instance of open defiance of law took place in the District of Ranchi when the forest rest house at Dashamfall was taken possession of by agitators in April, 1978. It was understood that this was continuing.

9.110 The Commissioner for Scheduled Castes and Scheduled Tribes had visited Ranchi and Singhbhum districts of *Bihar* during November and December, 1979 and discussed the problem of tribal unrest in these areas with the then Chief Minister of *Bihar*, the Deputy Commissioners of the respective districts, the S.D.Os. and other officials concerned. The causes* which appeared to be responsible for the tribal unrest in these areas as well as the lacunae noticed in the Chhotanagpur Tenancy Act, 1908, Santhal Parganas Tenancy Act, 1949 and Scheduled Areas Regulation

*For details of the causes of tribal unrest in Chhotanagpur and Santhal Parganas and the lacunae noticed in the Tenancy laws, please see paras 5.32 to 5.40 of 1978-79 Report of the Commissioner for Scheduled Castes and Scheduled Tribes.

1969 were analysed and taken up with the State Government. Some of the important causes of unrest in Santhal Parganas and Chhotanagpur, the major lacunae in the above mentioned Tenancy laws and the recommendations made to rectify the same, are given below :—

Causes of unrest in Santhal Parganas

(1) Large scale alienation of tribal lands had been taking place right from 1972 and even after the enactment of the Scheduled Areas Regulation in 1969, informal alienation of tribal lands was taking place in return for loans given by *Mahajans*. The Santhals wanted that all these lands which were fraudulently recorded in the names of non-tribals during various settlements, should be restored to them. The situation was also worsening on account of the intervention of some political parties who were actively encouraging them to forcibly recover their lands and hypothecated goods from the possession of non-tribal traders with the result that the matter had come to a stage where the whole situation of law and order was seriously threatened in the area. It was therefore recommended that all the illegally alienated lands of the tribals should be restored to them as early as possible, and the loopholes in the existing tenancy legislation which hindered the restoration of such lands to the tribals, should be plugged immediately, by making suitable amendments to the said legislation.

(2) The money-lenders charged exorbitant rates of interest from the tribals for the loans given to them, as a result of which they always remained economically subservient to the Mahajans.

(3) The tribal workers were paid wages at rates much less than those prescribed under the Minimum Wages Act. The tribals, therefore, felt a lot of resentment. It was suggested that the State Government should ensure that the tribal workers were invariably paid wages as prescribed under the Minimum Wages Act.

(4) The benefit of the various developmental programmes undertaken for the Scheduled Tribes had not reached the interior of tribal areas. It was suggested that the State Government should ensure that LAMPS in the Sub-Plan areas were established in predominantly tribal pockets so that benefits from them accrued to the tribals and that the location of other developmental schemes like minor irrigation schemes should be selected in such a way that the beneficiaries were predominantly tribal people.

Causes of unrest in Singhbhum District

(1) The Forest Development Corporation was cutting sal trees in the forest to plant teak trees in their place. The tribals considered the sal trees as sacred and useful and did not like this. They, therefore, felt highly agitated, leading to disputes like the police firing in Ichahatu village, Police Station Goelkera on 6-10-1978, resulting in the death of one tribal and arrest and beating of 2 tribals. It was suggested that tribal leaders like the Munda and the Manki, the B.D.O. concerned, local Government officials, Members of Legislative Assembly and the Member of Parliament concerned should be associated with the Advisory Council of the Forest Development Corporation and all these persons should be consulted before cutting the sal trees to avoid any trouble.

(2) 35 Khuntkatti villages in the Saraikela Sub-Division of Singhbhum District were acquired by the British Government in 1899 and declared as reserved forest, without the payment of any compensation to them by the then Government. The tribals who had now been awakened by the publication of a couple of books on the subject, were demanding that these Khuntkatti villages which actually belonged to them should be restored to them. It was suggested that the State Government should have the matter thoroughly examined and take necessary action to satisfy the demands of the tribals in this regard if found to be legitimate.

(3) Large scale alienation of tribal lands to non-tribals had taken place in spite of the Chhotanagpur Tenancy Act, 1908 and the Scheduled Areas Regulation of 1969. The tribals also felt that all the lands at present, owned by the non-tribals according to the last Revisional Survey of 1924—29, actually belonged to them and should be restored to them. This was said to be the result of the various loopholes in the existing tenancy legislation which enabled the non-tribals to carry on with their activities for the alienation of tribal land. It was suggested that these loopholes should be plugged as early as possible by the State Government to ensure that the tribal land was not alienated to non-tribals, and the land already alienated was restored to the tribals.

(4) The effect of large scale alienation of tribal lands to non-tribals was being exploited by some political parties who were encouraging the tribals to forcibly get back the lands which according to them actually belonged to them and were fraudulently recorded in the names of non-tribals in various settlement operations.

(5) Tribal agricultural labourers were not being paid wages prescribed under the Minimum Wages Act by land-owners. Due to the prevailing conditions of extreme poverty among the tribals due to the drought conditions in the district, large scale migration of tribal labourers to places in other States like *Punjab, West Bengal, Nagaland* and *Uttar Pradesh* had taken place. These workers were lured by the contractors with the promise of getting them employed at handsome wages. In some cases, it was learnt from groups of young tribal boys and girls who migrated to other States that the boys were made to return on one pretext or other while the girls were made to stay. It was learnt that in some cases the girls were allegedly used for immoral purposes. Such cases of migration were very common in Singhbhum District. It appeared that their use for such purposes could not be ruled out in face of extreme poverty and the resultant helplessness. It was suggested that the State Government should get the matter thoroughly examined and take urgent action to ensure that the tribal workers were not exploited by the contractors and they were paid minimum wages prescribed under the Minimum Wages Act.

Lacunae noticed in Santhal Parganas Tenancy Act, 1949.

(1) Under Section 70 of Santhal Civil Rules, there is a provision for filing suits for arrears of rent by the landlords against the village headmen and by the village headmen against the *raiyats*. As a result of these suits the *raiyats* and *pradhans* were evicted from their *jamabandi* lands by Deputy Commissioner on the recommendation of the Sub-Divisional Officer. The amount involved in such suits was very small while the *raiyats* and *pradhans* were evicted from very big areas of land. The tribal leaders were now claiming that all these lands were fraudulently alienated from them because these were non-transferable under Section 27 of Santhal Parganas Regulation III of 1872 and should be restored to them.

(2) Under the Santhal Parganas Tenancy Act, 1949 and Scheduled Areas Regulation, 1969, the right of adverse possession never accrues, howsoever long the possession may be. According to a ruling given by the State High Court, lands alienated before 1949, *i.e* the year in which the Act came into force, could not be restored. As a result of this, all cases relating to the period before 1949 had to be dealt with under the provisions of Santhal Parganas Regulation of 1872. Thus, in a large number of cases in which tribal lands were alienated during that period, restoration could not be made under the provisions of the existing legislation.

Lacunae noticed in Chhotanagpur Tenancy Act, 1908

(1) There were practical difficulties in the implementation of the Scheduled Areas Regulation, 1969 because in many cases, the non-tribals obtained stay orders from the higher courts against orders for the restoration of alienated tribal land. To remove this difficulty, it was suggested that a suitable amendment should be made in the Regulation to the effect that an appeal against an order of restoration passed under Section 71A of the Chhotanagpur Tenancy Act could be made only after complying with the said order.

(2) Sometimes applications filed by tribals for restoration of alienated lands under Section 71A of the Chhotanagpur Tenancy Act were rejected on flimsy technical grounds by the trial courts. It was suggested that provision should be made that cases of such rejections were put up to the higher court of appeal for confirmation who may hear the parties concerned and recommend the cases with observations and directions to pass appropriate orders.

(3) Many Scheduled Tribes had been forcibly dispossessed of their lands after the Revisional Survey without any legal or illegal transfers of land. A view was expressed that such cases were not covered under Section 71A of the Chhotanagpur Tenancy Act, which covered only cases of transfer under the 'Transfer of Property Act' and thus could be tried only by ordinary law. The summary proceedings under the Scheduled Areas Regulation could not be attracted. It was suggested that the wording of the Section 71A should be suitably amended to rectify this lacuna.

(4) Section 49 of the Chhotanagpur Tenancy Act permitted transfer of tribal land to non-tribals for certain purposes. This provision was being exploited in some cases by non-tribals who took the land of tribals. It was suggested that genuiness of such cases should be strictly watched and some system should be evolved to ensure that the tribal lands thus acquired were actually used for the purpose for which these were acquired.

(5) According to a ruling of the High Court, 'Surrender' of land by a *raiyat* was not a transfer within the meaning assigned to it under Section 46 of the Chhotanagpur Tenancy Act. It was, however, claimed that almost all the 'surrenders' of raiyati lands by members of Scheduled Tribes had taken place before 1947 when it was legally not necessary to obtain prior permission of the Deputy Commissioner. As a result, the raiyati lands of Scheduled Tribes which were

alienated to non-tribals *via* the *zamindars* could not be restored to the tribals under the Scheduled Areas Regulation. Since this type of alienation covered a large number of cases, it was suggested that this loophole should be plugged by inserting a new clause in the Scheduled Areas Regulation.

(6) The benefit of the amendment to the Limitation Act (XXXVI of 1963) extending the period of Limitation from 12 to 30 years did not accrue to the *Bhumhari* and *Khuntkatti* lands. It was suggested that Section 71A of the Chhotanagpur Tenancy Act should be amended so as to bring not only the lands of raiyats belonging to Scheduled Tribes but also *Bhuinhari* and *Khunkatti* lands under the Protective and Restorative Wings.

(7) By the amendment in the Indian Limitation Act (XXXVI of 1963) the period of Limitation had been extended from 12 years to 30 years in respect of immovable property belonging to members of Scheduled Tribes. But as per communication dated 27th February, 1974 from Commissioner (Land Reforms) Government of Bihar to Commissioner, Chhotanagpur, Ranchi it had been clarified that this provision was not applicable to cases prior to 8th February, 1969 and in case any person had claimed tribal land through adverse possession on the completion of 12 years prior to 8th February, 1969, the period of 30 years would not be considered applicable. But in case, if only 11 years of such transaction were completed by 8th February, 1969, then the period would be extended by 19 more years. It was felt that if the interpretation of the Limitation Act was done in this way, not much relief could be granted in a large number of cases where transactions were affected more than 12 years ago. It was, therefore, considered desirable that the amendment should be notified as retrospective in operation.

(8) Under Section 71(B), if any land is transferred in contravention of Section 46 or any other provision of the Chhotanagpur Tenancy Act, 1908 or by fraudulent method and is held or cultivated by any person with the knowledge or such transfer, he shall be punished as prescribed under the Act. Certain cases in which the alienated land restored to the tribals, was still cultivated by non-tribals, were also covered under Section 71(B) of the Act. Implementation of the penal provisions of Section 71(B) of the Act through the judiciary caused a lot of delay because the revenue officers had first to report these cases to the judiciary for prosecution. It was, therefore, considered desirable that the implementation of such penal provisions should vest with the officers of the revenue courts instead of the judiciary, to avoid unnecessary delay. It was also considered desirable that the provisions of this Section should be implemented vigorously.

(9) Tribal lands on a very large scale had been alienated by the non-tribals in Ranchi town. However, restoration of alienated tribal lands in Municipal areas was not possible under the Chhotanagpur Tenancy Act as decided by the Ranchi Bench of the State High Court. This had the effect of not only legitimising and regularising alienation that had taken place in the urban areas but also intensifying the process of further alienation of tribal land.

(10) Under Section 46(1) of the Chhotanagpur Tenancy Act, Adivasi *raiyats* can get loans from co-operative institutions and banks for improvements in their agriculture. For this purpose, they can mortgage their lands with the Land Mortgage Banks. However, there is no provision for *Bhuinhars* and *Mundari Khuntkattidars* to mortgage their lands for this purpose, under sections 48 and 240 of the Act respectively. A similar provision for them was considered necessary to enable them to obtain credit for agricultural purposes.

9.111 In pursuance of the above mentioned suggestions, the State Government promulgated "The Chhotanagpur Tenancy (Amendment) Ordinance 1979" notified by the State Government in November, 1979 in order to remove some of the above mentioned lacunae. Sub-section (2) of Section (1) of the Chhotanagpur Tenancy Act 1908 was retrospectively amended by ordinance to the effect that the provisions of the said Act would also be applicable to tribal lands alienated in areas or portion of areas which had been constituted into a municipality or a notified Area Committee or which was within a cantonment. Sections 48 and 240 of the said Act were also amended to provide that a member of the *Bhuindhari* family or a *Mundari Khuntkattidars* tenant respectively, might transfer by a simple mortgage, his right in his tenancy or any portion thereof, with a view to raising loan for agricultural purposes, to certain banks, societies etc. The action taken by the State Government on the other lacunae in tenancy laws pointed out in the previous Report and suggestions made to plug the same, is not known. *It is, therefore, recommended that the State Government should take early action to plug the remaining loopholes in the said laws to ensure that the tribals are not exploited on this account.*

Enquiry conducted by Commissioner for Scheduled Castes & Scheduled Tribes into the incident of police firing on Scheduled Tribes at Gua, Singhbhum District, Bihar on 8th September, 1980

9.112 It was reported in the press that a clash had taken place at Gua, a mining township in Singhbhum district, *Bihar* about 90 kms. from District Headquarters Chaibassa, between the tribal people and the

police on 8th September, 1980 in which 11 Scheduled Tribe persons and 4 policemen had been killed. Gua is an iron ore mining township with an approximate 9,000 population, 50 per cent of whom are Scheduled Tribes. The Indian Iron and Steel Company is managing an iron ore mine. Surrounding Gua town are scattered tribal villages and thick forests.

9.113 The Commissioner for Scheduled Castes and Scheduled Tribes visited the place of incident to make an on-the-spot study as well as to find out the socio-economic causes which led to this unhappy incident from 12-9-1980 to 20-9-1980. Shri S. K. Kaul, Deputy Commissioner for Scheduled Castes and Scheduled Tribes and a Study Team comprising Shri S. S. Malhotra, Research Officer and Shri Vijay Tamhane, Investigator accompanied the Commissioner. Besides making on-the-spot enquiries, the Commissioner had discussions with officials and non-officials at the State and District levels.

Version of the State Government

9.114 According to the State Government, the incident was the outcome of agitation by some political organisations and forest contractors inciting the tribals to indulge in illegal felling of trees in Singhbhum forests. The agitatiton in the tribal areas was originally against the plantation of teak by the Forest Department and the State Government had since issued orders to stop the plantation of teak. But later the tribals had started cutting Sal trees. The people who had collected on 8th September were outsiders and did not belong to Gua township and had come from distant villages. Altogether 68 rounds were fired by the police on 2 occasions which resulted in the death of 11 tribals besides the killing of 4 policemen and injuries to 17 policemen as a result of showering of arrows by the tribals on the police party. Section 144 was already promulgated in the area and intelligence reports indicated that the tribals were going to collect in large numbers to *gherao* the Police Station and Forest Ranger's Office. The deceased Scheduled Tribe persons had not been identified but they were all buried according to the tribal customs at Chaibassa. The photographs of the deceased persons had been taken and steps were being taken to identify them. The Government sanctioned a reward of Rs. 15,000 to the families of deceased policemen besides Rs. 10,000 admissible to them under the normal Government rules and Rs. 12,000 under Group Insurance Scheme making a total of Rs. 37,000 to each policeman's family. The State Government was of the view that it would not be desirable to sanction money to the bereaved families of the tribals who lost their lives in this incident. Deployment of C.R.P., Border Security Force had been made and the situation was under control. The State Government were already processing Commissioner's suggestion for nationalisation of minor forest produce and a decision would be taken very soon.

Meetings at Gua and visit to forest villages

9.115 On reaching Gua in the morning of 15th September, the Commissioner immediately went into conference with the officers belonging to Police, Forest and Revenue Departments. He also had a discussion with the officers of IISCO mines. The Commissioner was shown by the officials of the Forest Department a map of Saranda Forest Division and the areas which have been subjected to large scale felling of trees. Commissioner therefore decided to visit the forest areas in order to see for himself as to what extent the felling of trees was confined to such areas as were claimed to have been identified by the agitating tribals as the foremer HO tribe villages annexed for reserved forest by the British Government some hundred years back without, as alleged, paying any compensation. This, at least, had been the declared objective of the agitators in their current phase of agitation.

9.116 Later in the day, the Commissioner took a round of 60 miles circuit of Saranda forest and was shocked to find large scale felling of sal trees usually clothed with some sanctity for the tribals. Trees were cut on both sides of the road at a stretch. He stopped at many points to find out if there were any signs of identity such as Shashangiri (grave slab and Sarna) usually considered as most authentic identification of the existence of a village of HO tribe. In the midst of huge collection of felled trees, it was difficult to identify any such previous village. But looking at the felling done in continuous stretches on either side of the road and also considering the fact that usually tribal villages were located at isolated distances, the claim that the protest felling of trees was confined to the identified tribal villages in order to recover the ancestral home and agricultural lands did not appear to be correct. Whatever might have been the initial aim whether justified or not, the felling of trees had gone to the benefit of those very forces whose depredation and unethical disposition had been one of the constant sources of tribal discontent. While touring the forest areas, the Commissioner found heavy barricading and road blocks done with huge boulders, trees and hume pipes at several points allegedly done by the tribals while proceeding to Gua for demonstration. The road blocks were cleared only a couple of days earlier by the Forest Department. The Commissioner was informed by the accompanying officials that the barricading was done by the tribals so as to obviate the chances of being chased by the Police while returning. He was also shown a *pucca* bridge at Ghatpudia which was allegedly damaged by the agitators.

9.117 The Commissioner visited a number of villages such as Salai, Jhamkudia, Chhotanagra and Ghatkuri etc., in the Saranda forest division in order to get first hand information about the Gua incident and also to find out why they had resorted to wanton destruction of sal trees and how they thought that was going to serve their interest. But in none of the villages any adult male member was found and only women and children were present. This was the case in a number of villages through which the Commissioner passed and the entire area appears to be deserted and panic stricken. Those whom he met were mostly non-communicative although with the help of a tribal Mukhia of Gua Panchayat, whom the Commissioner had taken along with himself, he was able to communicate with them to some extent and could gather

that most of the male members were in hiding since they feared Police repression in the wake of combing operation for the recovery of lost rifles. Commissioner was struck by the abject poverty and lack of amenities in the forest villages.

9.118 Back to Gua in the evening, the Commissioner was able to meet a number of tribal residents of Gua proper working in Gua mines (nearly 50 per cent of the residents of Gua township happened to be tribals) and heard their version of the incident of 8th September. Some of them appeared to be a bit politically conscious and were forthright in asserting that the tribals of the area had been suffering due to long neglect. The Commissioner explained to them how various projects costing several hundred crores were under operation for uplifting socio-economic condition of the tribal people in quickest possible time and emphasised that one of the purposes of his visit was to know why the benefits were not accruing to the intended beneficiaries and to see what more steps could be taken to ensure that. He further impressed upon them that whatever the neglect so far whether imaginary or real, their despair should not drive them to such desperation as to wilfully strike at their own long term interests and this was what was happening during the large scale felling of trees during that period. They ought to see who the beneficiaries were when the felled trees were cleared and timber sold in bulk to prospective buyers. It would then not be difficult to identify the vested interests involved. The tribal persons present agreed that the vested interests like the contractors were fishing in the troubled waters and were trying to make maximum benefit out of it. They then narrated some local grievances which remained unattended. The Commissioner asked the District Development Officer present there to look into the complaints and take steps to rectify them. The tribal persons pleaded with the Commissioner to use his good offices to see that innocent persons were not harassed. The Commissioner assured them that once normalcy was restored in the area everything would be taken care of and there would be no occasion to victimise anyone.

9.119 The S.P., Chaibassa agreed that the overwhelming majority of the demonstrators belonged to the local areas and not from distant places outside Gua as had been given to understand in the Government press note issued from the State Headquarters earlier. This was also evident from the fact that 4 missing persons detected till then were all local and that one of the snatched rifles was also recovered in a local village. The Deputy Commissioner felt that the development activities would be jeopardised if the agitation continued and the local intelligence had already shown the signs of failure as those of the local elements who could be relied upon for information were greatly scared of Bhelwa oil, a sort of acid, which the agitators threatened to throw on those supposed to be non-cooperating with them. A view was expressed that there were only two courses open, either to crush the movement with all the force or to have some settlement by a dialogue. The Commissioner cautioned that any extra emphasis on strong arm methods in the given situation of development perspective might only further alienate the people making them more receptive to the forces of destabilisation. The Commissioner asked D.C. whether the administration was aware that the more militant faction in the Jharkhand Mukti Morcha consisting more of the non-tribals than tribals was possibly trying to assert, more particularly, after the schism created in the party in the wake of adjustment of seats of the Vidhan Sabha elections and that their aim could be to force the moderate section in the party to toe the more militant line and to ultimately substitute the present leadership with more extremist one. It was felt that the possibility could not be ruled out.

9.120 Commissioner had a long discussion with an important tribal leader. The Commissioner told him what he had seen in the forest area and how everything being done in the name of the agitators was not conducive to the basic interests of the tribals. He impressed upon him that the answer to the long neglect of the tribal problems was not the unimaginative militancy that created more problems than it solved but immediate acceleration of development process and consequent elimination of all forms of exploitation by involving the whole people. The impression given by him was that he would be willing to discuss areas of co-operation for meaningful developmental activities in the whole region.

9.121 On his return to Patna, the Chief Conservator of Forests and an officer of the Bihar State Forest Development Corporation met the Commissioner who discussed with them how the Forest Department could be effectively involved in the welfare and development activities for the tribals in the forest villages. Later, the Secretary of the Co-operative Department discussed with the Commissioner about the problems of LAMPS particularly in marketing forest produce.

Tribal agitation and Forests

9.122 Forests constitute 33 per cent of land area in the district of Singhbhum. The forest dwellers, mostly tribals, depend to a large extent on forest for their livelihood. They obtained from the forest fruits, tubers, roots, edible flowers, wood, etc. for their use. They also get casual employment in forest operations of felling and logging of trees, repair and construction of roads, collection of Kendu leaf and sal seeds, etc. In the interior areas, the only contact the tribal people have with the general administration is through the Forest Department. The State Government, with the approval of the Government of India and the Agricultural Refinance and Development Corporation had taken up an area of 60,000 hectares of inferior forest land for plantation of teak out of a total of 4.50 lakh hectares in the district. This project was assigned to the Forest Development Corporation for execution and the cardinal policy of the Corporation was not to employ forest contractors in its working. Prior to the coming in of the Forest Development Corporation, the Forest Department used to get the exploitation of forest done through contractors. The forest contractors used to pay

meagre wages to the Tribal workers and one of the important measures adopted by the Corporation was to raise the wages from Rs. 2.50 to 3.00 per day to Rs. 4.50 per day. Some minor forest products were also nationalised. In the Goelkera Block where this programme was initiated it was claimed that the average monthly income of a tribal family rose to about Rs. 350 per month leading to an improvement in the living standards. But these steps infuriated the forest contractors who spread the false propaganda that Forest Corporation was cutting down sal trees and fruit trees like mahua and planting teak in their place. They also spread the idea that the roots of the teak trees were poisonous and would not allow tubers and roots to grow under its shade. It was also alleged that the Forest Corporation was encroaching on village forests.

9.123 In the beginning, the Forest Development Corporation was the main target of the agitators. In Singhbhum, the first incident involving F.D.C. occurred in June, 1978 when the Project Director of Forest Corporation along with his staff was illegally confined for almost 20 hours by 60-70 persons. It was alleged that the agitators were supported by the forest contractors. However, it was evident that this agitation had larger objective and wider implications.

9.124 The tribals were resentful of the practices of the forest officials. Instances* of misbehviour by the Forest staff against the tribals and their womenfolk were innumerable. The realisation by the tribals that the unscrupulous forest contractors clearing vast areas of the forest in league with the corrupt forest officials had created a deep suspicion amongst the tribals that their 'wealth' was being looted by outsiders. In the eyes of the Forest Department officials, an average tribal was a head-loader and a destroyer of forest. They looked with suspicion at the movements of the tribals in the forest and did not like their enjoyment of certain rights of use of forest under the revenue records. The lower level forest bureaucracy harassed the tribals by demanding bribes, launching prosecutions and sometimes even violent conflicts had been reported.

9.125 On an average, the tribal people hardly grow food which lasts for more than six months in a year. They are, therefore, compelled to fall back upon the forest for their sustenance. The obstructions in collection of minor forest produce and dry wood from the forest was a source of constant conflict between the Forest Department and the tribals. The policy of the previous Government in nationalising some minor forest products and again de-nationalising them bewildered the tribals. The de-nationalisation benefited the forest contractors. The inactivity of the LAMPS in purchasing the minor forest products collected by the tribals from the forest at remunerative prices compelled the tribals to accept the terms of the forest contractors. The Government organisations like Tribal Development Corporation, Lac Development Corporation, Forest Development Corporation had not been able to play their expected role and the forest contractors and money-lenders continued to impose their will on the poor tribals. Forest Department had monopoly for purchase of Kendu leaves which were used for bidi making. But the Department employed private contractors for purchasing Kendu leaves collected by the tribals who did not pay the tribals at the prescribed rates. The agency of LAMPS was not fully involved in this task and, therefore, while the Department made a handsome profit, the departmental marketing did not help the tribals. Similarly, the Sal seeds were purchased by the Forest Department at a support price but in this business also contractors were involved and the LAMPS entrusted with procurement operations at some places were not in a position to purchase the sal seeds brought by the tribals for sale and thus the tribals had not developed any confidence in this institution which was expected to play a prominent role in their economic development. Tales of exploitation of migrant tribal labourers who seasonally went for work in the neighbouring and distant States had created a crisis of confidence among the tribals in the willingness of the administration to safeguard their interests.

9.126 In the Singhbhum district, tree felling commenced sometime in August, 1978. Unauthorised tree fellings started in the beginning from Bangaon area of Porahat Forest Division bordering Ranchi District followed by Goelkera and Sonua which were under the Forest Development Corporation. According to the latest available statistics, 8,232 acres of forest area had been felled in Singhbhum district. The Forest Department had been registering complaints about the felling of trees and till 8th September, 1980, the Department had lodged 32 FIRs in the Gua P.S. alone against felling/cutting of forest trees, damaging public property and causing physical injuries. It was learnt that instead of policy serving the summons on the alleged accused persons, the Forest Department which was a party in lodging the complaints was asked to serve the summons. No information could be furnished about the outcome in these cases. In Saranda Forest Division, felling of trees occurred in the month of July, 1980. About 70 tribals were arrested by the police on 8th August, 1980 on receiving information that the tribals would be returning after cutting trees in Ghatkuri forest. 20 persons were arrested for criminal trespass under Section 144 and for cutting trees in the forest. About 2,000 men collected near the Forest Dak Bungalow and *gheraoed* it. They took away certain things from the Dak Bangalow and demanded that the Forest Ranger and other forest officials should be handed over to them. The small police party tried to pacify the crowd and

*On 6th October, 1976, one tribal was killed in police firing in the Ichahatu village of P.S. Goelkera over the dispute of cutting forest trees and misbehaviour of forest staff with the tribal women, and in November, 1978, in Goelkera area, 14 trinals were arrested and women beaten following altercation between a tribal woman and a forest contractor; in Sarengda village, 3 tribals were killed in the police firing on 25th November, 1978 on account of dispute over plantation of teak trees; in the Lonjo village of Sonua block police arrested 4 tribals on 5-12-78 for their agitation against activities of forest development corporation; police opened fire on tribals in Sindega village in August 1978 over nationalisation and de-nationalisation of minor forest produce; one tribal was killed in police firing in Kandar village in Ranchi District in December, 1978 on account of illegal felling of forest trees.

a Hawaldar of the Bihar Military Police had to tell them that he would shoot them with his stengun if they persisted in their demand and did not desist from their menacing position. This had its effect on the mob. In Goelkera, during August-September, 1980 the police had arrested 159 people on the charge of felling trees. These arrests created a further gulf between the tribals and the officials of the Forest Department. The tribals whose life is dependent upon the forests seldom cut a tree until and unless they are in need of it. To show their annoyance against the administration, the tribals had burnt a number of Rest Houses and this has continued* after the incident of 8th September, 1980.

9.127 The condition of tribals in the forest villages was deplorable. In Saranda Forest, there were 15 villages out of which 10 were forest villages. The villagers in these villages did not get benefits of various developmental programmes and had no title to the land which they cultivated. Relationship between the tribals there and the Forest Department deteriorated only during the last three years. It was learnt that a few years back tribals had agitated against the construction of Kundi Dam by NMDC Project, Meghahatuguru in which about 2,000 acres of best sal forest was to be cut. The agitation resulted in a visit by the Inspector General of Forests, Government of India, who succeeded in settling the issue and reducing the acreage of forest to be cut from 2,000 acres to 500 acres. A festival called Guru Sengal Parb (Forest Fire Festival) had been organised by the Forest Department since 1977 with the cooperation of the tribals to save the forests from fire. *It was, therefore, surprising that the tribals had taken to the cutting of forests which indicated their annoyance of the various developmental measures that were being undertaken by the Government, the fruits of which did not reach them.*

9.128 The wild animals in the forests destroy crops and at times many tribals are also killed by elephants and other animals. Due to wild life preservation laws, the animals cannot be killed by the tribals. Rules provide for compensation to the bereaved families. But the process is cumbersome and many cases of past years were still pending. There was no scheme for compensation† for loss of crops destroyed by elephants but during his visit the Commissioner was informed that a proposal had been submitted to the Government.

*For example, in 1979 after the killing of 3 tribals by police firing in Saranda of P.S. Goelkera a number of forest rest houses and inspection bungalows were burnt. On 15th September, 1980 Saitaba forest rest house was set ablaze. A bridge on Chaibassa–Ranchi Road, 18 km. from district Headquarters Chaibassa was reported to have been demolished on September 20th. On 7th October 1980, the police party who had gone to Kashijoda under Goelkera P.S. to arrest some persons named in a F.I.R. in connection with a case, was attacked by tribals with bows and arrows. The police resorted to tear gas and then to firing to disperse the tribals but there was no casualty.

†Tribals of Palamu Betta forest area demonstrated in June, 1980 for payment of compensation of damage caused to their crops by animals including elephants of the protected forests.

Tribal agitation and industrial enterprises

9.129 A number of big industrial projects like Heavy Engineering Corporation, Bokaro, Tata Iron & Steel Co., Indian Iron and Steel Company, A.C.C. and various mining companies had been established in the tribal areas besides a large number of smaller industries in private as well as public sector. This had been possible because large deposits of a number of minerals like coal, iron-ore, mica, copper, zinc, bauxite, fire-clay, etc., were found in the area. The tribals felt that the establishment of these big industrial/mining complexes had not promoted their interests. It was observed that the representation of Scheduled Tribes in posts under Groups A & B was very poor. There was only one Scheduled Tribe person in Group A in the management of HSCO at Gua. In that area there were four iron ore mines—two run by HSCO at Gua and Chiria, one by TISCO at Noamundi and one by SAIL at Kriburi.

9.130 The process of modernisation and industrialisation had struck at the very roots of the Tribal social-economic fabric. It had also been observed that the public and private sector projects had become islands of prosperity amidst large scale poverty. The tribals had lost their lands‡ to these enterprises as a result of which they had been uprooted from their ancestral homes in large numbers. The tribals could not adapt themselves to the process of industrialisation and the ensuing changes it brought in its stride. They, therefore, found themselves powerless in the new situation. Rapid urbanisation had also been taking place in the areas around these complexes as a result of which the tribal communities who enjoyed command over local resources by tradition had lost their rights. The compensation paid to them when their lands were acquired, was far from adequate. In fact the tribals regarded the compensation given to them, in relation to the forest resources to which they had free access earlier, as insignificant. In the absence of proper programmes for their rehabilitation, the compensation received by them was mostly wasted

‡Project	Land acquired in acres
1. H.E.C.	7,711
2. Bokaro	34,227
3. Adityapur	34,432
4. Tenughat	97,843
5. Kod Karo (in progress)	45,112
6. Subarnarekha (in progress)	85,000
TOTAL	304 325

and they still remained unrehabilitated. Even till then all the displaced families had not got employment in H.E.C. and Bokaro. In unskilled jobs in mining companies, a large number of non-tribal labour drawn from Bihar as well as from other parts of the country were employed. Thus, while the personnel, mostly outsiders were working in these complexes, the tribals living around them went on becoming poorer. This sort of imbalance had resulted in a lot of discontent among the tribals and had sometimes led to many incidents.*

9.131 A large number of ancillary industries develop round big industrial projects. *The tribals can secure jobs as skilled workers in the units if they are properly trained units and if potential entrepreneurs amongst them are given seed money, bank finance and other facilities. Attempts made by the concerned Departments in this regard need to be activised. The giant industrial enterprises in the public and private sectors should also be involved in this task by asking them to take up villages in their vicinity for all round development, giving apprenticeship training to the tribals and helping the youngmen in setting up small units so that the tribals get the feeling that they are equal partners in the industrialisaion of their region.*

Exploitation of tribal workers in the mines of Kolhan area

9.132 It was learnt that large scale exploitation of Scheduled Tribe workers had been taking place in Kolhan area of Chhotanagpur in Bihar State. In this area, about hundred private mines were reported to be in operation where tribal workers were grossly exploited. Kolhan was reported to be one of the most richly mineral based area of the country. Apart from iron-ore, vast stretches of partially explored tracts of limestones, China clay, manganese ore, chromite, Kyanite, silica, asbestos, quartzite etc. were also found there. These areas were exclusively inhabited by Scheduled Tribe persons interspersed with some of the Scheduled Castes communities like the Tantis, Nayaks, Gopes etc. Outsiders were reported to be minting money by operating mines, whereas the condition of majority of tribal labourers continued to be backward. Apart from depriving the Scheduled Tribe persons of their lands, the tribal workers were denied minimum wages. All the workers employed in the mines were not shown as actual workers. The women put in much more strenuous work but were not considered employees as they were considered only *rejas* of the coolies. Coolies were paid at the rate of Rs. 4 or 4.50 per *Chowka* of material they raised. To achieve maximum production the coolies employed two or three women. At week-ends, the coolies received payment against the number of *Chowkas* prepared by them and they in turn pay the *rejas* at the rate of Rs. 2 or Rs. 2.50 per day. Since the coolies alone were recognised as the employees of the mine, they were shown on the mine's register as getting adequate wages. There were also reports regarding exploitation of women workers in other ways. Considerable tribal discontent was reported to be prevalent in Kolhan mine area. Many agitations, demonstrations and even conflicts had been reported. It is necessary that the government machinery should intervene in the matter with vigour and authority to protect the interests of the local tribal population in matters such as safeguarding their interests of their lands, payment of minimum wages to all the tribal workers employed for mining operations. Careful watch should also be kept on anti-social elements to thwart their attempts by engaging themselves in repressive activities.

Tribal agitation and agricultural Development

9.133 It had been observed that large scale alienation of tribal lands had been taking place in spite of the legislation to check it as well as to restore† the alienated lands. This had been possible because of various loopholes in these legislations. Even after the alienated lands were restored by the Courts of law, in most of the cases, it became almost impossible for the tribals to take actual possession of the restored land, because they were virtually dependent economically on the landlords, who had alienated these lands. Many such incidents had come to notice.

9.134 The tribals felt that the lands now held by the non-tribals, actually belonged to their forefathers and non-tribals had fraudulently got these recorded in their names, during the successive revisional survey

*In August, 1980 tribals launched an agitation for adequate job opportunities and compensation for land acquired/taken by TISCO, ECL, BCCL, CCL, TISCO security staff were beaten at Noamundi for non-payment of compensation for land acquired for airstrip; in Jamshedpur in 1978, 5 Scheduled Castes/Tribes etc., persons were killed as a result of the contractors of TISCO chasing the poor tribals who were collecting iron pieces from slag dumps.

Number of cases				Acreage of land involved in cases			
Instituted	Registered	Allowed	Pending	Instituted	Registered	Allowed	Pending
22,100	8,600	11,000	2,500	36,800	16,000	14,000	6,800

(Figures upto March, 1978)

operations and wanted that these lands should be restored to them. Some political parties were also exhorting the tribals to take action on these lines. This had resulted in some cases* of forcible cultivation of crops by the tribals on the lands in the possession of non-tribals, resulting in clashes between the tribals and non-tribals.

9.135 As a result of construction of multipurpose river projects and other irrigation schemes, large areas of agricultural lands belonging to tribals had been acquired as a result of which they had been uprooted from their villages. It had been observed that in these cases also, the compensation paid to the tribals was quite inadequate and, even long after the construction of the projects the tribals continued to remain uprooted. It had also been observed that the benefits of irrigation projects were mostly derived by non-tribals while the tribals were left to remain as helpless spectators. There was considerable scope for lift irrigation from river beds, and if they were properly planned and executed many tribal cultivators could be benefited. Many schemes had been taken up and produced satisfactory results. But it was revealed that out of 30 minor irrigation schemes taken up in ITDP Chaibassa, only 3 had been completed which created frustration among the potential beneficiaries. This gave a handle to the various political elements to challenge the statistics of achievements prepared by the officials. People went by actual results achieved. Everyone in Chaibassa and Gua had a good word for the work done by the Administration in the draught period by digging wells in far flung areas and they wanted more of these to provide potable water for their use.

Immediate causes of Gua incident

9.136 According to officials the agitation of the Scheduled Tribe persons at Gua which led to the incident of police firing was politically motivated. In the iron belt of the area, many strikes in the mines had been organised by a political worker. An agitation was started in August, 1978 by another political party. They had created a band of militant workers in the whole of the mining belt of the region. They exhorted the tribals to cut the trees in the reserved and protected forests and setting on fire many forest rest houses. The tribals were forced to come along with them at the time of felling of trees and fines were imposed on those who were unwilling and realisation made. At times the tribals were also physically beaten for disobedience. As mentioned earlier, in the beginning the agitation started with symbolic cutting of trees and destruction of teak nurseries in the forest areas which were being felled by the Forest Development Corporation for planting of teak trees. After the Government stopped the clearing of forest for plantation of teak trees, the agitators started instigating the tribals by telling them that the lands on which forests had been raised during the British period, actually belonged to their forefathers, who had been evicted from their villages without the payment of any compensation to them. The location of these extinct tribal villages in the forest was identified by Shashangiri (grave slab and Sarna), indicating the burial ground of the tribal ancestors. The agitators also told the tribals that they were justified to clear these areas where their villages were located and bring the lands under cultivation for settlement. Rumours were spread that the Forest Minister had stated that the cleared lands would be given to the tribals for cultivation because those lands originally belonged to their forefathers.

9.137 At many places the tribals, after felling trees and burning the timber, brought the land under cultivation. The felling of trees which had started from Porahat Forest Division spread to other forest areas but it was only during the last two months that illegal fellings in Saranda Forest Division also had started. The Administration became alert and tightened up measures to meet the situation and a Police Station was opened at Gua in the year 1979. As mentioned earlier, 159 tribal persons were arrested in Goelkera and 70 tribals were arrested by police on 8th August, 1980 for cutting trees in Ghatkuri forest. These two incidents appeared to be the immediate cause of provocation for the Jharkhand Mukti Morcha to give a call for meeting and demonstration on 8th September, 1980 to demand the release of the arrested persons and allegedly also for punishing the Forest Ranger of Gua who, it was said, had reported the names of the alleged persons responsible for felling the trees.

9.138 Another cause might have been rivalry among the competing political parties for ascendency in the district. The district has 14 seats in the Vidhan Sabha, out of which 9 are reserved for Scheduled Tribes and one for Scheduled Castes, the rest being general. The result of the last Vidhan Sabha elections held in May, 1980 had revealed that the Bhartiya Janata Party had emerged as the single largest group bagging 5 seats, 4 of which were reserved for Scheduled Tribes, followed by C.P.I. with 3 seats, 2 of which were reserved, one for Scheduled Castes and the other

*In Pakaria village 46 houses were burnt on 17-1-79 over a dispute on land; 1 Scheduled Tribe person was shot dead in police firing and 3 persons injured in Saraikela village on account of a dispute over 3 bighas of land on 17-3-79; in the Beldiha village 36 Santhals were arrested and their women raped over a dispute on land on 29-12-78; in Kukuntope village 1 tribal was killed and 2 arrested by police on account of dispute over harvesting of paddy crops on 14-12-78; police opened fire on a Santhal gathering in Naskalaiya village in May, 1978 in a land dispute between them and non-tribals; near village Saraiahat near Dumka in April, 1980, 2 tribals were killed in police firing over a dispute on standing trees; 1 tribal was killed and six others injured in firing opened by some landlords at Khunti in November, 1979 on account of dispute over land; near Guttipara village in Dumka Sub-Division, harvested paddy crop of a tribal was being taken away in December, 1979 by the labourers engaged by a mahajan in lieu of loan worth Rs. 150 given to the tribal in village sughbehari transferred to a bania of village Kodokhicha for a paltry sum of Rs. 26. In Bhargaon village, Panchayat Samiti Sinha, in the Lohardaga sub-division, a non-tribal person who was also Pramukh of the Samiti, had established a farm taking the lands of 44 tribals in lieu of the loans given to them; on 6th November, 1978, a tribal person was allegedly murdered in village Tundi over a dispute of harvesting of crop; on 9th December, 1978, two S.T. persons were injured in police firing in the interior of Arki block when they were protesting against large scale felling of trees.

for Scheduled Tribes. Congress(I) and Jharkhand Mukti Morcha shared 2 each. One of the Congress(I) winners was of general category. The rest of the seats were bagged by the candidates who fought on free symbols. Later on Shri Bagun Sumbrui who was returned to the Lok Sabha as Janata Party candidate during the last Mid-term Elections, joined Congress(I) alongwith his wife Smt. Mukti Dani Sumbrui, who was returned as an Independent during the Assembly Elections from the reserved Chaibassa Scheduled Tribe Constituency.

9.139 Thus the District presented a picture of keen competition among political parties to capture the minds of the tribal people. And since the Bhartiya Janata Party had bagged nearly half of the tribal seats, the Jharkhand Mukti Morcha which considered itself to be the prime spokesman of the cause of the tribals, regarded the Bhartiya Janata Party as its nearest rival. However, Gua where the incident took place happened to be in the constituency which had returned an Independent member who now belonged to the Lok Dal. It had its own strategic importance from many points of view. Among the nerve centres of the agitation, some happened to be the strongholds of the Bhartiya Janata Party, such as Manoharpur Constituency. It is also possible that younger leadership of Jharkhand Mukti Morcha in the Singhbhum District wanted to create an impression on the minds of the tribals that they alone could be the effective crusaders of their cause.

Gua Incident

Police Version

9.140 The officer-in-charge of Gua Police Station narrated the events which led to the incident as follows :—

> "At about 2.30 p.m., on the 8th September, 1980 tribals started coming from different sides of Gua and assembled at the market place of the town to hold a meeting on a call given by the Jharkhand Mukti Morcha to demand the release of the Scheduled Tribe persons arrested earlier for felling trees in the surrounding forest areas and to *gherao* the Police Station and the Forest Range Office at Gua. According to his estimate, about 2,500 to 3,000 tribals were present in the meeting. Many of them were armed with bows, arrows, tangis and other lethal weapons. A large number of them had come from far off places like Goelkera, Somna, Manoharpur, Chhotangra, Salai, Jojogutu, Jankundia, etc. In the market place, there were some pucca shops as well as some temporary sheds made of bamboos for the weekly *hat*. The *hat* day was Sunday while the day of the incident was Monday. The pucca shops opened daily from 7.00 A.M. to 9.00 A.M and again from 4.00 P.M. to 6.30 P.M. At the time of incident which took place at about 3.00 P.M. all the shops were closed. The Magistrate on duty alongwith police force consisting of one D.S.P., one Inspector of Police, Officer-in-charge of Police Station, 3 armed Havaldars and 8 armed Constables, 2 Havaldars and 8 Constables with *lathis*, 8 Constables of Tear-Gas Squad, 1 Havaldar with 4 armed Constables (as support of the Tear-Gas Party) and a Jamadar-in-charge of all the force, rushed to the spot because Section 144 was already in force in the area. All this force, except the tear-gas party belonged to Bihar Military Police.
>
> The police party found that slogans were being raised in the meeting to instigate the tribals to *gherao* Gua Police Station and the Forest Ranger Office. The Magistrate warned the meeting to disperse because the area was under Section 144. However, the Scheduled Tribe persons did not pay any heed to the Magistrate's warning. Thereafter two leaders of the gathering, were arrested. While being taken into police custody they signalled to the Scheduled Tribes to attack the police party. The Magistrate again warned the meeting to disperse but with no effect. The meeting which was then converted into a mob, rushed towards the police party. The Magistrate ordered a *lathi* charge to be made on the mob. When this also did not prove effective, the Magistrate ordered firing of tear gas shells. As soon as tear gas shell was fired by the police the Scheduled Tribe persons started shooting arrows towards the police party. One of the arrows hit the Jamadar of the police force, piercing his right eye and he later succumbed to his injuries. When the mob was becoming uncontrollable, the police opened fire on them. 58 rounds were fired in all, in three stages. In the first stage, 30 rounds were fired from a place about 100 yards, away from the meeting place. In the second stage, 20 rounds were fired from a place 60 yards, away from first stage of firing. In the third stage, 8 rounds were fired from a place about 50 yards, away from the second stage of firing and about 200 yards from the Gua Police Station. The places from where the police fired at the mob, were located on the road from Gua market place to the police station. When the police fired, the Scheduled Tribes again retaliated by shooting more arrows at them. The police firing were made in three stages because the police force had to retreat towards the police station in the face of advancing mob to maintain distance between themselves and the mob. In the clash 8 Scheduled Tribe persons, two B.M.P. armed Constables and one B.M.P. Havaldar were killed. The rifles of the two constables who were killed, were taken away by the

mob. Shri Sinha, however, could not tell as to how many Scheduled Tribe persons had been killed after each stage of firing. When the injured police personnel were taken to the IISCO Hospital Gua, a mob of Scheduled Tribes consisting of about 100 persons, attacked the police in the hospital, shooting arrows with a view to killing the injured police personnel. The police party fired 10 rounds, in self-defence, as a result of which 3 Scheduled Tribe persons killed. In all, 19 police men were injured in the incident. Two of them were treated in the OPD of the IISCO Hospital, Gua. The rest were admitted to that hospital for treatment and later shifted to the hospital at Jamshedpur. One of them succumbed to his injuries on the way while being shifted from Gua hospital. None of the injured Scheduled Tribe persons came to hospital for treatment. It was not, therefore, known to him as to how many Scheduled Tribes had been injured. No Scheduled Tribe person had lodged any complaint with the police about this incident. One F.I.R. was, however, lodged by the Magistrate on duty at Gua under Sections 147/148/149/302/307/379/114 in Gua Police Station *vide* case No. 9 dated 8th September, 1980 against 6 persons. 2 of these were arrested from the place of meeting on the 8th September.

One of the rifles seized by the mob had since been recovered from Jojogutu village. The second rifle had not yet been recovered but the police were making searches in different villages to trace it."

Visit to the IISCO Hospital, Gua

9.141 The Study Team visited the IISCO Hospital, Gua on the 15th September, 1980 and had discussions regarding the incident with the Medical Superintendent and other doctors in the hospital. Later, he met the Commissioner at Chaibassa and had discussions with him about the incident. He informed the Commissioner that when he was about to leave his house for the hospital in the afternoon, his son told him that he had heard the sound of firing of tear gas shells and gun fire from the direction of the market place where a meeting of tribals was being held and suggested to him not to go to the hospital. He said that he, however, insisted that he must go to hospital because persons injured as a result of firing might be brought there for treatment and it was his duty to attend to them. When he reached the hospital, he saw his nurse running with blood stained clothes, who told him that some injured policemen had been admitted. After some time he heard gun-shots being fired outside the hospital. However, he and the hospital staff soon became busy in attending to the injured policemen and could not get any time to look out of the hospital to know about the firing and could not, therefore, give any details about it. He examined one injured policemen with an arrow near his right eye and other injuries and then many cases started coming. He further informed that in all, 19 injured policemen were brought to the hospital, out of whom 2 were treated in the OPD, 2 were sent to Naomundi Hospital on 8th September, 1980, one of whom succumbed to his injuries in transit, while the remaining, *viz.*, 15 were shifted to TM Hospital, Jamshedpur on the 12th and 13th September, 1980.

9.142 The Medical Superintendent said that no injured or dead Scheduled Tribe person was brought to the hospital. So he could not say how many tribal persons had been injured as a result of the police firing. He said that when he left the hospital after attending to the injured policemen at about 7.00 to 7.30 P.M., it was dark and he saw a truck with one or two drums in it parked inside the hospital compound. He informed that the D.C., S.P. and other officials had visited the hospital in the evening of the day of the incident. The Chief Secretary, the I.G. of Police and the Commissioner, Ranchi visited the hospital later.

9.143 In spite of pointed queries by Commissioner, the Medical Superintendent showed his ignorance about any details of the police firing outside the hospital or about the tribal persons injured in the police firing. It is rather strange that when he was in the hospital, firing was taking place outside and he noticed a truck with one or two drums parked in the compound when he was leaving the hospital; but still he did not try to find out what all this was about.

Discussion with the Civil Surgeon, Chaibassa

9.144 Commissioner also had a discussion with the Civil Surgeon, Chaibassa on the 16th September, 1980 at Chaibassa, and other doctors of the Chaibassa Hospital about the incident as well as the injuries received by the deceased tribals. The Civil Surgeon said that he reached the IISCO Hospital, Gua at about 11.00 P.M. on the day of the incident. The bodies of the deceased tribals were lying in the compound of the hospital. The *post mortem* of the bodies of the 11 deceased tribals and 4 deceased policemen was performed in the Sadar Hospital, Chaibassa on the 9th September, 1980. It was gathered during the discussion that in majority of cases of the deceased tribals, the nature of injuries revealed by *post mortem* indicated that the same had been inflicted by close-range firing. Asked how close could be the close-range in this case, some of the doctors said it could be ten to twelve feet.

Non-Official Version

9.145 According to some well informed tribal and non-tribal persons, on the morning of the 8th September, 1980 the tribals of the forest areas sent a message by beat of drums to gather at the Gua airstrip. About 2,500 to 3,000 tribals had assembled at the airstrip by 2.00 P.M., to attend a meeting called by the Jharkhand Mukti Morcha, armed with bows, arrows and *tangis*. It was informed that the aim of the organisers was to discuss and submit a memorandum to the local authorities for release of arrested persons. At the meeting held at the

air-strip, after the memorandum had been prepared, a Magistrate alongwith a force of Bihar Military Police appeared at the scene. The organisers wanted to present the memorandum to the B.D.O. but the police insisted that the tribals should stop their march towards the town and disperse. The tribal leaders decided to submit the memorandum to the Magistrate and it was informed that a receipt was also obtained of the same after submission to the Magistrate. At this point, the Magistrate as well as Bihar Military Police left and the gathering proceeded towards the local bazar to hold their meeting. As soon as the leaders started addressing the meeting, the police force returned alongwith the Magistrate and ordered the tribals to disperse and desired that the leaders should surrender themselves. Two leaders, one of whom was a non-tribal, were taken into custody and the Magistrate left with them in his jeep. The police, however, stayed on and the next speaker asked the assembly to disperse as the police wanted to provoke them. It was alleged that, at this moment the police rushed into the meeting and started to drag away the speaker. A melee ensued and the police started firing indiscriminately, as a result of which two Scheduled Tribe persons were killed. 8 Scheduled Tribe persons who took one of the injured tribals to the HSCO Hospital, Gua for treatment were shot by the police at close-range, killing all the 9 of them including the injured person, on the spot.

9.146 The above versions of non-official persons could not be checked as the Magistrate on duty at the time of firing, could not meet the Commissioner in spite of a written request to do so although he was present at Gua itself. The D.S.P. also did not come to give his version of the incident. Incidentally, both these officers belong to Scheduled Tribes. Thus, the two crucial persons who could have shed more light on the actual firing at the bazar and the hospital, tried to evade meeting the Commissioner for reasons best known to them. The S.P. and D.C. who reached Gua after the incident, however, disputed the non-official version and stated that 8 Scheduled Tribe persons had died at 3 stages of firing in the bazar and 3 Scheduled Tribe persons by police firing, in self-defence, at the hospital.

9.147 It was learnt that at the time of incident, the police force present at the place of meeting had a strength of 38 consisting of one D.S.P., one Inspector, one Incharge Police Station, one Jamadar, 16 police personnel armed with guns. 10 with lathis, 8 belonging to tear gas squad. As given in the police version, the stages of firing had different distances from the crowd. At the first stage, the police fired from a distance of 100 yards and at the second stage from a distance of 60 yards further away from the first stage and at the third stage firing was from a distance 50 yards further away from the second stage. This presented a picture where the police had been hitting and retreating and the crowd was surging forward after being hit. The distance theory appeared to be relevant in determining the nature of casualties on both sides. *Post mortem* reports could shed some light on this point. These reports indicated that the injuries received by most of the deceased tribals could be from a close-range firing, a fact which was supported by the views expressed by the doctors who had performed the *post mortem* It is possible that during the first round of firing the distance may have been closer than that indicated in the police version. As a result, soon after the bursting of the tear gas shells, the first volley of arrows must have been shot from a closer range which resulted in grievous injuries to the 4 policemen, 3 of whom are reported to have died on the spot. This might have provoked immediate firing by the police from less than the requisite distance and they started retreating under heavy showers of arrows resulting in injuries to a number of policemen below the waist and at the back of their bodies. The fact that the crowd could make off with the rifles snatched from the two dead policemen indicated two possibilities, one that at least for some time the crowd and policemen had got mixed up; and second that the retreating policemen were firing indiscriminately and left those who dropped dead with their rifles. In view of the above position, it was difficult to come to a definite conclusion about the manner of firing by the police and the attack by the tribals.

9.148 The police version had it that the tribals collected in a large number in the premises of the Gua hospital and wanted to attack the policemen brought for treatment. The policemen, therefore, had to fire at them in self-defence in which 3 tribals were killed. However, during the visit to the hospital, no sign of any damage to the hospital property was noticed as a result of the alleged shooting of arrows by the tribals. Not even a single window pane was found to have been broken. But according to the non-official version, 8 tribals who had brought one injured Scheduled Tribe person on a charpoy were all killed by close range firing. The veracity of the two versions can be indicated here again by the post-mortem reports.

Observations/Recommendations

9.149 The Commissioner for Scheduled Castes and Scheduled Tribes made the following observations/ recommendations after his enquiry into the incident at Gua :—

> The agitation in tribal areas had been going on for the last several years. Violent incidents had taken place at many places since 1978. The incident of police firing at Gua on the 8th September, 1980 could not be viewed as an isolated incident but had to be viewed as one in the chain of incidents which resulted in clashes between the tribals and the police as well as non-tribals. The State Government had initiated a number of administrative and developmental measures to combat these but it had not been possible to contain the same. Three-fold strategy, political, administrative and developmental is necessary to meet the situation.

Political

9.150 *The stance at dialogue with the leaders of the tribes, rather than excessive repression, should be the governing policy in dealing with any agitation which has its roots in the socio-economic ethos of the people in the tribal areas. Any extra emphasis on the use of strong-arm methods only helps to further alienate the tribal people. The deployment of the C.R.P. and B S.F , may appear to curb the manifestations of hostile activities but may not succeed in bringing about a peace effective enough for smooth carriage of developmental process with social justice, unless alongside peace making efforts, equally determined efforts are made to attack the socio-economic problems haunting the tribal areas.* In the villages in Saranda forest areas, it was observed that most of the Scheduled Tribe males were missing from their homes because of the panic created in the area due to the indiscriminate arrests and searches being conducted by the police. *It might help ease the tension if the police proceeded with caution so that the tribals in the villages were not unduly scared to prevent increasing their distrust in the administration.*

9.151 It was suggested that on the lines of the Government of Gujarat, a scheme under social forestry should be introduced under which a tribal person who handed over one or two hectares of land to the Forest Department for raising trees and plantation be given a subsistence allowance per hectare which was equivalent to his expected average annual earning from cultivation, of such land till the time of exploitation of the trees. At the end of the period, when the plantation matured, the same should be exploited by the Forest Department and sold on behalf of land owners. The cost of plantation, as also subsistence allowance, paid without charging any interest, would be deducted and balance net amount paid to the land owner. *A similar scheme could be drawn up on the lines of Gujarat Government to provide landless tribal persons sustained job opportunities by permanently engaging a family on raising plantation of suitable species under the direct supervision and guidance of Forest Department, who would supply the required raw material. In lieu of the labour put in, each family would be paid a reasonable monthly remuneration till such time as the trees were exploited. At the end of the period, family could be given 20% share in the net profit derived from the sale of trees. This scheme should be discussed with the representatives of tribal people.*

9.152 *Forest Department officials, specially the petty officials should be impressed upon to approach the tribals in a friendly manner and try to fully explain the implications of the various forest programmes before starting their implementation. It was only when the right type of psychological climate was created among the tribals and they were convinced that these programmes would be in their interest that they would be prepared to accept them. The authoritarian attitude of the forest officials against the tribals must stop.*

9.153 *No where it was more essential than in the tribal areas, to involve the representatives of the tribal people, to guard their interests from exploitation by money-lenders, contractors etc., in order to accelerate the pace of development.*

Personnel

9.154 The suggestions given below, if implemented, coupled with the political understanding with the organisations and leaders having adequate credibility with the people, might succeed in capturing the minds of the tribals. *Whatever was promised must be faithfully executed and for this purpose, the first requisite was the posting of right type of personnel in the tribal areas. Since the emphasis in a welfare State was on development, it was necessary that the stress should be on ensuring adequate stability of the administrative apparatus at the lower level, more so in the tribal areas where the problems were complex and required comparatively longer time to have a grip. It was, therefore, absolutely desirable that the minimum tenure of all administrative and technical heads should be 5 years, in order to enable them to attend to the various developmental programmes. Frequent changes in the administrative replacements in the context of the present stage of our developmental activities, harmed more the weaker sections, particularly the tribals. Once given a tenure, the officer concerned should be changed in the mid-term only, if he or she was found to be a road-block in the process of development in the area.*

Forests

9.155 *A policy decision was necessary to do away with the auction of forest coupes to contractors. Allotment of forest coupes should be exclusively given only to forest labourers' cooperative societies. There were at that time some FLCS but either they were dormant or they were not allotted sufficient work. They also did not possess necessary technical expertise for the exploitation of forest coupes. The establishment of FLCS and their revitalisation was urgently called for. If the tribals were assured that the forest coupes would be allotted to their societies and they would get the prescribed wages, they would come forward willingly to protect the forests. To ensure that this programme was implemented in right earnest, it was imperative that a senior officer similar to the rank of Chief Conservator of Forests should be given exclusive charge to provide technical advice to FLCS and to see that forest officials acted in a manner as would not strangle these societies. The work of organising FLCS should be taken up with speed and the elite among the tribals should be enabled to play a useful role in the management of FLCS. Along with this programme, the collection of minor forest produce by the tribals and its purchase by the LAMPS should also be organised. A co-ordinated functioning of the two would be desirable and should be supervised by the authority suggested above.* In *Maharashtra*, the purchase of certain specified minor forest products as well as surplus agricultural produce by the contractors or traders had been banned and the Tribal Development Corporation had come forward in a big way to purchase these commodities and also to provide consumption loans to the tribals. *If a similar strategy was*

followed in Bihar, it would contribute very much in the elimination of exploitation in the tribal areas

9.156 LAMPS had been set up in all the ITDP areas but they had not been able to perform the tasks envisaged. *The Administrative and financial shortcomings in the working of the LAMPS should be immediately identified and tackled. This would require a co-ordinated approach of all the agencies like the cooperative banks, nationalised banks and other marketing federations with a view to ensuring that sufficient funds were placed at the disposal of the LAMPS for purchase of the commodities which the tribals bring for sale.*

Forest Villages

9.157 There were a number of villages in the reserved forests which had remained outside the ambit of various developmental programmes taken up so far. *A crash programme required for the development of these villages should be drawn up immediately and a team of officers belonging to various developmental departments in the district should be asked to visit these villages and suggest concrete measures to be taken up for providing drinking water, health and educational facilities to these villages. For this purpose, funds should be placed by the concerned departments at the disposal of the forest department along with necessary personnel so that these programmes could be executed with the needed promptitude. A wide publicity by mobile units of the PRD should precede the inauguration of this programme.*

Employment

9.158 It was learnt that about 2,000 tribals had been rendered unemployed due to the closure of some clay mines in the private sector in Singhbhum district. These unemployed persons were easily used by agitators or the contractors for the illicit feeling of trees by giving them monetary inducement and a false assurance that they could cultivate the deforested areas. *Efforts should be made to get the mines reopened or in the alternative provide them gainful employment.*

9.159 *It had been observed that the Scheduled Tribe labourers were generally paid wages much less than those prescribed under the Minimum Wages Act. This led to a lot of frustration among the tribals.*

9.160 The representation of Scheduled Tribes in Groups C & D posts in the four iron ore mines in the area, TISCO at Noamundi, IISCO at Gua and Chiria, SAIL at Kiriburi and Maghatuburu, was not very encouraging. *The usual explanation that qualified technical Scheduled Tribe persons were not available could be overcome by launching a crash programme to give training to the Scheduled Tribe candidates passing out of ITIs or polytechnics for absorption in these mines.*

Payment of Compensation

9.161 *The grievance about land alienation and non-payment of compensation in respect of the lands taken for air strip at Noamundi and for collieries, Government projects, irrigation schemes, industries, needed immediate attention.* In particular, in Hazaribagh district recently there had been many cases where tribal lands had been either acquired or taken by various means for collieries of the TISCO, CCL, CIL, BCCL etc. *Remedial steps should be taken for payment of adequate compensation to the land holders. The recent manifestation of dis-satisfaction among the tribals was noticeable in the obstruction by the tribals to the construction of big irrigation and thermal projects in the Chhotanagpur and Santhal Parganas.*

9.162 It was observed that due to certain loopholes in the implementation of various land laws in the tribal areas, alienation of tribal lands was still taking place. Even after the restoration of lands to the tribals, the actual possession of the restored lands could not be taken by the tribals, in many cases. *The State Government should review the existing land laws in the tribal areas of the State and take necessary action to plug the loopholes therein, to ensure that there were no bottle-necks in the restoration/actual possession of alienated tribal lands.*

9.163 *After the names of the near kith and kin of the 11 Scheduled Tribe persons killed in the firing at Gua had been identified, they should be paid adequate compensation. This gesture on the part of the Government would have a salutary impact on the tribals. In the welfare State, it would be wrong to hold the view that as the tribals attacked the police force, it would not be proper to give financial relief to the bereaved families.*

Role of Development Departments

9.164 *The Medical Department had an important role to play in bridging the present communication gap between the administration and the tribals. Mobile medical teams should visit villages in the tribal areas and render them medical aid. A programme of providing medical aid at all the huts in the tribal areas should be started immediately. Young energetic doctors should be sent from neighbouring districts to augment the existing staff so that this programme could make a perceptible influence on the tribals.*

9.165 *The Industries Department should intensify the sericulture schemes which can provide supplementary income to the tribals. Basket and rope making can be encouraged by supplying raw material at cheaper rates and making arrangements with the iron ore mines, steel plants and other industries to purchase these products instead of purchasing them from the contractors. This can provide employment to a large number of people.*

9.166 *The Minor Irrigation Department in the district needed streamlining. A number of schemes taken up by them required completion. These must be completed on priority basis to ensure that actual benefits flow to the tribals.* The tribal losses all faith in the administration when he finds that Government officers come in their vehicles, spend some time in the village and at the site of the project but on account of one reason or the other, the project is not completed. *The first task, therefore, of the Minor Irrigation Department should be to complete the schemes before taking up more schemes for execution.*

9.167 *Compensation money for deaths caused by rogue elephants should be paid soon after the reports have been verified. All bottle-necks causing delay should be removed to ensure prompt payment in such cases. Similarly, there was considerable delay in the payment of compensation for crops damaged by wild animals. These cases were perhaps pending in the Finance Department for a long time. If help was not given immediately, the whole purpose of the State coming forward with a helping hand would be lost. In such matters, the district magistrates should be equipped with adequate powers to evaluate the damage, and to determine the quantum of compensation to ensure prompt payment.*

9.168 *The tribal agitation in the region had undoubtedly acquired a political overtone by constantly highlighting the demand of a separate Jharkhand State. The leaders of the movement had taken care to identify various local demands with the need for creating a separate State.* It was true that the leadership of the present agitation did not have the stature and intellectual recognition as that of late Shri Jaipal Singh who had first raised the issue of Jharkhand State in the late forties and fifties. The total response to the demand today was larger and more concretised. It had become more territorial than mere ethnic since quite a sizeable section of the non-tribals had also fallen in line with the demand. Thus this qualitative difference of the movement becoming more politicalised than personalised, more collectivists than elitists was significant. *It was for consideration whether a time had not come to give a fresh look at the demand for a Jharkhand State comprising* 16 *districts of Bihar, Madhya Pradesh, Orissa and West Bengal with an area of* 1.9 *lakhs sq. km. But any consideration must answer to the all embracing questions as to what extent the creation of a separate State would benefit the development of the tribals and could eliminate their exploitation. The tribal people would constitute less than* 50 *per cent of the population in the contemplated Jharkhand regions. It was, therefore, no wonder that the demand found support now even in a section of non-tribals particularly among the politicians and businessmen.* Quite a sizeable component of Jharkhand Mukti Morcha itself happened to be non-tribal. The contemplated State would no doubt be quite a viable one considering the area, population and the resources. But would it be equally and effectively tribal enough to fulfil their aspirations of cultural inalienability and economic emancipation? It was doubtful although they might have a comparatively larger share in its composition. And yet it was almost certain that the present administrative arrangement would continue to be suspect in their eyes and the delay in satisfying in some manner their political and economic aspirations would only contribute to fan the embers of discontent and agitation. In such an atmosphere, all attempts at the acceleration of the developmental process were met only half way. Even if the attempts succeeded in any localised area, it might not have the desired whole-some effect since any agitation in one part of the region had a tendency to spill over the other parts. Such agitations might be curbed for a time being but were not controlled by the extra exhibition of law and order forces. The usual law and order normative of situation being under control might not be relevant to a situation arising out of socio-economic ethos of a people. *It is high time to consider methodology for a co-ordinated development of all the tribal areas of the four States of Bihar, Orissa, West Bengal and Madhya Pradesh. The areas being contiguous and the problems and the stage of development almost similar, would it not be possible to devise some institutional frame which could ensure co-ordinated development and increase participation of the people in the development process and ensure pace and better governance in the areas without at the same time impinging upon the respective autonomy of the concerned States? The Union Government had a crucial stake in the Scheduled Areas and development of the people therein and the Governors of the States had special responsibilities towards there areas. Article* 339(2) *of the Constitution clearly mandates that the executive power of the Union shall extent to the giving of directions to the States for drawing up and execution of schemes essential for the welfare of the Scheduled Tribes. The First Proviso to Article* 275(1) *provides that the costs of a scheme for promoting the welfare of the Scheduled Tribes in a State or for raising the level of administration of Scheduled Areas will be met out of the Consolidated Fund of India.*

9.169 *Some common developmental machinery like the North Eastern Council with necessary modifications should be worked out for the purpose. With the Home Minister as Chairman, the proposed Council should include, besides the Governors and Chief Ministers of the concerned States, tribal representatives nominated from among the elected members of the Scheduled Areas and a member of the Planning Commission. The power of the Governor to make regulations for peace and good government of the Scheduled Areas under the Fifth Schedule of the Constitution could be exercised in consultation with the proposed council. Similarly, the executive power of the Union Government under Article* 339(2) *for giving directions in drawing up and execution of schemes essential for the welfare of the Scheduled Tribes, which has not been fully invoked so far, could well be exercised through the machinery of the council.*

WEST BENGAL

Basic Data

9.170 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes :—

Total population	443.12 lakhs
Scheduled Tribe population	26.03 (5.87%)

Sub-Plan Area

Total population	14.89 lakhs
Scheduled Tribe population	10.42 lakhs (69.98%)
Percentage of Scheduled Tribe population in Sub-Plan to Scheduled Tribe population in State	41.14
Percentage of area under Sub-Plan	5.64

I.T.D.Ps.

Total	12
Prepared	6

	Rural	Urban	Consolidated
Percentage of total population below poverty line (1977-78)	58.94	34.71	52.54

Settlement pattern of the Tribals

Tribes	Areas on Settlement
Santhals, Oraons, Mundas, Koras, Mahalis etc. belonging to Proto-Australoid racial stock.	Plains districts of Burdwan, Birbhum, Bankura, Hoogly, North 24-Parganas, East Midnapore, Coastal areas of 24-Parganas, South Midnapore and arid areas of West Midnapore and Purulia.
Mech, Rabha, Lepcha, Bhutia etc. of Mongoloid stock.	Sub-hilly and hilly regions of North Bengal. (Jalpaiguri & Darjeeling).
Primitive Tribes	(1) Birhor (2) Toto and (3) Lodha.

Industrial classification of tribal workers

	(Per cent)
Total workers	37.56
Cultivators	31.19
Agricultural labourers	48.91
Livestock forestry, fishing etc.	10.88
Mining and Quarrying etc.	1.12
Household industry	1.02
Other than household industry	1.60
Construction	0.32
Trade & Commerce	0.71
Transport and Communication	0.82
Other services	3.44
Non-workers	62.44

Number of educated unemployed registered with employment exchanges (as on 31-12-1979)

Matriculates	4127
Intermediates/Higher Secondary etc.	3143
Graduates	574

Percentage of literacy (1971)

GENERAL			SCHEDULED TRIBE		
Male	Female	Total	Male	Female	Total
42.84	22.08	33.05	14.49	3.09	8.92

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	79.3	30.5
Scheduled Tribe	54.6	12.3

83 per cent of the total Scheduled Tribe population of the State is located in the 8 districts of Midnapore (17.49%), Jalpaiguri (16.92%), Purulia (12.39%), Burdwan (9.02%), West Dinajpur (8.74%), Bankura (8.24%), 24-Parganas (5.42%) and Malda (5.16%). The remaining 8 districts share 16.62 per cent tribal population in the State.

Most of the tribal settlements in the State are non-contiguous in nature and these are very often interspersed with the settlement of other population. No Tribal Development Block could be set up in the State because of the non-existence of compact areas with two-thirds or more tribal population. While preparing the tribal Sub-Plan, some relaxation was made to identify the areas to be included in the Sub-Plan. According to the relaxed criteria, the basic unit of selection was a 'Mouza' having 50 per cent or more Scheduled Tribe population. These identified *mouzas* were grouped in different areas on the basis of their contiguity and identified as I.T.D.P. areas.

9.171 Unlike some other States, the problems of tribal population of the State are not the result of isolation or seclusion of any type. Rather their problem is that of confrontation of the traditional integrated society with different social and economic forces of modernity. The main causes of tribal dis-satisfaction are discussed in the subsequent paras.

Agriculture

9.172 The tribal population in the State is predominantly dependent on agriculture, with more than 80 per cent of the tribal workers being engaged as cultivators, agricultural labourers and share-croppers. The land-holding families were mostly marginal farmers. The potentiality of these holdings was at the minimum level.

9.173 Because of the uneconomic holdings, most of the tribals had to seek livelihood by engaging themselves as agricultural labourers or as share-croppers. It was learnt that the minimum wages prescribed for such labourers were not paid to tribal workers in most cases. Because of staggering unemployment among them, they had lost the bargaining power in the employment field.

9.174 In most cases, the tribal lands were located in such areas where irrigation facilities were vastly lacking. Areas of major tribal concentration in the districts of Midnapore, Bankura and Purulia, persistently suffered from drought or near drought conditions. Tapping of irrigation potentials in the tribal areas and utilising water resources for tribal lands were still the basic problems for agricultural development. Coupled with poor condition of their soil and meagre flow of inputs like seeds, fertilisers, pesticides etc., the cropping pattern remained traditional, leading to poor agricultural output.

Indebtedness

9.175 On account of poor agricultural output the tribals were forced to resort to money-lenders to meet their urgent short and long-term credit needs. Though 49 LAMPS had been established in 12 districts, yet these did not cover most of the tribal villages. The LAMPS were also not working properly to fulfil all the functions assigned to them. For example, during a visit of a Study Team of this organisation, to the Kharibari Phansidewa Large Sized Multi-purpose Cooperative Societies Ltd., Howdavita in Siliguri Sub-division of Darjeeling District in May, 1980, it was observed that most of the pigs purchased by a Scheduled Tribe beneficiary with the financial assistance given by the Society had either been killed in accident on the road-side or killed by villagers when they found them damaging their crops. In such cases the purpose of advancing loan to the tribal beneficiary had not been served because he had not been able to produce any recurring income with its help. *The LAMPS should take necessary follow-up action after advancing loans to the beneficiaries and ensure that the amounts of loans were properly utilised by them to create regular incomes for them.*

Land alienation

9.176 In spite of the fact that the transfer of land from tribals to non-tribals is prohibited by legislation, alienation of tribal lands in the State has been continuing. There are several loopholes in the relevant laws which are taken advantage of by cunning people to alienate the tribal lands. Poverty, defalcation in payment of money etc. are the main causes in such land transfers. Mainpulation in land records, fraudulent exchange of land and *benami* transfers are some other ways adopted by non-tribals for this purpose. Urgent steps to remove various loopholes in the relevant laws should be taken by the State Government in order to restrict the alienation of tribal lands. According to the provisions of the West Bengal Land Reforms Act, steps have been taken for initiating restoration proceedings either on application or *suo moto,* in respect of land alienated without permission. Out of the total of 17,050 acres of land alienated upto 1977-78, 1,568 acres had been restored to the tribals upto that year. *The State Government should expedite the steps for the restoration of alienated tribal lands in order to remove a major cause of discontent among the tribals.*

West Bengal Tribal Development Cooperative Corporation Ltd., Calcutta

9.177 The Corporation had, upto 1978, undertaken activities relating to collection and marketing of minor forest produce, promoting animal husbandry programmes, development of tusser cultivation and minor irrigation works through LAMPS. The sphere of activities of the Corporation was being enlarged with the undertaking of purchase and supply of essential commodities, collection and marketing of variety of forest produce and also agricultural produce, organisation of a lac processing unit and a solvent extraction unit as well as credit functions. For undertaking all these activities, the State Government was considering to strengthening the capital base of the Corporation. In addition to Rs. 97 lakhs provided till then, as the State's share contribution, it was proposed to provide a further capital of Rs. 50 lakhs to the Corporation, during the period 1979—83. *The functioning of the Corporation should be monitored continuously in order to ensure that the Scheduled Tribe beneficiaries actually derive benefits from its various programmes.*

Education

9.178 Low literacy level remains to be one of the major problems among the tribals of the State. The percentage of literacy among Scheduled Tribes in the State according to 1971 Census was as low as 8.92 as compared to 33.05 among the general population. The percentage of literacy among the tribal females was still lower, *viz.,* 3.09. The enrolment ratio among the Scheduled Tribes in the State was also very low and a large number of tribal students dropped off in the primary stage itself.

Educated Unemployment

In addition, the problem of educated unemployment was also creating frustration among the tribals. As on 31st December, 1979 there were 4127 matriculates, 3143 intermediates/Higher secondary and 574 graduates among the Scheduled Tribes registered with the employment exchanges.

Hill Areas

9.179 The hill areas of North Bengal constituting Jalpaiguri and Darjeeling districts have a number of backward Scheduled Tribes like Mech, Rabha, Lepcha, Bhutia, etc. For the accelerated development of the hill areas, a programme was started in 1974-75, in which the major emphasis was made on employment generating schemes leading to higher production. The secondary thrust was on development of infrastructure. Apart from agriculture, special emphasis was laid on boosting subsidiary income generating occupations, like animal husbandry, horticulture, forestry, sericulture, cottage and small scale industries and medicinal plantation. The programme was to be funded partly from the State budget and partly from Special Central Assistance.

Demand for the creation of Jharkhand

9.180 For the last few years, the tribal leaders of Midnapore, Bankura and Purulia districts of the State as well as the adjoining districts of *Bihar* and *Orissa* have been agitating for a separate Jharkhand State. The Jharkhand Mukti Morcha and Jharkhand Yuba Morcha, have been spearheading the movement. After disturbances in *Assam* and *Tripura,* these activities were reported to have been considerably intensified. A large number of meetings of these organisations were held in Jhargram Sub-Division of Midnapore district and these were reported to be utilising local issues relating to distribution of land, recording of share-croppers, employment facilities in Jhargram paper mills etc.

9.181 It was reported that some British, French, West German and Dutch missionaries and social welfare organisations had been aiding the above mentioned movement and organising the tribals to agitate on pro-tribal issues. It was learnt that an increasing number of foreigners and missionaries were visiting Jhargram. It was also learnt that a number of voluntary organisations financed by foreign countries and institutions were working in Jhargram Sub-Division without keeping the district authorities informed of their activities. No doubt, some of these organisations had been doing valuable work in the tribal areas but these were also taking advantage of these activities. Some Christian missionaries were also reported to be working for the conversion of tribals. The State Government, therefore, advised all such organisations not to take up any new programme in the tribal belt of Midnapore, Purulia and Bankura districts. They were also advised to keep themselves in readiness to completely withdraw from these areas since the State Government had made arrangements for taking over the institutions set up by them.

9.182 It would be seen from the above paras that the discontent among the tribals of the State arose mainly due to their social and economic exploitation in a variety of ways. *Various programmes for the uplift of Scheduled Tribe communities should therefore be accelerated in order to raise their economic status and remove the causes of their exploitation by non-tribals.*

ANDHRA PRADESH

Basic Data

9.183 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :—

Total population	435.03 lakhs
Scheduled Tribe population	22.26 lakhs (5.12%)
Sub-Plan Area	
Total population	17.88 lakhs
Scheduled Tribe population	9.11 lakhs (50.95%)
Percentage of Scheduled Tribe population under Sub-Plan to Scheduled Tribe population in State	54.85

Occupational distribution of tribal workers

Cultivators	36.09%
Agricultural labourers	49.05%
Other occupations	13.86%
Total geographical area	2.76 lakh sq. km.
Total geographical area under Sub-Plan.	0.30 lakh sq. km. (10.95%)
Number of I.T.D.Ps.	7
Number of projects prepared	7

Areas of Tribal concentration

I.T.D.P. areas of Srikakulam, Visakhapatnam, East Godavari, West Godavari, Khammam, Warrangal and Adilabad.

Primitive communities

(1) Kolam (2) Chenchus (3) Konda Reddi.

Percentage of total population in the State below poverty line

Rural	43.89
Urban	35.68
Consolidated	42.18

Percentage of literacy (1971)

	Male	Female	Total
General	33.27	15.65	24.56
Scheduled Tribes	8.47	2.13	5.34

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	76.9	27.5
Scheduled Tribe	69.7	7.0

Number of educated unemployed Scheduled Tribes registered with employment exchanges (31-12-1979)

Matriculates	3,396
Intermediate/Hr. Secondary	1,475
Graduates	295

The land-use pattern shows that majority of the Tribal sub-Plan area (62.07%) is covered by forests. In Project areas of Adilabad, Warangal, Khammam, Srikakulam and Visakhapatnam, the forest areas constitute more than 50% of the total geographical area. The net sown area in the sub-Plan areas constitutes only 17.63% of the total geographical area.

Some of the causes of discontent among the tribals in the State are discussed in the subsequent paragraphs.

Agriculture

9.184 A predominant majority (85.14 per cent) of the Scheduled Tribes depend on agriculture for their livelihood, 36.09% of them being engaged as cultivators and 49.05% as agricultural labourers. The methods of cultivation used by the tribals are mostly primitive, with the result that the agricultural yield is very low. Shifting cultivation locally called 'podu' is practised in the tribal areas of Srikakulam, Visakhapatnam, East Godavari, West Godavari and Khammam districts. The exact number of tribals depending on shifting cultivation is not known but according to rough estimates, about 25,700 tribal families were engaged in this practice. The area under shifting cultivation was estimated to be 42,827 acres. Various schemes for the settlement of shifting cultivators have been undertaken by the State Government like cashew plantation, coffee plantation and horticulture, etc. In order to educate the tribals about the bad effects of shifting cultivation, anti-*podu* committees were organised. However, in spite of the efforts of the State Government, shifting cultivation was still continuing to a great extent. The percentage of irrigated area was only 11.17 at the end of the Fifth Five Year Plan and it was expected to be increased to 23 by the end of the Sixth Plan. Thus, due to the above mentioned constraints in the methods of cultivation, the tribals were mostly engaged in subsistence cultivation.

Land alienation

9.185 In spite of the existing legislation to check alienation of tribal lands to non-tribals, alienation of tribal lands was still taking place. By the end of April 1978, 21,632 cases of land alienation were registered, covering an area of 87,514 acres. Out of these cases, 16,266 cases covering 69,887 acres were disposed of and lands measuring 39,511 acres were restored to the tribals. The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation provides for restoration of tribal lands alienated by non-tribals unlawfully. In spite of these measures, unscrupulous non-tribals were still trying to alienate the tribal lands. *The Central and State Governments should therefore consider the desirability of including the land laws and other protective laws enacted for the Scheduled Tribes in the Nineth Schedule of the Constitution.*

9.186 Political unrest in the tribal areas of Srikakulam was a manifestation of the grievances of the tribals against exploitation by non-tribals, in the form of alienation of their lands, charging exorbitant rates of interest for loans advanced to them etc., which was sought by Government to be met on the economic front by organising a number of Tribal Development Agencies.

Adilabad Incident

9.187 In this connection it would be pertinent to refer to an incident of police firing in Indervelli village in Adilabad district, on the 20th April, 1981, in which 13 tribals were officially reported to have been killed. The village located at about 35 km. from Adilabad is in the Agency Area and is basically a non-tribal village, with the tribals numbering only 800 out of the total population of 4,400. The "Girijan Rythu Coolie Sangham" wanted to hold a conference in the village to discuss the problems of the Gond tribals, *viz.*, loosing of agricultural land by the Gonds to non-tribals and Lambadas and harassment by the forest authorities. The "Non-tribals Rights Protection Organisation" also wanted to hold the conference in the same village on that day. Anticipating trouble, the Revenue Divisional Officer promulgated Section 144 in the village on that day. It was alleged that when a gathering of about 5,000 Gond tribals wanted to come to the village for the conference in the evening, the police obstructed them with a lathi charge which allegedly had no effect, followed by tear-gas which also proved ineffective. In the meantime a police constable was allegedly speared to death by the tribals, when the Revenue Divisional Officer ordered firing, resulting in the death of 13 Scheduled Tribe persons. A magisterial enquiry by the Additional District Magistrate and Joint Collector was ordered later, the report of which was still awaited.

9.188 The main cause of the Gonds' unrest in the area was said to be land. The tribals in the District including Gonds and other tribals were basically agriculturists and earlier had sufficient land for their sustenance. However, when the outsiders came to this area, they gradually encroached on the tribal lands and the tribals receded into forests occupying additional areas, later loosing even those areas through the unscrupulous activities of the outsiders on the one hand and the obstructions by the forest authorities from their further continuing to occupy fresh forest land, on the other hand. This discontentment had resulted in tribal upsurge as long back as 1940. Although from 1940 to 1970, forest and *baroon* lands to the extent of 3.04 lakh acres had been taken out and assigned to the tribals, yet the outsiders had been able to alienate large areas of these lands from the tribals. 3,997 cases of alienation of tribal lands against the provisions of the Land Transfers Regulation (Act) 1959 were identified covering 32,074 acres of land. Out of these, 1,450 cases covering an area of 10,579 acres were still reported to be pending disposal. Another set of 2,259 cases involving an area of 8,740 acres, pertained to alienation of land of non-tribals by non-tribals in contravention of Section 3(1) of the Land Transfers Regulation. No action could be taken in these cases for want of clarification as to whom the land should go, if the present non-tribal occupants were dispossessed. About 20,829 acres of land in the Agency areas is said to be with the non-tribals not eligible for occupation and some lands were covered by *Pattas* given to non-tribals. Even in cases where orders under the Scheduled Areas Land Transfer Regulations Act had gone in favour of the tribals, the District Administrations had not been able to do anything in a number of cases in view of the Government orders that eviction of non-tribals in occupation of Government land in Scheduled Areas upto 5 acres wet and 10 acres dry was prohibited. About 45,000 acres of land, out of which about 25,000 acres had been

occupied before 1964, was ordered to be assigned but was not actually assigned and another about 24,000 acres of land was said to be under encroachment in the forests. Thus, altogether about 95,000 acres of land was reported to be in an undecided state, which if the original position was totally upheld, would go to the tribals. It was also understood that about 20% of the tribals including Gonds in the Agency Area of the district, were landless. Even tribal families having land were not satisfied because they could hardly get adequate produce, their cultivation practices still being primitive. In this connection, it was understood that litigation cases were getting prolonged to the detriment of tribals as there were many inter-locutary references. The State Government was contemplating appointing a Tribal Commissioner and was also examining whether he could also be declared as *ex officio* Judicial Commissioner to hear appeals in such cases, barring jurisdiction of civil courts from these cases.

9.189 Another cause of friction between Gonds and the Lambadas, was that the later, who were earlier non-tribals had got the status of Scheduled Tribes from the year 1977. The lands earlier alienated by them from the tribals, can be retained by the Lambadas as tribals, now. The above position as well as the Government order staying eviction of Government lands held by non-tribals (against provisions of the Land Transfer Regulation Act) appears to have really caused a lot of discontent among the Gonds. *The State Government might have issued the above mentioned orders to ensure that taking away small pieces of tribal land occupied by poor non-tribals, should not cause any hardship to the latter. But the fact remains that the tribal lands alienated by non-tribals should be restored to the original tribal owners, in order to remove a major cause of discontent among the tribals.*

Indebtedness

9.190 Due to their poor economic conditions the Scheduled Tribes were forced to approach the money-lenders and traders for getting loans to meet their short and long term needs in the absence of satisfactory agency to meet such demands. The money lenders usually charge exorbitant rates of interest from the tribals and ultimately dispossessed them of their lands. The Andhra Pradesh (Scheduled Areas) Money-lenders Regulation restricts money lending in Scheduled Areas and under the Debt Relief Regulation, all debts of tribals not governed by this Regulation were made null and void. Special machineries were functioning to implement these regulations. *It is desirable that the various provisions of these legislations should be implemented expeditiously. An integrated credit-cum-marketing structure should be evolved with the Girijan Cooperative Corporation as its fulcrum to meet all the credit and consumption needs of the tribals and to remove an important cause of discontent among the tribals.*

Minor Forest Products

9.191 Various concessions such as free collection of minor forest produce for sale to Girijan Cooperative Corporation Ltd. and timber and grass for domestic purposes were given to the tribals to protect their traditional rights. By conferring on Girijan Cooperative Corporation the monopoly rights for the purchase of minor forest produce from the tribals, middle men were completely eliminated.

Rural Water Supply

9.192 493 villages and 807 hamlets were without the facility for drinking water in the tribal areas of the State. The tribals of these villages and hamlets were experiencing great difficulties in this regard. *Urgent steps are needed to be taken by the State Government to provide sources of safe drinking water to these areas.*

Rural Electrification

9.193 According to the State Government 525 villages and 37 hamlets in the tribal areas of the State had been electrified up to the end of 1978 constituting 7.42% of the total number of villages and hamlets in the area. Thus the number of villages and hamlets covered by programme so far are very small and a large number of villages were still to be electrified.

Education

9.194 Educationally the Scheduled Tribes of the State were still lagging far behind as compared to the general population. The percentage of literacy among the Scheduled Tribes according to 1971 Census was as low as 5.34 as compared to 24.56 among the general population. There was a lot of wastage of education among the Scheduled Tribes. This would be seen from the fact that the enrolment ratio among these communities which was 69.7 in Class I to V fell down to 7.0% in classes VI to VIII during the year 1978-79. Coupled with the lack of education, the tribals of the State were also facing the problem of educated unemployment. As on 31-12-1979, 3390 matriculates, 1475 intermediates/higher secondaries and 295 graduates among the Scheduled Tribes were registered with the Employment Exchanges. This created a lot of frustration among the educated tribals who become more susceptible to various political and other exploitative forces.

9.195 It would be seen from the above that there were still many bottlenecks in the economic and educational development of the Scheduled Tribes in the State with the result that, most of the tribals had very low incomes which exposed them to various exploitative forces. According to the State Government a closer observation of the tribal economy in the State revealed that, the benefits of various programmes had not accrued to the tribals to the desired extent and wherever development had taken place a lion's share of the benefits had been snatched away by the influential non-tribals settled in the tribal areas. *This needs to be rectified by the State Government by continuously monitoring the various programmes for the economic development in the tribal areas.*

ORISSA

Basic Data

9.196 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :—

Total population	219.45 lakhs
Scheduled Tribe population	50.75 lakhs (23.13%)
Tribal Sub-Plan Area	
Total population	62.25 lakhs
Scheduled Tribe population	34.17 lakhs (55.74%)
Percentage of Scheduled Tribe population under Sub-Plan to Scheduled Tribe population	68.41
Total geographical area of State	1.56 lakhs sq. km.
Total geographical area under sub-Plan.	0.69 lakh sq. km. (44.78%)
Total number of I.T.D.Ps.	21
Number of I.T.D.Ps. reports prepared	19

Occupational distribution of Scheduled Tribe workers (1971)

Cultivators	52.38 per cent
Agricultural labourers	36.73 per cent
Other occupations	10.99 per cent

Primitive Tribes

(1) Bondo (2) Soura (3) Kharias (4) Mankidias (5) Kutia Kondh (6) Paudi Bhuyans (7) Juangs (8) Lanjia Saura (9) Bongaria Kondh.

Percentage of total population below the poverty line (1977-78)

Rural	Urban	Consolidated
68.97	42.19	66.40

Number of educated unemployed Scheduled Tribes registered with employment exchanges (as on 31-12-79)

Matriculates	3,543
Intermediates/Higher Secondary	491
Graduates	659

Percentage of literacy (1971)

General			Scheduled Tribes		
Male	Female	Total	Male	Female	Total
38.35	13.75	26.12	16.38	2.58	9.46

Enrolment Ratio (1978-79)

	Classes I—V	Classes VI—VIII
General	84.7	26.3
Scheduled Tribe	60.5	9.0

The Scheduled Tribe inhabit regions away from the coastal strip, the valleys and plains. With the exception of some tribals of Mayurbhanj and Sundargarh districts, most of them are high landers and in the course of centuries of habitation in the hills, they have developed their own way of living and culture.

Agriculture

9.197 A predominant majority (about 90 per cent) of the Scheduled Tribes in the State are engaged in agriculture. But inspite of extensive efforts over the last many years, the standards of agriculture in the tribal region continued to be very poor. Their agricultural practices were still in a primitive stage. Agricultural implements like hoes, seed drills, fertiliser drills etc., were practically unknown to them. 'Podu' or shifting cultivation was still practised on hill slopes in rotation. It was estimated that nearly 12,500 sq. miles of the land in the State was under shifting cultivation. Although most of the tribals were taking to settle agriculture yet they still had a traditional attachment to 'Podu'. Such primitive methods of agriculture led to subsistence level of cultivation which resuled in most of these tribal cultivators being below the poverty line. In order to move the economy from subsistence level, the dependence of the tribals on shifting cultivation will have to be converted into a diversified land use programme. The State Government had identified 5 areas where there was a concentration of 'Podu' practising families. These areas were in Phulbani District in Parlakhemundi Sub-Division of Ganjam District, in Gunupur Sub-Division, Koraput District and in Bonai Sub-Division of Sundergarh District. 5 integrated Projects were sanctioned by the State Government for the settlement of these shifting cultivators. 300 families were to be covered in each Project in an area. During the Five Year period beginning from 1978-79, 31,000 families were expected to be covered under Five Projects. Each family was to be provided with assistance to raise fruit plantation on 1.25 acres of 'podu' hill slopes, financial support for intercropping in 1.25 acres of 'podu' land on which plantation would be raised and subsidy for settled cultivation in 1 acre of valley land. In addition, employment opportunities for 240 mandays per family in an year were also to be provided and labour was to be utilised for creating permanent assets for the community *viz.*, construction of roads, irrigation tanks, terracing, construction of school buildings, community irrigation wells, etc.

Horticulture

9.198 The tribals live in uplands where the climate is cooler. Such wilder climate offers good scope for horticultural development. However, one of the main bottlenecks in the horticultural development in the tribal areas of the State has been the lack of processing and marketing facilities. During the season for various horticultural products, their prices fall very low or the fruit perishes for want of buyers. To remedy this situation, fruit processing centres were proposed by the State Government. *The programme should be started early.*

Land Records and land alienation

9.199 One of the bottlenecks in the development programmes in the tribal areas is the absence of recognised title to land by tribals, in the absence of which availability of credit facilities by banks and cooperatives for agricultural inputs, is not available to them. The absence of *pattas* for individual tribals as well as land records of the tribal areas have also led to gradual erosion of the rights of the tribals and the agents exploitation have been active to make use of the situation. The State Government had drawn up

a programme of survey and settlement operations which was expected to be completed by 1982-83. *It is hoped that the implementation of the programme will be completed by the State Government on schedule* In spite of the provisions of the Orissa Land Reforms Act, restricting the alienation of tribal lands, unscrupulous non-tribals were still finding ways to alienate the tribal lands. For the restoration of alienated tribal lands, the limitations period was extended from 12 to 30 years. The alienation of tribal lands is one of the major causes of discontent among the tribals. Upto the 1978-79 a total number of 6,741 cases of alienation of tribal lands were registered in the State, out of which, 2,168 cases were disposed of during 1979-80 restoring 889.76 acres of land during that year. 4,573 cases were still pending disposal at end of 1979-80. *The disposal of these cases should be expedited by the State Government. Steps should also be taken by the State Government to meet the short and long term credit needs of the tribals through various financing institutions like banks, LAMPS, etc., so that they are not compelled to approach the money-lenders for such needs.*

Industries

9.200 The rich industrial and mineral resources in the tribal areas of the State make it possible to diversify the economy of the tribal Sub-Plan area by suitable industrial development programmes. The notable existing large-size public sector industries in the State are the Iron and Steel Plant at Rourkela in Sundergarh district and the MIG plant factory at Sunabeda in Koraput district. Both these are in the Central Sector. The major Public Sector Undertaking in the State is the Industrial Development Corporation, whose constituents are Iron Works at Banbil in Keonjhar district, Cement works at Bangarh in Sambalpur district, Re-rolling Mill at Hirakud in Sambalpur District and Ferrochrome Factory at Jaipur Road in Cuttack district. Except Benbil Iron works, the rest of the constituents of I.D.C. fall outside the sub-Plan area, though their effects reach that area also. The establishment of large-scale industries in the tribal areas leads to displacement of the Scheduled Tribe population whose lands are taken over and they are also left without any employment. In most of the cases, the compensation paid to the affected tribals is not adequate. The induction of large number of non-tribals in the tribal areas also creates a number of problems. This sort of situation causes a lot of resentment and frustration among the tribals dislocated by industries. *The local tribals should be imparted training and skills to enable them to secure jobs in industrial enterprises as well as assisted financially to take up other occupations which arise due to the setting up of these enterprises.*

Communications

9.201 The development of communications in the State lags far behind the all India standards and in the tribal areas the gap is much wider. Villages in the tribal areas are widely dispersed and do not have proper road communication system. Without any proper net work of roads in the tribal areas, the tribal population continues to remain isolated from the mainstream of the economic and social development. It is necessary to connect the markets in tribal areas which are the focal points of economic and cultural life of tribals, with all weather roads.

Drinking Water Supply

9.202 The State Government identified 5,197 villages in the tribal sub-Plan area, where there was scarcity of drinking water supply. 374 villages had been identified as Cholera endemic and 366 villages had drinking water containing excess of chlorides, iron or fluorides. In the absence of safe drinking water supply, the tribal population in these villages had to face a lot of hardship in arranging drinking water for their consumption.

Minor forest produce

9.203 In addition to agriculture which involves settled and shifting cultivation, the tribals in the State earn their livelihood by collection of minor forest produce like Kendu leaves, broom sticks, medicinal herbs, arrowroot, resins, Myrobalan, seeds, Sal, Karanj and Kusum. The Kendu leaves provide considerable employment opportunities from January to June every year. Mahua flower is collected abundantly during February to June for liquor and Mahua oil is extracted from seeds. These minor forest products provide gainful opportunities for the tribals. They are often exploited by private traders and moneylenders, the usual *modus-operandi* being to advance consumption loans against forward contract. In order to wean them away from the clutches of the moneylenders, suitable arrangements for alternative credit sources should be made through cooperatives, etc.

Education

9.204 Educationally, the Scheduled Tribes of the State were still far behind the general population. The percentage of literacy among the tribals in 1971 was as low as 9.46 as compared to 38.35 among the general population. The position of education among the tribal females was rather dependable, the percentage of literacy among them being only 2.58. There was huge wastage of education among the Scheduled Tribes in the State which may be seen from the fact that during 1978-79 the enrolment ratio among these communities in Classes I to V which was 60.5, dropped to 9.0 in Classes VI to VIII.

Educated Unemployment

9.205 Even among the Scheduled Tribes who managed to get education, there was considerable unemployment. For example as on 31st December, 1979 there were 3,543 matriculates, 491 Intermediates/Higher Secondary and 659 Graduates among the Scheduled Tribes registered with the employment exchanges. This caused a lot of frustration among them.

GUJARAT

Basic Data

9.206 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :

Total Population	267 lakhs
Scheduled Tribe population	37.5 lakhs
Percentage of Scheduled Tribe population under sub-Plan to Scheduled Tribe population	72.42%
Area	1.96 lakh
Sub-Plan area	0.22 lakh sq. kms.
Percentage of area covered under Sub-Plan	12.46%
Literacy	35.72% (State) 14.12% (Sch. Tribe)
I.T.D.Ps. Reports	Total No. 9 prepared : 8

Enrolment :

Class	Year	General	Sch. Tribes
I—V	1973–74	88.6	56.0
	1977–78	95.5	71.8
VI—VIII	1973–74	44.0	17.4
	1977–78	42.8	20.3

Poverty

About 43.20% of the rural population and 29.02% of the urban population was living below the poverty line.

Occupational pattern of population in Tribal areas

Total Workers	15.07 lakhs
Cultivators	7.28 lakhs (48.33%)
Agricultural Labourers	6 38 lakhs (42.33%)

Educated Scheduled Tribe unemployed registered with Employment Exchanges (as on 31-12-79)

Matriculates	9,827
Higher Secondary/Intermediate etc.	658
Graduates	1,436

Primitive Groups

Five primitive groups :—

(1) Kotwalias.
(2) Kathodis.
(3) Kolghas.
(4) Padhars.
(5) Sidis.

Education amongst these groups is almost negligible. They are living below poverty line.

9.207 It is a known fact that the tribal population has not shared the developmental efforts under the various plans to any appreciable extent with the result that the gap between Scheduled Tribes and the other non-tribals which was already fairly wide at the time of security political freedom has continued to become wider and wider all these years. The repercussions of the opening of the hitherto isolated tribal areas resulted in a conflict and confrontation between the adivasis and non-adivasis. The first recorded evidence of the conflict in the Panchmahals District was the upsurge of Naikdas who became agitated with the British rule because it supported the claims of landlords, moneylenders and contractors against their own.

9.208 *Gujarat* ranks 4th amongst all States from point of view of the size of Scheduled Tribes population. First three being *Madhya Pradesh, Orissa* and *Bihar*. Overwhelming tribal population lives in the areas along the eastern borders of the State which are among the most backward. Most of these areas are characterised by hilly terrain, rocky soil and uncertain rainfall. They are spread over 8 districts 1. Banaskantha, 2. Sabarkantha, 3. Panchamahals, 4. Vadodra, 5. Bharuch, 6. Surat, 7. Valsad, 8. Dangs. Agricultural land, forests and minerals are the main natural resources of the tribal region. Forests comprise 25% of the total land area. Whereas the forest area in the southern part of the region has been reported to be good, the areas in the middle and northern part are weak and degraded and need conservation and rejuvenation.

9.209 Majority of the tribal population continues to be backward. The Bhils have to work as labourers to supplement their incomes. Dublas have been exploited by the landlords. Dhodias do not produce enough to maintain themselves round the year. Konknas lead isolated life and survive through collection of edible forest produce. They consider wage labour as derogatory. The condition of Warlis has been akin to serfs. Although an agricultural community, the Warlis did not enjoy rights over land for cultivation. The Rathwas have to supplement their incomes by wage labour, hunting, fishing and food gathering. Till recently the Rathwas remained isolated due to their abodes in dense forests. Pardhis are very poor and are semi-nomads. Kotwalias do not possess land and keep shifting from place to place. They also suffer from the stigma of untouchability. They are also exploited by the middlemen and merchants from whom they purchase bamboos for preparation of baskets, etc. Kathodis can no longer earn their livelihood by making katha. Siddis are heavily indebted.

Land alienation

9.210 Alienation of tribal land has been one of the major processes of exploitation of tribals. State Government had appointed 6 teams headed by Deputy Collectors to go into the details of tribal land alienation. Till June, 1980 the teams registered 17,171 cases of land alienation out of which in 7,853 cases the tribals had been helped in getting back their lands. Section 73(a) read with Section 79(a) of the Land Revenue Code, 1879 provided for the restriction of alienation of lands of the tribals. The Bombay Tenancy and Agricultural Lands Act applicable to Bombay area of Gujarat State

while spelling out the rights of landlords to terminate a tenancy for the personal cultivation or for the use of land for non-agricultural purposes, provided that in no case a tenancy can be terminated under that provision if the tenant is a member of Scheduled Caste or a Scheduled Tribe.

Unemployment

9.211 Chronic and disturbing feature is seasonal unemployment of tribal agricultural labour during the period of slack agricultural operations with the result of that the tribal workers are forced to migrate in search of employment. The landless labourers are ordinarily under-employed even during the period of agricultural operations and they sink from the level of under-employment to non-employment during the period of slack agricultural operations generally from mid-March to mid-June. The seasonal migration of Bhils in search of employment to other areas is well known. The Chaudhrys have to supplement their earnings by working as labourers on construction works, in farms and forests during the off season. Padhars also migrate in search of employment.

9.212 Majority of tribal areas happen to be scarcity areas. There is no potential for major and medium irrigation projects. The other inputs like improved seeds, fertilizers, pesticides, etc., cannot lead to maximum production unless optimum use of irrigation water is suitably matched with the size of agricultural fields. Tribal areas also suffer from poor soil and undulating terrain. Soil erosion by surface run off takes place on an extensive scale. Till recently no programmes for soil conservation works were undertaken in tribal areas.

9.213 Forest areas in South Gujarat produce good edible grass. However, this grass goes waste since there are no facilities for harvesting and storing it in the region. The grass could either be made available at the time of fodder scarcity or taken to the markets for remunerative disposal.

Police link with flesh trade

9.214 Due to poverty and doing labour work in lonely and isolated places or in fields, tribal women are exposed to moral danger. According to the newspaper reports over 60 tribals girls from various villages in Sabarkantha district were missing for the past five years having been lured away by flesh traders with promises of better life. It was reported that the inhabitants were scared of the police. Most of the families of the missing girls had not even lodged complaints with the police because if they did, they had to cough up money as "fees" for "investigation". There were alleged to be cases where police had threatened the complainants with arrest for registering complaints "after murdering other daughters". Most of them made the common allegation that the police demanded huge sums from them at regular intervals. It was also mentioned that the truck drivers picked up girls on deserted roads and drove them out of the State. Not much of checking existed at the check-post and the drivers got away undetected.

9.215 Earlier there were reported to be 604 villages in Tribal sub-Plan area where there was no source of water. These villages were in the districts of Vododra (40), Panchmahals (116), Bharuch (188), Surat (26), Valsad (20), Dangs (122), Sabarkantha (42) and Banaskantha (40). But lately, 2,290 villages have been estimated as problem villages in tribal areas of *Gujarat* State. There are many villages in tribal areas which have not got the benefit of electric power. For instance, out of 1,052 villages of I.T.D.P., Panchmahals district only 6% of the villages are electrified. Postal services and tele-communication facilities are seriously lacking. The general standards of health of Scheduled Tribes is very poor because of malnutrition. Tribals suffer from diseases like V.D., Leprosy, T.B. and bone diseases. *Although the health facilities in the tribal areas have been augmented, there are still deficits of such facilities which need to be strengthened. There are many houses/huts in tribal areas which need improvement in respect of ventilation, smoke nuisance etc., keeping in view health, sanitation and good hibitation.*

Education

9.216 The tribals continue to remain backward in the field of education. The literacy rate amongst some of the tribal communities like Kotwalia, Kolgha, Kathodis, Padhara and Siddis is hardly 2%. In about 484 villages the tribal areas having more than 100 population there were no primary schools within the distance of 1.5 kms. Single teacher schools remain closed when the teacher is absent. The Government of *Gujarat* has found it difficult to bring all children of age group 9—16 to schools under formal school system. It has been estimated that out of 100 pupils enrolled in standard I, only 40 cross IV standard and 28 VII standard. This shows that there is a big wastage and stagnation at primary stage. All the reserved seats in Industrial Training Institutes are not utilised by Scheduled Tribe persons because candidates with required educational background are not available and partly because their economic condition is not such as to enable them to prosecute their training outside their villages.

Bonded Labour

9.217 A study on the problem of bonded labour in Surat and Valsad districts was conducted by the Tribal Research and Training Institute, Gujarat Vidyapith, Ahmedabad in the course of which 250 households of Halpatis were covered. The landless agricultural labourers in the plains of South Gujarat have been mainly Halpatis. Earlier, they used to be called Dublas. But as this term was considered to be derogatory they were renamed Halpatis but the landlords preferred to call them Dublas. Since long the persons belonging to these sections had been compelled to serve as serfs to the landowning non-tribal landlords belonging to Anavil, Patidar and Parsi communities. The system of hali *Pratha* had firmly entrenched itself in the first decade of this century. Though the Congress started a campaign against it between 1922—1927 not much progress could be

achieved. By this time, it has become commonly known that for getting married, a Halpati had to enter into debt and get attached with some master till the repayment of the debt. In case the debt was not cleared in his life time his grown-up son was required to serve the master. Incidence of debt bondage rose sharply with the monetization of the tribal economy. The survey revealed that almost all the 250 households were primarily dependent upon the income from working as agricultural labourers. The women and the young girls from these households were engaged as domestic servants in the houses of their landlords. Many girls and boys worked as casual labourers at construction works. Some of the boys also found work as unskilled and skilled workers in small scale industries in the nearby towns but their number was rather low. Only a small number of them reported that they could manage to get regular employment. In the villages of Surat District, the employment prospects were reported to be quite grave. However, in Valsad district, the Harija Halpatis had comparatively better employment opportunities. It was also observed that as a matter of necessity, the Halpaties were compelled to go to distant places like Bombay and other cities, in search of employment and remained away from their villages from October to May every year. Year after year this seasonal migration was repeated. Many of them were reported to be drifting had lost their roots in village as well as in family life. It was deduced that though with the passage of time the Halpatis were not bonded in the strict sense of the term, nonetheless the relationships between the landowners and the Halpatis had extremely deteriorated and had almost reached an explosive situation. The landowners had not taken kindly to the emancipation of the Halpatis and the legal restrictions imposed by the Government regarding minimum wages had infuriated the landlords. The growing awareness amongst the Halpatis was being detested by the landowners. The non-tribal landlords had organised themselves and had launched a sort of cold war against the Halpatis. The Halpatis were also reported to be getting more and more restive. By placing Halpatis in a hopeless situation of misery, the landowners had started to recruit labourers from the hill areas of Dharampur and Dangs in a big way.

9.218 There were some incident showing unrest in villages like Bamni (Bardoli Taluka), Sejwad (Bardoli Taluka), Gordhs (Valod Taluka), Satem (Navsari Taluka). In June, 1976 some Halpati farm labourers were murdered cold-bloodedly by the hired men of the landowners. Murder of some Halpatis were also reported in Pune village (Bardoli Taluka). All these incidents of strife between the landowners and Halpatis farm labourers had produced mental tension and unrest. Majority of the Halpatis continued to live in abject poverty.

Role of Voluntary Organisations

9.219 In Gujarat State Voluntary Organisations have also been engaged in tribal welfare work. Bhil Seva Mandal was established in Panchmahals District and the Raniparaj Seva Sabha was established in Surat district in 1924 and these organisations made contribution in the field of cooperative credit, education and village industries. They also made some efforts in protecting tribals from moneylenders etc. Formation of forest labourers' Cooperative Societies has also been an important measure to improve the economic condition of tribals. The Government of Gujarat has actively pursued this policy to establish F.L.Cs. to replace forest contractors. Now-a-days almost all forest coupes are being worked through the agency of FLC.

9.220 Though considerable work has been done for the development of tribal communities in different spheres, yet much more remains to be done. Basic infra-structure for development is lacking in tribal areas. The tribal society continues to be lagging far behind the neighbouring non-tribal society in almost all walks of life. By and large tribal economy remains dependent on the activities of a subsistence agriculture and majority of tribals live in poverty.

MAHARASHTRA

Basic Data

9.221 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :—

Total Population	504.12 lakhs
(*a*) Scheduled Tribe population	33.41 lakhs
(*b*) Percentage of Scheduled Tribe population under Sub-Plan to Scheduled Tribe Population	7.62
(*a*) Area	3.08 lakh sq. kms.
(*b*) Sub-Plan Area	38,654 sq. kms.
(*c*) Percentage of area under Sub-Plan	12.56%
Literacy	38.18% (State) 11.74% (Sch. Tribe)
I.T.D.Ps.	Total No. 15 Prepared : 15

Enrolment

Class	Year	General	Sch Tribes
I—V	1973–74	97.9	N.A.
	1977–78	102.7	76.3
VI—VIII	1973–74	43.5	N.A.
	1977–78	45.0	16.1

Poverty

Rural	55.85%
Urban	31.62%

Occupational Structure

Total workers amongst Scheduled Tribes	13.64 lakhs
Cultivaters belonging to Scheduled Tribes	5.61 lakhs (41.14%)
Agriculture labourers belonging to Scheduled Tribes	7.08 lakhs (51.89%)

Educated Scheduled Tribes Unemployed registered with Employment Exchanges (as on 31-12-79)

Matriculates	11,627
Higher Secondary/Intermediate etc.	1,344
Graduates	1,565

Primitive Groups

'Madia Gonds' in Bhamragarh area of Chandrapur District, 'Kolams' of Yavatmal District and 'Katkaris' of Raigad and Thane Districts.

Concentration of Tribal population

Scheduled Tribe population is concentrated in following three regions :—

1.	Western Region	Parts of Thane, Nasik, Dhule, Jalgaon, Pune, Ahmednagar and Kulaba Districts—Sahyadari and Satpura mountain ranges.
2.	Northern Region	Melghat tehsil of Amravati district—Satpura Mountain range.
3.	Eastern Region	Sironcha, Gadchiroli, Rajura, Chandrapur, Brahmpuri and Warora Tehsils of Chandrapur district and parts of Nagpur Bhandara, Yavatmal and Nanded Districts.

9.222 There are 40 listed tribes in Maharashtra State. The 8 tribes *viz.* Bhil,Mahadeokoli, Gond Warli, Kokna, Thakur, Kathodi and Gamit account for 80% of the total tribal population of the State. The other 11 tribes have a population ranging from 10,000 to 1,00,000 each. These tribes are Malharkoli, Andh, Korku, Dhanka, Kolam, Pardhan, Pardhi, Dhorkoli, Dubla, Dhodia and Naikda. Remaining 21 tribes have population of less than 1,000 each. It is reported that many of Mahadev Kolis are heavily indebted and some of them have also lost their lands. Quite a large number of Gonds are landless agricultural labourers. Indebtedness among Warlis is reported to be abnormal. Besides, agriculture they are also engaged in playing carts. Thakurs or Thakars have to their incomes by hunting and collection of fruits and roots from forests. Cattle rearing as an important activity of the Thakurs. They also work as labourers on farms or in forests and most of them are indebted. Katakaris are nomads. Some of them prepare charcoal. They possess small holdings of lands which are not fertile but majority of them work as labourers and it is reported that they are the poorest amongst the Scheduled Tribe population of the State. Kolams are one of the primitive tribes of the State. Pandhis cut stones. They also work as masons.

Agriculture

9.223 The tribal tehsils were reported to be having about 5.42 lakhs operational holdings with 24.28 lakh hectares of land. Of these 44 per cent of the holdings with 49 per cent of the land were located in the interior tribal areas. Nearly 65 per cent of the tribal cultivating households cultivated land measuring less than 7.5 acres. The tribal agriculture is marked by poor quality of soil as well as primitive agricultural practices. Madia Gonds in the Dhamragarh area of Chandrapur district practice shifting cultivation. Bhils of Akrani Tehsil of Dhulia District and the tribals in the Surguna and Peint Tehsils of Nasik District and Mokhada Tehsil of Thane District are also not exposed to modern agricultural practices. In the interior tribal areas the agricultural production is limited to coarse grains and the possibility of introducing a variety of crops and double cropping of cultivable areas is rather limited. In many of the interior tribal areas no facilities of irrigation are available. A study conducted by the Tribal Research and Training Institute, Poona with regard to the benefits accruing to the tribal people from Waghad Irrigation Project of Nasik District and Surya Irrigation Project of Dhana District revealed that major share of new irrigation facilities in tribal areas had been cornered by the non-tribals. Fragmentation of holdings is another problem. The holdings of tribal cultivators are sometimes scattered into fragments making it difficult to undertake proper cultivation and supervision in respect of the fragmented fields. Besides, soil conservation measures, chemical fertilizers etc., can't be properly used on small fields.

9.224 Tribal agriculturists have to maintain livestock for supplementing their meagre incomes. There is also considerable scope for the development of dairy industry in the tribal areas. There is, however, shortage of veterinary hospitals/dispensaries in the tribal areas.

Alienation of tribal land

9.225 Alienation of land is also a problem in the tribal areas. Maharashtra Land Revenue Code and Tenancy Laws (Amendment Act, 1974) and the Maharashtra Restoration of Land to the Scheduled Tribes Act, 1974 provided protection against alienation of tribal land. But it has been observed that many tribals have been deprived of their lands in illegal transfers by fraud for forcible occupations and encroachments besides acquisition of their land for capital projects During 1979-80, 5,393 cases of land alienation were identified out of which 3,817 cases were disposed and 3,645 hectares of land restored.

Indebtedness

9.226 Tribals are forced to borrow from local money-lenders due to their inadequate land holdings, poor quality of soil, use of primitive agricultural practices and consequent low production. Many tribals have been paying heavy interests on the borrowed amounts. A survey conducted in 10 tribal villages showed that the average debt per family for productive purpose was Rs. 478 as against Rs. 222 for non-productive purposes. The rates of interest charged by the money-lenders ranged from 25% to 200 per cent. There is also reported to be a peculiar system of

borrowing known as Palemod, involves selling crops before harvest. Under this system needy tribals take loans from money-lenders and traders, grain for seed at the time of sowing or for consumption which is to be returned at harvesting at the rate of 3 to 4 times the quantity borrowed. This forward contract works to the great disadvantage of the tribals.

Saldar System

9.227 It is a known fact that the practice of employing labour on yearly basis exists in some tribal areas of Maharashtra State on a large scale and the labourers so employed are known as *Saldars*. A study undertaken in 10 villages in Nandarbar and Shahada Talukas of Dhulia District conducted by the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes had revealed that out of a sample of 72 investigated cases of the Saldars, 28 persons belonging to Scheduled Tribes were receiving less amounts than that prescribed under the Minimum Wages Act. It was also observed that they were engaged in agricultural Operations and household work from sun-rise to sun-set and sometimes even late in the night. They were not free to leave their employers. They were not given paid holidays and at times they were ill-treated. Their economic conditions were miserable to such an extent that their boys of school going age were required to work as *Dhorakiyas* (Herdsmen) either on yearly or monthly basis with the landlords for supplementing family incomes.

Low level of Education

9.228 The tribals have low level of education. The level of literacy in the tribal districts of Amravati, Nanded and Chanderpur is quite low. Besides the low level of literacy, hardly 2.7 per cent of the tribal literates had the benefit of completing primary stage of education and very few among them completed the higher education. The percentage of wastage and stagnation amongst tribal students is particularly high at the primary and secondary stages of education. For instance, at the primary stage 68 per cent of the boys and 75 per cent of the girls could not proceed beyond the 4th standard and in the secondary 60 per cent of girls and 63 per cent of boys could not proceed beyond the 7th standard. Development of infra-structure facilities for promotion of education in tribal areas is comparatively a recent phenomenon.

Problems of tribals in forest Areas

9.229 The tribal economy is inextricably linked with forests. The tribals residing in or near the forests enjoy certain privileges and concessions concerning the use of forest produce. Tribal Sub-Plan covers 5,028 villages out of which there are 453 forest villages covering a population of about 1.06 lakhs. The tribals in forest villages are allowed the use of fuel wood, small quantity of timber and branchwood of felled trees. Free grazing is limited upto 8 cattle heads per family. These rights are not, however, conceded in reserved forests except the right of way and use of water. To protect the interests of tribals, the State Government has formed more than 400 Forest Labour Cooperative Societies. Over 66% of the members of the societies are reported to be tribals. Besides undertaking the work or felling of trees and their conversion into logs and fuel wood, these societies are also engaged in collection of minor forests produce. These societies have contributed in protecting the tribals from exploitation by forest contractors and middlemen. *They have, however, not been able to materially improve the economic status of the tribals, the potentialities of which exist, by encouraging these societies to undertake other forestry operations and entering in the field of forest-based industries.* The Forest Development Corporation provides employment to large number of tribals. Semi-permanent structures with electricity and water supply are provided at work centres. Few primary schools and medical dispensaries are also reported to be in operation in the areas covered by the Forest Development Corporation. Food is supplied to the tribals in lieu of their wages.

9.230 More than 80,000 hectares of forest land is reported to have been released to tribals for cultivation. Besides some lands have been given on annual lease basis. About 28,000 hectares of forests land is granted mostly to the tribals under the Grow More Food Programme.

Industries

9.231 On account of process of development new industries and townships have come up in tribal areas. But it is somewhat unfortunate that the tribals have not invariably benefited from this. On the contrary there have been cases where their interests have been adversely affected. Their cultivable lands were taken away and they were reduced to the position of landless workers. They were also not benefited from the increased employment potentialities which started taking place on account of industrialisation and urbanization. There is reported to be some scope for establishing mineral based and agro-based industries in the tribal areas. Yavatmal and Chanderpur districts are reported to be having extensive deposits of mineral resources such as limestone, coal, iron ore, clay, etc. *But greater care will have to be exercised in ensuring that the tribals become partners in the process of development and no mere unskilled workers.*

Electrification in Tribal Areas

9.232 It was reported that 80% of villages in the tribal sub-plan areas remained to be electrified. For instance only 14% of tribal sub-plan villages in Nasik, 17% in Poona, 10% in Amravati and 8% in Chanderpur District were electrified

Medical and Public Health

9.233 Tribals suffer from water-borne contagious and deficiency diseases. The main diseases are reported to be scabbies, V.D, yaws, leprosy, etc., arising out of unhygienic conditions. Supply of drinking water is a serious problem in tribal areas.

Adequate drinking water facilities were not available in 12.50% of villages. In general there is scarcity of water both for domestic and agricultural purposes during the four months of summer. In all, there are reported to be 14 hospitals, 62 primary health centres, 209 dispensaries, 46 maternity homes and about 46 health centres in the tribal sub-plan area. The population served by each primary health centre, dispensary and health centres is about 16,000. The population served by each doctor is 19,000. The corresponding figures in the rural areas of the State are reported to be 10,186 and 15,377 respectively. Keeping in view inaccessibility of the tribal areas, the medical facilities require to be considerably expanded.

Communications

9.234 In all the tribal areas the average road length per 100 Square kms. is much less as compared to the State and all-India averages. The road length per 100 sq. kms. in the respective tribal districts is Kulaba (23 kms.), Jalgaon (224 kms.), Pune (184 kms.). Thane (18.3 kms.), Ahmednagar (18.1 kms.), Dhule (16.3 kms.), Nasik (14.5 kms.), Amravati (8.5 kms.), Yavatmal (9.5 kms.), Chandrapur (8.5 kms.) and Nanded (2.9 kms.). The position is particularly bad in the respective districts of Nanded, Chanderpur, Yavatmal, Amravati, Nasik and Dhulia. Roads require to be constructed for connecting tribal villages round the year. *Provision of communication facilities is the pre-requisite for the development of backward areas as well as the people residing there. Road network should be provided, linking all the tribal villages with district headquarters. Posts, telegraphs and telephone facilities should also be expanded to link these with the growth centres emerging in tribal areas.*

Maharashtra State Tribal Cooperative Development Corporation

9.235 Though the Corporation was established in 1972, its activities were limited. After the enactment of Maharashtra Tribals Economic Conditions (Improvement) Act, 1976 the Corporation was reorganised to undertake market and credit facilities in the tribal areas. The Corporation has set up 7 regional offices and 26 taluka level offices. During 1977-78 the Corporation was appointed Chief Agent of Government for carrying out monopoly purchase and marketing of specified commodities, in Peint and Surgana Tehsils of Nasik District, Ambegnon and Junnar Tehsils of Pune District, and Melghat Tehsils of Amravati District and Sironcha and Gadchiroli Tehsils of Chandrapur District. Subsequently, decision was taken to extend the scheme of monopoly purchase of specified commodities to 40 tribal tehsils. the Corporation had purchased 6,75.834 quintals of specified produce at a total cost of Rs 7 62 crores. The State Government also undertook monopoly purchase of grains in Palghat Tehsil of Thane District on pilot basis. The Corporation purchased 7 358 metric tonnes of gram worth Rs. 13 00 lakhs which was supplied to the scarcity affected areas. It was also decided to provide consumption finance to the tribals in areas where the provision of the Maharashtra Tribals Economic (Condition) Improvement Act, 1975 had been brought into force. An amount of Rs. 3.00 crores was reported to have been sanctioned for the creation of 'Consumption Finance Disbursement Revolving Fund'. These activities have received favourable response of the tribals and have been greatly appreciated by them.

9.236 The Government as well as non-official agencies in Maharashtra State have done good work in the field of tribal development. But on account of historical dimensions of the problem the efforts made so far have not been adequate. *Lot more requires to be done to improve the condition of agricultural labourers and to divert them to gainful avenues of employment. Tribal sections have to be saved from exploitation at the hands of unscrupulous elements through vigorous implementation of protective legislations.* Infra-structural facilities are lacking in the field of education, medical and public health, communications etc. for the speedy development of tribals.

RAJASTHAN

Basic Data

9.237 Basic data indicating the population and the level of economic and social back development of the Scheduled Tribes in the State are given below :—

Total population	257.66 lakhs
Scheduled Tribe population	31.35 lakhs (12.13%)
Percentage of Scheduled Tribe population under Sub-Plan to Scheduled Tribe population	43.67
Area	3.42 lakh sq. kms.
Sub-Plan Area	0.19 lakh sq. kms. (5.72%)
Literacy	18.79% (State) 6.47% (Sch. Tribes)
I.T.D.Ps.	Total : 5 Reports prepared : 4

Enrolment

Class	Year	General	Sch. Tribes
I—V	1973-74	50.7	N.A.
	1977-78	54.7..	35.5
VI—VIII	1973-74	23.7	7.8
	1977-78	26.3	11.1

Poverty

Rural	33.75%
Urban	33 80%

Occupational Structures

Total workers amongst Scheduled Tribes	10.23 lakhs
Cultivators belonging to Scheduled Tribes	8.36 lakhs (81.68%)
Agricultural labourers belonging to Scheduled Tribes	1 77 lakhs (11.45%)

Educated Scheduled Tribe unemployed registered with Employment Exchanges

Matriculates	1,895
Higher Secondary, Intermediates etc.	1,720
Graduates	1,781
Primitive group	Saharias

Background

The Bhils have had a history of distrust of the administration, its laws etc. since long. The deep-seated distrust was displayed by the Bhils as early as 1872-73 when Daula Bhil Rawat of Sodalpur village denied the claim of the Government to exact revenue from his village. When he collected a number of Bhils to resist the authority of the local ruler the machinery of the British Political Agent interfered and effected a compromise. Again there was a minor uprising in the Southern part of the Mewar State against the census operation of 1881. Simultaneously, Bhils revolted for scrapping of land revenue and demanded that land settlement operations should not be conducted. A renaissance with strong religious overtone appeared in the form of Bhagat Movement led by Govind Giri who himself belongs to Banjara caste, but exercised considerable influence over Durgapur and Banswara districts. A large number of Bhils collected on the plateau of Mangarh on the border of Banswara district to hear Govindgiri's sermons. This was taken to be a conspiracy to overthrew the Rajput ruler and establish a Bhil State. The then ruler of Bansware (Prithvi Singh) arrested by British sent force from Ajmer and the Mewar Bhil Corps confronted the Bhil gathering. When the latter refused to disperse, they were fired upon, killing several hundred of them. Govindgiri was taken into custody and sent to Ahmedabad Central Jail. Bhagat Movement was essentially an introduction to the tribal culture of Hinduism. The Bhagats also denounced criminal way of life. This movement is considered to be one of the most important single influence in favour of change of life pattern among the Bhils. The approximate founding of the Bhagat Panth relates to 1910. The Bhils of Kotra and Bhomat area of the erstwhile State of Mewar were organised by one Motilal Tejawat who enthused them to stop rendering *Begar* or to pay land revenue.

Agriculture

9.239 The tribal areas in *Rajasthan* are situated in the extreme South of the State and touches the boundaries of *Gujarat* and *Madhya Pradesh*. Bhil, Mina Garasia, Saharia and Damor are the Scheduled Tribes in *Rajasthan*. These tribal communities are largely concentrated in the Banswara and Dungarpur districts, southern half of Udaipur District and Pratapgarh Tehsil of Chittorgarh District. Large parts are hilly and possess rugged topography. About 17% of the area is covered by forests. 35% of the land is not available for cultivation; 15% of the land is occupied by permanent pastures and miscellaneous tree crops and groves (7%) and cultivable wastes (8%). 6 per cent of the area is lying as fallow land. The net cultivation is done in only 26% of the area as against 43% for the State as a whole. The percentage of double cropped area is only 7%. The cropped area is reported to be largely rainfed and depending upon monsoon. Only 11% of the net area sown is provided with assured irrigation through tanks and wells.

9.240 In the districts of Banswara and Dungarpur there were 1.76 lakh households possessing agricultural land measuring 4.14 lakh hectares. Average size of the holding was 2.35 hectares per household as against the State average of 5.45 hectares. About 37% of the households possessed holdings of less than 1 hectare, 23% between 1 to 2 hectares, 29% between 2 to 5 hectares and 11% possessed 5 hectares and above. Thus 60% of the households possessed an average holding of 0.84 hectare only. The Bhils mostly depend on rains and it has been estimated that in the tribal area, on an average, out of every 3 years almost 2 years are famine years. The holdings are uneconomical and famines recurrent, the financial condition of the tribals does not permit them to invest money for taking up soil conservation works. But soil erosion is one of the serious problems affecting hilly areas of the tribal districts and Tehsils. It has been reported that approximately 40% to 60% of the area is subjected to water erosion hazard.

Land alienation

9.241 It has been estimated that considerable land alienation has taken place in the tribal areas. The situation is particularly disturbing because the alienations were reported to relate to lands which had come under the command of different irrigation projects. It is understood that a good deal of agricultural land was allotted to the Scheduled Tribes in the past 25 years. But there is no record to ascertain the actual number of allottees who are still in possession of allotted land. In fact, it is suspected that in several thousand cases allotted land has not remained in possession of the tribals.

9.242 It may be relevant to refer here to a study relating to Kadona Resettlement conducted by the Rajasthan Tribal Research and Training Institute. On account of taking up the construction of Kadana Dam 5,940 families of 132 tribal villages were affected. The results of the study showed that one of the major drawbacks of rehabilitation programme has been the lack of proper planning. The evacuation of displaced families was not done in a phased manner. Compensation money was paid in cash and they were cheated by the middlemen. Facilities like drinking water wells, schools, roads, dispensaries etc. were not made available to the tribals in a proper manner.

Animal Husbandry

9.243 Though there is good cattle wealth the average milk production of the area is too meagre to meet the minimum requirements of the local population. On the basis of a survey conducted in the districts of Banswara, Dungarpur and Udaipur it was observed that on an average 135 grams of milk per head was availabe for daily consumption and this was considered far below the standards recommended by the Nutritional Advisory Committee. *There is considerable scope for development of fisheries, poultry farming etc. to improve the conditions of tribal population.*

Forests

9.244 The forests account for about 30% of economic base of the tribals, as compared to about 54% for agriculture. Besides providing minor

forest produce, forests support tribal economy in the lean seasons. Certain concessions have been given to the tribals under Forest Concessions Rules, 1955 These concessions relate to collection of timber removal of dry and dead fuel wood etc Most of the forests are already reported to have been denuded The tribals are unable to meet their requirements of timber and fuel wood in most of the areas The State Government had proposed the collection of minor forest produce in the tribal regions to be done through forest labourer cooperative societies But the working of F L Cs in the past has not been considered satisfactory The major forest produce consisting of timber and fire wood is exploited through the State Trading Scheme of the Forest Department and the tribals get employment in the departmental working of forest coupes

Indebtedness

9 245 Two important legislations relating to removal of indebtedness amongst tribals namely the Rajasthan Relief of Agricultural Indebtedness Act and the Rajasthan Money-lenders Act have not made any significant impact on the level of indebtedness The problem of bonded labour is also known to be existing in the tribal areas of the State. The surveys conducted by the Tribal Research Institute, Udaipur revealed that in several villages as many as 86% of the tribals were indebted to money-lenders and the level of their indebtedness varied between Rs 500 to Rs 600 In Durgapur alone unlicensed money-lenders exceeded 4,000 Subsequently the Study Team to Agriculture Credit Institutions in *Rajasthan* conducted a special study of the problem of tribal areas It revealed that the quantum of loans due to money-lenders ranged between Rs 300 to Rs 3,000 per household Exorbitant rates of interest ranging from 36% to 130% were being charged The re-payment, by and large, was insisted in the form of agricultural produce valued at a price fixed by the money-lender at the time of disbursement of the loan which compared unfavourably with the market prices Default in re-payment of the loan and the interest thereon successively for two to three years had resulted in the money-lender acquiring possession of the land of the tribal and insisting on the tribal cultivating the same land as farm labourer for which the latter was given a certain share of the produce

Exploitation by Jewellers etc

9 246 It is stated to be a matter of common knowledge that some unscrupulous jewellary manufacturers and traders compound silver with numerous other metal and cheat the tribals who purchase these ornaments in the hope that they are creating assets for rainy days It has been estimated that the jewellary sold in the tribal areas does not contain more than 40% of the precious metals

Electrification of Tribal Areas

9 247 In the tribal sub-Plan area only 130 villages were reported to have been electrified out of a total number of 240 villages having a population of thousand and above The percentage of electrification was 12 2 as against 18% of the State There were reported to be Panchayat Samities like Kushalgarh, Bhukiya and Sajjangarh in Banswara District and Kotra, Dhariawad and Jhadol in Udaipur District where there is not even a single electrified village

Communication

9 248 Little attention was paid in the past to the development of roads in the tribal areas The programme picked up momentum subsequent to the formation of the State of Rajasthan in 1949 and the road length increased by about 210% but even now the road length cannot be considered adequate because there are more than 2,000 market centres etc which require to be connected by all-weather roads

Educational Development

9 249 The level of educational development of Scheduled Tribes is far below particularly at upper primary and secondary stages of education About 2 24% habitations had no easy access to primary schools It is considered that in general the educational facilities for 6 to 11 age groups of children are somewhat satisfactory but the problem is that of low enrolment The wastage in primary education in *Rajasthan* is reported to be highest in the country In the case of tribals it is more than 80% The principal weakness in tribal education is reported to be in the context of age group 11 to 17 *i e* higher primary and secondary education

Medical and Public Health

9 250 The major problems in the region relate to diseases of the digestive system, respiratory diseases, guinea worms, skin diseases, nutritional diseases, dental diseases and parasitic infections The health problems are mainly on account of non-availability of safe drinking water, low living standards and mal-nutrition Many places were reported to be having polluted drinking water sources in the form of open step wells etc, resulting in large incidence of guinea worm infection and a sizable programme of hygienic drinking water supply through shallow drilling and hand pump installation is required For catering to the health problems in the tribal areas there were only 14 hospitals, 27 dispensaries, 22 Public Health Centres and 154 sub-centres The doctor population ratio was 1 17,000 It has not been possible so far to make available health facilities to the tribal population living mostly on hill tops in clusters of 15 to 18 hamlets

Development of Minerals and Industries

9 251 The area is reported to be having considerable scope for the development of industries on account of deposits of minerals like soap stone, asbestos, mica, cyanide manganese, lead in Dungarpur District and iron ore in Saroda tehsil There is also considerable scope for the extension of electricity to the area for providing cheap power for lift irrigation which could also prove helpful in the promotion of industrial programme, the development of which is reported to be hampered for want of electricity

9.252 Most of the mining activities in the tribal region is reported to be in private sector. Though these mines employ local people as unskilled labourers, for the skilled operations and manage merit people from outside are generally engaged.

9.253 It is reported that the Rajasthan Khadi and Village Industries Board is operating a number of schemes in the tribal areas relating to cotton and woollen Khadi, processing of cereals and pulses, leather tanning, spinning and weaving etc. There is reported to be a good scope for accelerating the programme of collection of forest products such as non-edible oil seeds, extraction of oil therefrom and manufacture of soap from the non-edible oils.

9.254 *Information contained in the foregoing paras indicates that majority of the tribals in Rajasthan are still lagging behind in development and strenuous efforts require to be made to improve their lot.*

UTTAR PRADESH

Basic Data

9.255 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :—

Total population	883.41 lakhs
Scheduled Tribe population	1.99 lakhs
Percentage of Scheduled Tribe population under sub-Plan to Scheduled Tribe population	7.56
Area	2,94,413 sq. kms.
Sub-Plan Area	98 sq. kms.
Percentage of Area covered under sub-Plan	0.03
Literacy	21.7% (State) 14.6 (Sch. Tribes)
I.T.D.Ps.	Total No. 2 Prepared 1

Enrolment

Class	Year	General	Sch. Tribe
I—V	1973-74	97.7	N.A.
	1977-78	91.2	75.5
VI—VIII	1973-74	34.2	..
	1977-78	36.4	30.9

Poverty	50.23% (Rural) 49.24% (Urban)

Occupational pattern (Scheduled Tribe)

Total workers	0.81 lakhs
Agricultural Labourers	6,819 (8.42%)
Cultivators	0.64 lakhs (78.52%)

Educated Scheduled Tribe unemployed registered with Employment Exchanges (as on 31-12-79)

Matriculates	462
Higher Secondary/Intermediates	391
Graduates	166

Primitive Group

As Rajiis living in Pithoragarh District.

9.256 Five tribal communities were specified as Scheduled Tribes in 1967. They number about 2.00 lakhs and are known as Bhotias, Tharus, Buxas, Jaunsaris and Rajis (Banrawats). About 85% of them are residing in hills and the remaining 15% in Tarai areas of Kheri, Gonda, Bahraich, Bijnore and Gorakhpur Districts. *There are 12 communities in the eastern districts of Uttar Pradesh which have characteristics similar to those of Scheduled Tribes. Their population is estimated at about 4 lakhs. They are economically, socially and educationally vulnerable and special attention to raise their social and economic standards keeping in view their backwardness is considered necessary.*

Socio-economic problems of tribal communities

9.257 Jaunsaris as a group have been declared Scheduled Tribes. But this is a territorial name and covers all residents of Jaunsar-Bawar in Dehra Dun District. Jaunsaries comprise a number of Castes like the Brahmins, Rajputs at the top and Koltas at the lowest ladder of caste hierarchy. In between there are a number of intermediate groups mostly belonging to artisan group such as the Badi (carpenter), Sunar (goldsmith), Lohar (blacksmith), as also the Bajgi (drummer) and the Jagra and Nath (religious servicemen and magicians). The last in caste hierarchy *viz.*, Koltas, are traditional agricultural labourers or serfs. They have also been leather workers and, at some places, are associated with Chamars and Mochis. The Rajputs have a numerical superiority over Brahmins as well as over other castes. The Rajputs and Brahmins occupy the main part of the village. But the Koltas live in the miserable shelters away from the main village. Koltas have been exploited by the better off Jaunsaris. Bhotias living in the hills used to trade with Western Tibet. After the Chinese occupation of Tibet, however, this trade has ended resulting in serious economic dislocation of the trading Bhotias. The Tharus and the Buxas inhabit the sub-Himalayan Tarai area of Uttar Pradesh. With the eradication of malaria and better facilities, many outsiders have entered this region. The non-tribal farmers are harassing the Tharus and Buxas in many ways with the result that there is a sense of insecurity among the Buxas and Tharus. In the Khatima and Bazpur Blocks of the Nainital District, the problem of the alienation of lands originally belonging to Tharus and Buxas has become acute. The tribal people apprehend that they are losing gradually their rights and concessions in the forests. The Tharus of forest villages do not have tenancy rights over the lands possessed by them and cannot supplement their incomes due to restrictions imposed by the Forest Department in collection of minor forest produce. The Rajis who also call themselves Banrawats keep themselves aloof from the other communities. They are nomadic and move from forest to forest. Most of their property is in the shape of cattle. They live a life of perpetual poverty.

Land alienation

9.258 The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 was amended by an ordinance in 1969 which was later replaced by Uttar Pradesh Act No. IV of 1969 inserting Section 157-A which for the first time introduced restrictions on transfer of land owned by the Scheduled Tribes. There were reports that a tense situation had developed in the Terai region of Nainital district, due to the instructions issued by the State Government in July, 1981 for restoring the possession of alienated tribal land executed. They usually get a *mukhtarnama* prepared non-tribal settlers. It is reported that to avoid legal complications the outsiders do not get land sale-deeds executed. They usually get a *mukhtarnama* prepared which empowers them to manage and cultivate on behalf of Tharus/Buxas. At times the non-tribals get themselves recorded as share croppers and the revenue official enters their names as trespassers. In course of time the trespassers became sub-tenants. This process goes on and the tribals are deprived of their lands.

Koltas of Jaunswar Bawar Area

9.259 Majority of the Koltas happen to be landless labourers and serve as farm hands. The extent of exploitation of the Koltas can be imagined from the fact that the Government of Uttar Pradesh at one stage had acknowledged that all Koltas were bonded labourers. Though the position may not be that bad at present, there can be no denying the fact that the Koltas have been exploited since long and continue to remain in a miserable condition. To pay off their old debts, their male members work as 'slaves' with the locally advanced sections of the society, and some womenfolk are sent to the brothels to places like Dehra Dun, Roorkee, Saharanpur and Delhi. In one of the earlier Reports of the Commissioner for Scheduled Castes/Scheduled Tribes, mention was made of the good work done by the workers of Nehru Yuvak Kendra who had succeeded in rescuing a number of fallen women and bonded labourers freed in several villages of Jaunswar Bawar. It is worth mentioning that a judicial Magistrate in his judgement had criticised Bonded Labour Rehabilitation Department for fabricating false cases against bonded labourers. Initially false report was lodged against 10 freed bonded labourers for dacoity and assault on a Government Officer on duty. Ironically, the complainant happened to be the Bonded Labour Rehabilitation Officer who was supposed to extend a helping hand to the Koltas. It is understood that the officer concerned has been transferred from that area.

9.260 The economic and social exploitation of Koltas was to such an extent that some of them were required to shave their heads and observe mourning formalities in case of death taking place in the masters family. The legal code though no longer operative prohibited the Koltas from owning land. The Koltas and Bajgis are compelled to borrow from the money-lenders at the compound rate of interest of 25% per annum. When they are not in a position to pay interest, they work on the land of the money-lenders, in many cases more than one member of the family is required to work with the money-lenders round the year.

9.261 According to an estimate in *Uttar Pradesh* there were 19,242 bonded labourers. *There is a desirability that the Government as well as non-official agencies should join hands in taking initiative for improving the lot of the bonded labourers and coming to the aid of fallen women belonging to Kolta community of Jaunswar Bawar.*

Tribal Development Corporation

9.262 The Government of Uttar Pradesh is understood to have established three corporations for the development of the Scheduled Tribes. These are :—

(1) Kumaon Scheduled Tribe Development Corporation;

(2) Garhwal Scheduled Tribes Development Corporation and;

(3) Tarai Scheduled Tribes Development Corporation.

The first two corporations are being looked after by the Hill Development Department and the Tarai Scheduled Tribe Corporation by the Harijan Welfare Department. The Corporation are reported to have been entrusted with the development of agriculture, horticulture and small scale and village industries. Scheduled Tribe Development Corporation, Kumaun, is reported to have established Raw Material Depot at Pithoragarh for providing incentives to Bhotias for carpet making and construction of shops for Tharus and Buxas. Scheduled Tribes Development Corporation, Garhwal is reported to have established carpet and shawl production centres at Joshimath and Chhinka where improvement of designs is also being taken up. In Dehradun, a show room has been opened for the marketing of the produce of these centres. In Chamoli, a wool (sale) Depot is reported to have been opened.

9.263 *No doubt the process of tribal development has been initiated in Uttar Pradesh in all earnest. But on account of long isolation of tribal pockets and virtual non-existence of infra-structure facilities, the pace of development has not been adequately accelerated. The inhabitants continue to remain backward due to primitive agriculture and lack of knowledge for proper utilization of available natural resources. Exploitation of tribal sections continues unabated. Immoral trafficking among women in one particular community of Scheduled Tribe continues to take place. All the alienated lands of Tharus & Buxas have not been restored. Much more remains to be done to improve the condition of bonded labourers and for their rehabilitation.*

HIMACHAL PRADESH

Basic Data

9.264 Basic data indicating the population and the level of economic and social development of the Scheduled Tribes in the State are given below :—

Total population	34.60 lakhs
Scheduled Tribe population	1.42 lakhs
Percentage of Scheduled Tribe population under sub-Plan to Scheduled Tribe population	59.15
Area	0.55 lakh sq.kms.
Sub-Plan Area	0.24 lakh sq. kms. (43.03%)
Literacy.	31.32% (State) 15.89% (Sch. Tribe)
I.T.D.Ps.	Total : 3 Prepared : 3

Class	Year	General	Sch. Tribes
I—V	1973-74	90.3	66.5
	1977-78	96.9	78.2
VI—VIII	1973-74	54.2	32.3
	1977-78	53.6	32.7
Poverty		28.12% (Rural) 16.56% (Urban)	

Occupational Structure

Total workers among Scheduled Tribes	0.70 lakh
Cultivators	0.58 lakh (82.32%)
Agricultural labourers	0.02 lakh (3.07%)

Educated Scheduled Tribe unemployed registered with employment exchanges (as on 31-12-79)

Matriculates	920
Higher Secondary/Intermediate	121
Graduates	141

9.265 The areas identified as tribal constitute the entire districts of Kinnaur and Lahaul and Spiti, and Pangi and Bharmour Tehsils of Chamba District. These areas form a contiguous border belt in the north and north-east of the State. About 86% of the total population in these areas consisting of Scheduled Tribes. These areas are bounded by Tibet in the East. Tribal areas are the most sparsely populated pockets with the density of population ranging between 1 to 15 persons per square kilometers. Gaddis (19,613), Gujars (202), Jad, Lamba, Khampa and Bhot or Bodh (16,860), Kanaura or Kinnaura (33,546), Lahaula (2,546), Pangwala (8,837), Swangla (2,767) are the tribal communities.

Agriculture

9.266 The tribal areas are mostly located in the dry zones where the temperature is very low for most part of the year. The crops grown take longer period to mature than in other parts of the State. Due to poverty, the tribals find it difficult to make investments on inputs like seeds, fertilizers, pesticides etc. The agricultural inputs are costlier due to transport difficulties. The winter being longer and severer, people particularly the inhabitants of Pangi and Bharmour Blocks migrate to low altitudes with their flock of sheep and herd of cattle in search of grazing facilities. *The condition of tribals is particularly poor in Pangi and Bharmour areas of Chamba District. Agricultural land is in-sufficient and holdings are small and scattered. The areas are snow-bound and only one crop is grown. There are potentialities for the development of horticulture, in the tribal areas. The cultivation is entirely dependent on irrigation. The problem of soil erosion exists in tribal areas.* Continuous and improper land use, over grazing and faulty agricultural practices had adversly affected the soil. Lahaul is known for its potato crop. Best potato seeds are grown here. The Lahaul Potato Growers' Cooperative Marketing-*cum*-Processing Society Ltd., Manali has done useful work in the field of marketing of seed potatoes, supply of agricultural inputs and supply of consumer goods etc. This society should be encouraged by the Government of Himachal Pradesh for meeting its requirement of construction of godowns etc. *There is also urgent requirement for the establishment of a Research Centre in Lahaul Valley itself for production of foundation seeds because the existing Potato Development Station at Daleng in Lahaul Valley run by the State Department of Agriculture was not in a position to meet the full requirements of foundation seeds.*

Animal Husbandry

9.267 The tribal population is scattered. Means of communication are not much developed. The animals not only provide food but also serve as beasts of burden. During winter cattle have to be brought down to lower parts of the State or to the plains of *Punjab* and *Uttar Pradesh*. Tribal areas are reported to be suitable for growing long fibre wool for which the department of animal husbandry has taken steps to obtain improved breeds.

Indebtedness

9.268 A study conducted of 486 households revealed that 124 households (25.51%) were indebted. Outstanding loan per indebted household amounted to Rs. 734.90 In Lahaul and Spiti 9.8% households were under debt. This percentage in Kinnaur district and Bharmour/Pangi areas of Chamba district was 29.2, 28.9 and 32.1 respectively. Maximum number of loans (56%) were taken for household expenditure. 41.3% loans were taken from money-lenders followed by relatives and friends 51.4% of the Loans were reported to be interest free.

Forests

9.269 Forests occupy important place in the economy of the State and possess potentialities for the development of forest based industries. But the tribal areas are remote and inaccessible. The climate is inhospitable and dry. Owing to severe climate the forests are inadequate. Rearing of sheep and goats is the main vocation, but the pastures in these areas are

degraded with poor vegetation. There is a need for introducing suitable species of grass alongwith scientific management of the forests. The forests in Kinnaur and Lahaul and Spiti districts and Pangi Block of Chamba district are rich in medicinal herbs and aromatic plants. The herbs and plants are reported to be in good demand. But the limiting factor for the extensive raising of forests is lack of irrigation. Yield of forests in Lahaul and Spiti district is reported to be poor and insufficient.

Industry and Minerals

9.270 There is absence of large and medium scale industries. But the tribals are known for their handicrafts. Village industries, handicrafts and small scale industries are being practised in the tribal areas. The tribals are known for the manufacture of woollen clothes (Gudmas, Patoos and Pattis) wood carving, artistic metal works, musical instruments and fresco paintings etc., besides products of traditional village and cottage industries. The Government of India was reported to have made efforts to introduce the scheme of rendering financial assistance during the 4th Plan Period under their programme of Removal of Regional Imbalances, in the selected backward districts of Kinnaur, Lahaul and Spiti and the Tribal blocks of Pangi and Bharmour in Chamba district. But no progress was recorded on account of non-availability of basic inputs and lack of infra-structural facilities. The tribal areas possess potentialities of mineral resources and of mineral based industries. But development in this regard required intensive investigations. *In the tribal areas no Industrial Training Institute is functioning and the persons looking for such training have to visit places like Mandi, Solan, Nahan, Simla etc.*

Education

9.271 In tribal areas there is low level of literacy. Girls education is lagging far behind. *Stagnation and dropouts at the primary level have resulted in a considerable wastage of resources.*

Health

9.272 On account of low level of density of population provision of health facilities is a costly affairs. The tribals suffer from serious malnutrition. In the tribal areas, it is difficult to fetch water from distant places due to rugged and hilly terrain.

9.273 *There is acute shortage of functional and residential buildings in the tribal areas and this has been considered as a major bottleneck in the economic and social growth of the tribals.*

9.274 In Himachal Pradesh all sections of population amongst Lahaulas, Pangwalas and Kinnauras are being given uniform treatment irrespective of their backwardness. *It is felt that the benefits of most of the welfare programmes are being cornered by comparatively well-to-do sections belonging to these two communities and the comparatively backward amongst them continue to be neglected. It is also learnt that there are some sections amongst Lahaulas and Kinnauras, the members of which suffer from the stigma of untouchability.*

9.275 Though the tribal economy is mainly agro-pastoral, introduction of improved agricultural practices had been found to be difficult on account of the problem of providing assured irrigational facilities. In the tribal areas the working season is also comparatively small. It is felt that the tribals could be provided better employment opportunities during extreme cold season by suitable expansion of the programme of cottage industries etc. *Arrangements require to be made to provide raw-materials at reasonable cost to enable them to work indoors during winter and to collect the finished products at the end of the season for which the tribals should be suitably remunerated through marketing facilities.*

9.276 Programme of Border Roads, National highways etc. has been expanded during the last few years with the result that the new areas are being opened up. In this process, adequate care requires to be exercised to protect the interests of tribals so that they may not be exposed to exploitation on account of influx of outsiders.

9.277 *The tribal areas of the State require attention on account of the peculiar topography of the area and historical dimensions of the backwardness existing there since long. It is well-known that within the tribal areas, Pangi in Chamba District is much more backward and the condition of tribals continues to be miserable. The means of communication are rudimentary. On account of special problems in the tribal areas, officers with sympathetic and understanding approach, should be posted to work for the welfare of the members of the tribal communities.*

CHAPTER 10

ATROCITIES AND HARASSMENT

In spite of the firm resolve of Government to check incidents of atrocities on the persons belonging to Scheduled Castes and Scheduled Tribes, such incidents continue to be reported in considerable number from the various parts of the country. It is all the more disconcerting that at times atrocities on weaker sections are allegedly committed by persons who themselves happen to be in charge of protecting their life and honour. On occasions when influential persons are involved directly or indirectly in the incidents of atrocities on Scheduled Castes and Scheduled Tribes, it is alleged that attempts are made to weaken the cases. It seems that so far the administrative machinery has not been properly geared to check exploitation of Scheduled Castes and Scheduled Tribes.

10.2 If statistics relating to atrocities on Scheduled Castes and Scheduled Tribes are any indication, there has been a tremendous increase in the number of incidents that took place in 1978 (17,522) as compared to the number of such incidents in 1976 (7,264). But during 1979 (16,048) and 1980 (13,828)* somewhat declining trend was observed.

10.3 *Various socio-economic maladies have been causing distress and unrest amongst Scheduled Castes and Scheduled Tribes. Foremost amongst these happen to be lack of proper respect for Scheduled Castes, adoption of exploitative practices by vested interests to deny Scheduled Castes and Scheduled Tribes their normal rights and privileges and resentment of tribal sections over curtailment of their forest rights and dispossession from lands. Resistence on their part leads to atrocities of varying magnitudes and lack of effective law and order machinery and inadequate legal protection aggravate their problems. It is of utmost importance to remove underlying maladies so that Scheduled Castes and Scheduled Tribes can hope for security of life and property and social justice.*

10.4 It has been noticed that poor tribal workers in search of employment are often taken away to other States by contractors and made to suffer worst kind of indignities and harassment at the hands of their employers. They are forced to live like serfs. Female tribal workers face untold hardships. Recently there were press reports that tribal workers taken by contractors from *Orissa* to *Jammu and Kashmir* were beaten by the agents. Some of them were reported to have died due to hunger. It was reported by the Government of *Orissa* that out of 16 labourers recruited, 9 had returned, 1 had been traced and 2 were missing. The reported death of 4 labourers had not been substantiated. The Government of *Jammu and Kashmir* was reported to have registered police cases and initiated a departmental enquiry. Crime cases were reported to have been launched by the Government of *Orissa* against the two contractors from *Orissa*. Another such case was reported about exploitation of migrant tribal workers from Ranchi District of *Bihar* by the contractors in *Tripura* brick fields. The Government of *Tripura* deserve full credit for taking suitable action in coming to the rescue of the exploited tribal workers. *Tripura* Government not only liberated the labourers but also paid for their return journey including that of air-lifting them from Agartala to Calcutta. They also arrested the unscrupulous contractors and paid wages on their behalf. *It is felt desirable that constant watch should be kept on the conditions of migrant tribal workers by administrative authorities. Such workers are totally unorganised and have no means to face their oppressors. Only the Government agencies and dedicated social workers can take up their cause by exposing tyrant employers and assisting the exploited labourers in getting their due.*

10.5 Of late, it has been witnessed in several parts of the country that some of the well intentioned measures put into implementation for improving socio-economic conditions of Scheduled Castes and Scheduled Tribes have become a subject of controversy and caused bitterness among some of the misguided sections of society, who instead of looking at the whole thing in its proper perspective have started considering these sections as being priviledged at their own cost. *It is essential that necessary awareness may be brought about amongst such misguided sections through publicity media that ameliorative steps are necessary on account of the past neglect of these communities and do not imply discriminatory approach of the Government.*

Number of cases of atrocity on Scheduled Castes and Scheduled Tribes

Comparison of 1978 and 1979 figures of atrocity cases :

10.6 Available State-wise information about the reported incidents of atrocities on the Scheduled Castes during 1978 indicates that in all 15,070 incidents took place in *Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Dadra & Nagar Haveli, Delhi* and *Pondicherry*, whereas during 1979 in all 13,884 atrocity incidents were reported in the respective States of *Andhra Pradesh,*

*Incomplete figures.

Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Delhi, Goa, Daman & Diu and *Pondicherry*. In the case of Scheduled Tribes in all 2,452 atrocity incidents were reported during 1978 from *Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Uttar Pradesh, Andaman & Nicobar Islands, Arunachal Pradesh, Dadra & Nagar Haveli, Goa, Daman & Diu* and *Pondicherry*. As compared to this, 2,164 incidents of atrocities on Scheduled Tribes were reported during 1979 from *Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, West Bengal, Andaman & Nicobar Islands* and *Arunachal Pradesh*. State-wise data of these incidents are contained in the following table :

Number of cases of crimes against members of SCs and STs

Name of the State	No of cases registered				% increase + or decrease (—) in 1979 over 1978	
	SCs		STs			
	1978	1979	1978	1979	SCs	STs
1	2	3	4	5	6	7
Andhra Pradesh	110	92	14	13	(—)17.85	(—)7.14
Assam	1	..	..	N.A.	..	..
Bihar	1884	2152	182	200	(+)14.22	(+)9.89
Gujarat	540	478	254	87	(—)11.48	(—)65.74
Haryana	66	85	..	..	(+)28.78	..
Himachal Pradesh	66	94	..	..	(+)42.42	..
Karnataka	376	598	37	54	(+)35.10	(+)45.94
Kerala	767	887	44	33	(+)15.64	(—)25.00
Madhya Pradesh	3240	3866	1221	1373	(+)19.32	(+)12.44
Maharashtra	1053	503	325	169	(—)52.23	(—)48.00
Manipur	..	..	17	..	..	..
Orissa	135	43	36	16	(—)68.14	(—)55.55
Punjab	83	171	..	..	(+)106.02	..
Rajasthan	886	760	292	205	(—)14.22	(—)29.79
Tamil Nadu	141	115	..	..	(—)18.43	..
Uttar Pradesh	5660	4102	1	..	(—)27.52	..
West Bengal	6	2	..	2	(—)66.66	..
Andaman & Nicobar Islands	..	..	4	1	..	(—)75.00
Arunachal Pradesh	..	..	6	11	..	(+)83.33
Dadra & Nagar Haveli	1	..	17	..	..	..
Delhi	14	4	..	..	(—)71.42	..
Goa, Daman & Diu	..	3	1	..	..	..
Pondicherry	14	19	1	..	(+)35.71	..
TOTAL	15,070	13,884	2,452	2,164	(—)7.86	(—)11.74

It would be seen from the information given above that there was an increase in the incidents of atrocities on Scheduled Castes in the States of *Bihar* (14.22%), *Haryana* (28.78%), *Himachal Pradesh* (42.42%), *Karnataka* (35.10%), *Kerala* (15.64%), *Madhya Pradesh* (19.32%), *Punjab* (106.02%) and *Pondicherry* (35.71%). In the case of Scheduled Tribes, there was an increase in the atrocity incidents during the year 1979 as compared to the figures relating to 1978 in *Bihar* (9.89%), *Karnataka* (45.94%), *Madhya Pradesh* (12.44%) and *Arunachal Pradesh* (83.33%).

Number of crimes in 1980

10.7 Data collected from various sources about the crimes committed against the members of Scheduled Castes and Scheduled Tribes in various States/

Union Territories during the year 1980 which is not complete may be seen in the following table :—

No. of cases of crimes against members of S.C. and S.T. committed by members of non-Scheduled Castes, in the various States/Union Territories in the year 1980 based on the data furnished by the State Governments/Union Territories.

S. No.	Name of the State/U.T.	Number of cases registered			
		Scheduled Castes		Scheduled Tribes	
		Number	Month	Number	Month
1	2	3	4	5	6
1.	Andhra Pradesh	114	Oct.	03	May
2.	Assam	Nil	March	..	..
3.	Bihar	1890	Dec.	27	May
4.	Gujarat	435	Oct.	29	May
5.	Haryana	74	Nov.	No Sch. Tribe	
6.	Himachal Pradesh	64	Nov.	..	..
7.	Jammu & Kashmir	N.A.	..	No. Sch. Tribe	
8.	Kerala	328	Aug.	11	May
9.	Karnataka	331	Oct.	01	May
10.	Madhya Pradesh	2927	Sept.	290	May
11.	Maharashtra	431	Oct.	44	May
12.	Orissa	73	Oct.	06	May
13.	Punjab	47	Sept.	No Sch. Tribe	
14.	Rajasthan	1106	Nov.	75	May
15.	Tamil Nadu	45	May	..	..
16.	Uttar Pradesh	4279	Dec.	..	..
17.	West Bengal	30	Oct.	..	..
	Union Territories				
1.	Arunachal Pradesh	..	..	1	May
2.	Dadra & Nagar Haveli	..	..	1	May
3.	Delhi	03	Sept.	No Sch. Tribes	
4.	Pondicherry	16	Nov.	No Sch. Tribe	
		12,193*		487	

*Latest All-India figures is 13,341 (Murder 482, Violence 1,355, Rape 530, Arson 921 and other offences 10,053).

Number of crimes in 1981

Latest available information regarding crimes committed on Scheduled Castes in various States/Union Territories during the year 1981 which is not complete may be seen in the following table :

S. No.	Name of State/ Union Territory	Number of cases of crimes against Scheduled Castes	Report received upto
1	2	3	4
1.	Andhra Pradesh	39	February, 1981
2.	Bihar	477	March, 1981
3.	Gujarat	353	April, 1981
4.	Haryana	23	April, 1981
5.	Himachal Pradesh	31	May, 1981
6.	Karnataka	160	April, 1981
7.	Kerala	94	March, 1981
8.	Madhya Pradesh	330	January, 1981
9.	Maharashtra	239	April, 1981
10.	Orissa	17	April, 1981
11.	Punjab	6	April, 1981
12.	Rajasthan	518	May, 1981
13.	Tamil Nadu	23	February, 1981
14.	Uttar Pradesh	1429	April, 1981
15.	West Bengal	8	March, 1981
16.	Delhi	5	April, 1981
17.	Goa, Daman & Diu	1	April, 1981
18.	Pondicherry	2	May, 1981
	TOTAL	3755	

Some of the State Governments did not supply full information about crimes committed against Scheduled Castes and Scheduled Tribes by other sections of the society. It is necessary that adequate care should be

taken in treating all types of offences against the members of Scheduled Castes and Scheduled Tribes as atrocity cases. They should also standardise and rationalise the mode of collection of atrocity statistics and make requisite arrangements for prompt disposal of such cases.

Crime-wise break up of incidents of atrocities

10.8 Statistical data regarding State-wise and crime-wise position of incidents of atrocities on Scheduled Castes during the year 1979 collected by this office is given in the following table :—

S. No.	Name of the State/U.T.	Murder	Violence	Rape	Arson	Other IPC Offences	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	13	4	14	5	56	92
2.	Bihar	48	185	79	337	1,503	2,152
3.	Gujarat	13	48	5	20	392	478
4.	Haryana	..	1	20	2	62	85
5.	Himachal Pradesh	2	4	6	1	81	94
6.	Kerala	5	38	10	25	809	887
7.	Karnataka	10	18	5	14	461	508
8.	Madhya Pradesh	54	394	96	178	3,144	3,866
9.	Maharashtra	12	57	19	35	380	503
10.	Orissa	3	1	1	7	31	43
11.	Punjab	18	33	14	3	103	171
12.	Rajasthan	11	124	34	58	533	760
13.	Tamil Nadu	2	1	..	..	112	115
14.	Uttar Pradesh	191	487	122	326	2,976	4,102
15.	West Bengal	1	..	..	..	1	2
16.	Chandigarh	..	..	..	..	..	..
17.	Delhi	..	3	..	..	1	4
18.	Goa, Daman & Diu	..	..	..	..	3	3
19.	Sikkim	..	..	..	..	..	..
20.	Pondicherry	..	..	..	..	19	19
21.	Dadra & Nagar Haveli	..	..	..	..	..	..
22.	Arunachal Pradesh	..	..	..	..	..	..
	TOTAL	383	1,398	425	1,011	10,667	13,884

It would be seen from this information that out of a total number of 13,884 atrocity incidents on Scheduled Castes, 383 were murder cases, 1,398 pertained to violence, 425 rape cases and 1,011 arson cases. There were 10,667 other IPC offences.

10.9 Available information also indicates that in the matter of crimes committed on Scheduled Castes, *Uttar Pradesh* reported maximum number of murder cases, *i.e.* 191 out of a total number of 383 murder cases. Comparatively speaking, miximum number of cases relating to violence on Scheduled Castes were reported from *Uttar Pradesh* (487) followed by *Madhya Pradesh* (394), *Bihar* (185) and *Rajasthan* (124). Maximum number of crimes against Scheduled Castes women were again reported from *Uttar Pradesh* (122) followed by *Madhya Pradesh* (96) and *Bihar* (79). The largest number of cases of arson on Scheduled Castes were reported from *Bihar* (337) followed by *Uttar Pradesh* (326) and *Madhya Pradesh* (178).

10.10 Statistical data regarding State-wise and crime-wise position of incidents of atrocities on Scheduled Tribes during 1979 is given in the following table :—

S. No.	Name of the State/U.T.	Murder	Violence	Rape	Arson	Other IPC Offences	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	1	..	4	..	8	13
2.	Bihar	7	10	36	13	134	200
3.	Gujarat	7	23	4	2	51	87
4.	Himachal Pradesh	..	..	..	..	..	..
5.	Karnataka	3	2	1	..	48	54
6.	Kerala	..	3	..	1	29	33
7.	Madhya Pradesh*	N.A.	N.A.	N.A.	N.A.	N.A.	1,373
8	Maharashtaa	8	18	10	15	118	169
9.	Orissa*	N.A.	N.A.	N.A.	N.A.	N.A.	16
10.	Rajasthan	8	39	9	8	141	205
11.	Tamil Nadu	..	..	..	..	..	..
12.	Uttar Pradesh	..	..	..	..	..	..
13.	West Bengal	N.A.	N.A.	N.A.	N.A.	N.A.	2
14.	Andaman & Nicobar Islands*	..	..	..	..	..	1
15.	Goa, Daman & Diu	..	..	..	..	..	..
16.	Sikkim	..	..	..	..	..	..
17.	Dadra & Nagar Haveli	..	..	..	..	..	..
18.	Arunachal Pradesh*	N.A.	N.A.	N.A.	N.A.	N.A.	11
	TOTAL	34	95	64	39	529	2,164

*The crime-wise break-up in respect of Madhya Pradesh, Orissa, Andaman & Nicobar Islands and Arunachal Pradesh is not available. However, the total number of crimes has been shown in column 8.

Adequate information about crime-wise break up is not available in respect of all the States. It would be seen from the break-up of the figures of atrocity incidents pertaining to Scheduled Tribes that out of a total number of 2,164 cases, 34 cases related to murder, 95 to violence 64 rape and 39 arson. Other IPC offences totalled 529. The available data indicates that out of a total number of 34 murder cases the respective States of *Rajasthan* and *Maharashtra* reported 8 incidents each and *Bihar* and *Gujarat* reported 7 incidents each. *Rajasthan* also reported maximum number of violent incidents, *i.e.*, 39 out of a total number of 95 such incidents. *Bihar* reported maximum number of crimes against women, *i.e.*, 36 followed by *Maharashtra* (10) and *Rajasthan* (9).

Disposal of registered cases of atrocities on Scheduled Caste and Scheduled Tribes during the year 1979

10.11 Information regarding registration and disposal of cases of atrocities committed on Scheduled Castes and Scheduled Tribes during the year 1979 was furnished by the State Governments/Union Territory Administrations of *Andhra Pradesh, Kerala, Maharashtra, Rajasthan, Uttar Pradesh, Delhi, Goa, Daman and Diu* and *Pondicherry*. The State Governments/Union Territory Administrations of *Sikkim* and *Dadra and Nagar Haveli* informed that no atrocity cases were registered by them. Required information from other States/Union Territories was not received.

10.12 Available statistical information pertaining to disposal of cases of atrocities on Scheduled Castes and Scheduled Tribes during the year 1979, is given below :—

State/U.T.	Scheduled Castes					Scheduled Tribes				
	No. of fresh cases regd.	Challaned	Convicted	Acquitted/ discharged/compounded	Pending trial	No. of fresh cases regd.	Challaned	Convicted	Acquitted/ discharged/compounded	Pending trial
1	2	3	4	5	6	7	8	9	10	11
1. Andhra Pradesh .	92	44	1	3	40	13	9	..	..	9
2. Kerala . . .	887	566	13	80	473	33	19	..	1	18
3. Maharashtra .	503	227	26	20	181	169	65	5	3	57
4. Rajasthan* . .	690	520	22	96	402	184	135	10	33	92
5. Uttar Pradesh .	4,102	1,614	9	6	1,599	Nil	Nil	Nil	Nil	Nil
6. Delhi . . .	4	4	..	..	4	..	..	..	..	..
7. Goa, Daman & Diu	3	1	..	..	1	..	..	..	..	..
8. Pondicherry@ .	11	6	..	..	6	..	..	..	..	..
TOTAL . .	6,292	2,982	71	205	2,706	399	288	15	37	176

*There is a discrepancy in the figures of atrocities reported by the Government of Rajasthan. At another place the number of atrocity incidents in the case of Scheduled Castes is 760 and for Scheduled Tribes the figure is stated to be 205.

@Relates to first half of 1979.

It would be seen from the information given in the above table that in respect of Scheduled Castes only 2,982 cases could be challaned out of a total number of 6,292 fresh cases registered. Similarly, in respect of Scheduled Tribes, out of total number of 399 cases registered, 228 cases could be challaned. It may be incidentaly pointed out here that the position indicating lesser number of cases challaned is not a reflection on any one because there are instructions issued by some of the State Governments like those of *Uttar Pradesh* that all the reported cases must be registered in the first instance. However, the data given in the above table does indicate as to how many cases could be challaned for further processing by the authorities concerned. In *Uttar Pradesh* out of 4,102 fresh cases registered in respect of crimes against Scheduled Castes, only 1,674 cases had been challaned. In *Kerala* out of 887 cases only 566 were challaned. In *Maharashtra* out of 503 cases only 227 cases had been challaned. In *Andhra Pradesh* only 44 cases were challaned out of 92 cases. In *Pondicherry* out of 11 fresh cases registered only 6 had been challaned during the first half of the year 1979. In *Goa, Daman and Diu* out of 3 cases registered only one had been challaned. In *Rajasthan* out of 690 cases, 520 cases were challaned.

10.13 The information in the foregoing table also indicates that a large number of cases remained pending trial. In case of Scheduled Castes 2,706 cases were pending trial out of a total number of 2,982 challaned cases and in case of Scheduled Tribes 176 cases were pending trial out of 228 challaned cases. In *Kerala* out of 566 cases challaned, 473 were pending trial at the end of 1979. This shows that over 83.5% of cases were pending trial. In *Maharashtra* out of 227 cases challaned 181 cases (79.73%) were pending disposal by the courts. In the State of *Rajasthan* out of 520 cases challaned, 402 (77.31%) were lying in the courts for final decision. Similar was the case in *Uttar Pradesh* where out of 1,674 cases challaned, 1,599 were pending in the Court. This shows that 95.5% of cases were pending disposal. In *Andhra Pradesh* over 90.9% were pending disposal. In *Pondicherry, Goa, Daman and Diu* and *Delhi* all cases challaned were pending trial in the Courts.

10.14 As regards cases pending in conviction only 71 convictions could be obtained out of 2,982 cases challaned in respect of atrocities on Scheduled Castes. In the case of Scheduled Tribes only 15 convictions were obtained out of a total number of 228 challaned cases.

10.15 Complete data regarding convictions and acquittals in respect of the perpetrators of crimes on Scheduled Castes/Scheduled Tribes was not made available by most of the State Governments/Union Territory Administrations. Available information in respect of Gujarat State revealed that the percentage of convictions in cases of crimes committed on Scheduled Castes and Scheduled Tribes formed 10.8 and 10.6 respectively. It appeared that most of the offenders were able to get acquittals even in murder cases. In fact 95.5 per cent and 91.4 per cent respectively were the acquittal rates in murder cases of Scheduled Castes and Scheduled Tribes. It may be pointed out here that a study was conducted by the Gujarat Police Research

Centre on the basis of judgments of cases ending in acquittals of the accused persons under the P.C.R. Act and they enlisted observations made by the Courts while acquitting accused under the P.C.R. Act. *It is suggested that similar analysis should be made by the Government of Gujarat and other concerned State Governments in respect of high rate of acquittals in cases relating to atrocities on Scheduled Castes and Scheduled Tribes for framing suitable measures to bring the offenders to book.*

10.16 It may be of interest to refer to the time taken in the investigation, trial and in delivering of judgment relating to some incidents of atrocities committed on the Scheduled Castes and Scheduled Tribes. The incident relating to atrocities on Scheduled Castes in Belchi in *Bihar* took place on 25-5-1977. In this incident 11 persons had lost their lives. According to press reports the hearing in Belchi Murder Case under Barh Police Station of Patna District concluded on 5th May 1980 in the Court of Additional District and Sessions Judge. The judgment was delivered on 19th May, 1980. Altogether 24 accused including two women were facing trial for committing murders. 15 accused persons were sentenced to undergo life imprisonment and two were sentenced to death. 7 others including two women were acquitted. In Rupaspur village of Purnea District, *Bihar* a mob of landlords had attacked tribals on 21st November, 1971 with guns and deadly weapons to evict them from land and 10 Scheduled Tribe persons were killed. 54 persons were put on trial. Three accused persons died during the pendency of trial. The Purnea District and Sessions Judge on 27th September, 1980 found 34 persons guilty and sentenced them to undergo imprisonment for various terms including two persons sentenced for life.

10.17 It would be seen that in Belchi incident which took place in May 1977, the judgment was delivered in May 1980, whereas in Rupaspur incident which took place in November 1971, the judgment was delivered in September 1980. According to Press Reports all the 33 accused persons facing trial in the Kafalta incident in Almora District, *Uttar Pradesh,* in which 14 Harijans and one caste Hindu were killed on May 9, 1980 were acquitted by the Almora District and Sessions Judge.

Special arrangements made at the Centre and in the States to deal with the cases of atrocities on Scheduled Castes and Scheduled Tribes

Powers of the Union to deal effectively with the matter of atrocities on members of the Scheduled Castes/Scheduled Tribes

10.18 In the earlier Reports of the Commissioner it was mentioned that in matters of protection of weaker sections the Centre had an overriding responsibility which it could not afford to overlook as the word 'State' occurring in Article 46 of the Constitution meant the Nation in totality rather than mere component Units. It was further observed that effective intervention of the Central Government in cases of atrocities on the Scheduled Castes and Scheduled Tribes appeared to be also obligatory and modalities of such intervention could be worked out in consultation with the State Governments.

10.19 The matter was further dealt at length in the 1978-79 Report of the Commissioner and it was considered indisputable that if atrocities are committed in a State on the members of the Scheduled Castes and Scheduled Tribes and such atrocities amount to offences under the Indian Penal Code, the Union Government is fully empowered to issue directions for proper enforcement of the Indian Penal Code and the Criminal Procedure Code and issue directions as to the mode of their enforcement. As a necessary incident to it, the Union is also equally empowered to ask the State Government to utilize the services of such Police, Army or other personnel, as the Union may place at the later's disposal, if the State is lacking in effectiveness in dealing with it. This would not at all amount to infringement or constitutional provisions or acting beyond the scope and ambit of the executive powers of the Union. Indeed it would be a performance of a duty imposed on the Union by the Constitution.

10.20 Here it may be significant to refer to "Disturbed Areas Bill" passed recently by the Lok Sabha which seeks to amend the Disturbed Areas (Special Courts) Act, 1976 to confer concurrent powers on the Central Government to declare an area as "disturbed area" under the Act and to constitute special Courts for the purpose of providing speedy trial in certain specified classes of offences committed in the "disturbed areas".

The Statement of objects and reasons attached to the Bill *inter alia* states—

> "Keeping in view the disturbing trends of communal disturbances, caste conflicts, disruptive activities of anti-social elements, it is thought desirable that the power to declare an area as disturbed is available also to the Central Government in addition to the State Governments."

10.21 *It is hoped that the passing of this Bill would enable the Central Government to wield its authority more effectively in checking atrocities on Scheduled Castes and Scheduled Tribes.*

Special arrangements at the Centre

10.22 The National Integration Division in the Union Ministry of Home Affairs deals with the subject of atrocities on Scheduled Castes and Scheduled Tribes. The Ministry maintains liaison with the State Government and collects data through prescribed periodical returns from the States/Union Territories. In March, 1980 the Union Minister of Home Affairs wrote to the Chief Ministers/Governors/Lt. Governors of all the States/Union Territories conveying his concern about the rise in the number of atrocities and suggested certain precautionary, preventive and punitive measures as well as measures of rehabilitation and personal policy to check cases of atrocities. The important steps recommended to prevent such crimes against the persons belonging to

Scheduled Castes and Scheduled Tribes have been discussed in the previous Report of the Commissioner for Scheduled Castes and Scheduled Tribes. These are reproduced below :—

(i) Administrative measures should be taken to tone up the Police Administration and especially the agencies dealing with collection of intelligence;

(ii) Preventive measures should be taken well in time on the basis of the intelligence received, including posting of Police and Armed Police pickets.

(iii) In such crime prone areas, gun licences should be suspended, and even cancelled, belonging to persons who are likely to indulge in such crimes.

(iv) A sustained drive should be launched for unearthing illicit arms and ammunition in such areas.

(v) The crimes should be speedily investigated and the offenders brought to book without delay.

(vi) Special Judges may be appointed to speed up trials of such offenders so as to have a deterrent effect on them.

(vii) Relief should be rendered to the victims immediately and their rehabilitation expedited.

(viii) Peace Committees should be formed in such areas consisting of respectable persons from various castes and groups so as to bring permanent re-conciliation.

(ix) The Minimum Wages Act for Agricultural labourers should be enforced vigorously.

(x) Communication facilities, specially the roads, should be improved in the interior areas.

(xi) Government has also emphasised the importance of economic development of the Scheduled Castes and have initiated necessary measures particularly through the mechanism of Special Component Plan and Development Corporations for the Scheduled Castes.

10.23 According to latest available information statistics regarding recovery of unauthorised arms from any particular community such as Caste-Hindus etc. to check atrocities on Scheduled Castes and Scheduled Tribes in various States are not maintained. However, the Union Home Minister in his D.O. letter dated 10th March, 1980 addressed to the States/Union Territories, *inter alia,* considered it necessary to review the arms licences granted in the States and cancel such licences in areas where atrocities have taken place or potential for atrocities exists. Simultaneously, areas notorious for illegal manufacture of arms should be combed and this source of supply for committing atrocities completely eliminated.

A conference of Chief Secretaries, Home Secretaries, and Inspectors General of Police of States and Union Territories was held on the 3rd April, 1980 and was followed by a conference of Governors and Chief Ministers on the 8th April, 1980. One of the important decision taken at the first conference and generally approved by the second conference was that some units of the armed police in the State be constituted with a much larger composition of minority communities, Scheduled Castes and Scheduled Tribes for dealing with serious communal and caste situations.

10.24 The Government of India have decided to raise three battalions of C.R.P.F. to be specially trained and equipped to tackle the situation arising out of communal and caste conflicts etc. and it would be ensured that minorities, Scheduled Castes, Scheduled Tribes and ex-servicemen are adequately represented in these battalions.

10.25 In September, 1980 the Union Minister of Home Affairs suggested to the Chief Ministers of various States/Union Territories that at least one of the posts of District Magistrate, Senior Superintendent of Police, Superintendent of Police, Sub-Divisional Magistrate and Sub-divisional Police Officer in each of sensitive districts should be held by officers belonging to Scheduled Castes/Tribes, to prevent atrocities on Scheduled Castes and Scheduled Tribes. Similarly, officers belonging to the Scheduled Castes and Scheduled Tribes should also be posted as Station House Officers as far as possible in such sensitive localities.

Reconstitution of National Integration Council

10.26 During discussion on the atrocities on Scheduled Castes and Scheduled Tribes in the Lok Sabha on 13th March, 1980 the Prime Minister announced the Government's decision to reactivate the National Integration Council. Accordingly, the National Integration Council has been reconstituted with the Commissioner for Scheduled Castes and Scheduled Tribes as one of its members. It held its meeting on 12th November, 1980 when it devoted itself mainly to major issues like preservation of communal harmony, regionalism and happenings in the North-East, role of education in promoting national integration, Centre-State relations and language problem. Their assessment of various factors impending the process of national integration and the suggestions made by them to overcome these handicaps would form the guidelines for the deliberations of the three committees that the Council decided to set up. The standing Committee on National Integration will be constantly reviewing and monitoring the implementation of the recommendations of the National Integration Council. Another committee will focus its attention on the preservation of communal harmony and to make in-depth studies of the causes of communal disturbances while the third committee will review the educational content and structure and recommend measures to make education an effective instrument for promoting secularism and national integration.

Special arrangements by the State Governments

10.27 The desirability of making special arrangements such as establishment of special cells under senior police officers to look into cases of atrocities and specific complaints received from the Scheduled Castes/Tribes had been recommended by the Com-

S. No.	State/Union Territory	Year of Establishment	Headquarters		Regional			District			Remarks
			Headed by	Staff position	No.	Headed by	Staff Position	No.	Headed by	Staff Position	
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	1976	Additional S.P.	2 Dy. SPs. 3 Inspectors 2 Constables 4 Ministerial staff	..	..	..	..	..	..	Small Cells at each district are reported to have been established. Details not available.
2.	Bihar	1975	D.I.G.	1 Dy. SP 7 Inspectors 1 Asstt. 5 orderlies 1 Harijan Police station with one Inspector 2 SIs 1 Clerk, 15 constables	..	..	..	..	..	..	Branches at district/ Taluk levels are reported to have been established. Details not available.
3.	Gujarat	1973	Additional I.G.	..	3	Dy. SP	1 Inspector 1 SI 2 HC 3 Constables	..	..	..	
4.	Himachal Pradesh	1977	S.P.	1 Dy. SP 1 Inspector 1 Asstt. Inspr. 1 HC 2 Constables	..	..	..	..	Dy. SP	1 Inspector 1 SI 2 Head constables	
5.	Karnataka	1974	D.I.G.	1 SP 1 Dy. SP 2 Inspectors 4 SIs 4 HCs 8 Constables 4 Armed C. Drivers with ministerial staff.	4	Dy. SP	with supporting executing and ministerial staff, details not available.				
6.	Kerala	1978	S.P.	1 Assistant	..	..	..	..	1 Circle Inspr.	1 SI 2 HCs 2 PCs	1 Special mobile squad is functioning from 1972.
7.	Madhya Pradesh	1974	D.I.G.	1 Dy. SP and Ministerial staff.	7	Dy. SP	1 Sub Inspr. 2 HC 14 Constables	..	..	..	
8.	Maharashtra	1977	D.I.G.	1 Dy. SP and Ministerial staff	6	Insptr.	2 S.I. 2 HC 4 PCs	..	..	..	
9.	Punjab		Dy. S.P.	Special staff (Details not available)				..	..	..	
10.	Rajasthan	1978	Additional I.G.	1 SP (Officer-in-Charge) 1 Grd. Inspector, 1 SI	..	..	..	..	..	..	
11.	Tamil Nadu	1977	D.I.G.	..	..	..	..	..	SP	*Mobile Squad* 1 Insptr. 1 S.I. 2 HC 2 C. cum-Driver	Special officer of the rank of Dy. S.P. looks into complaint at district level. 6 squads are functioning since 1972 and 7 squads since 1979.

1	2	3	4	5	6	7	8	9	10	11	12
12.	Uttar Pradesh	1973	D.I.G.	2 SPs 9 Dy. SP 7 (in position)	..	..	..	..	..	..	In all districts small Harijan Cells are established in existing police staff.
13.	West Bengal	———				Under consideration					———
14.	Delhi	1977	In the office of the Commissioner of Police	1 SI 1 HC 1 Constable	..	..	..	..	..	..	
15.	Pondicherry	..		Setting up of revenue cum police squad under consideration.							

missioner for Scheduled Castes and Scheduled Tribes as well as Government of India to the State Governments in the past. In persuance of this recommendation Harijan Cells/Special Cells/Mobile Police Squads have been set up in the States/Union Territories of *Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh* and *Delhi.* The set up of the cells vary from State to State depending upon the resources, problems and other local conditions. These cells have been established in some States not only to dispose of all complaints regarding atrocities on Scheduled Castes/Tribes but also for dealing with the cases of untouchability in accordance with the provisions of the Protection of Civil Rights Act. The States/Union Territories of *Arunachal Pradesh, Chandigarh, Dadra and Nagar Haveli, Goa, Daman and Diu, Haryana, Jammu and Kashmir, Lakshadweep, Mizoram* and *Tripura* do not feel the need of setting up Harijan Cells/Special Cells. Information from the States of *Assam, Manipur, Meghalaya* and *Sikkim* has not been received.

Strength of Harijan Cells in various States

10.28 State-wise set up of Harijan/Special Cells may be seen in the statement given below :—

It would be seen from the above statement that the States/Union Territories of *Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh* and *Delhi* have constituted cells at State level headed by senior police officers. The States of *Gujarat, Karnataka, Madhya Pradesh* and *Maharashtra* have also constituted special police machinery at regional level. Mobile police squads have also been set up in *Tamil Nadu* and *Kerala* In some States small Harijan Cells/Special Cells at district level are reported to have been constituted from the existing Police staff in District Headquarters. Setting up of special cell in *West Bengal* is under consideration of the State Government. In *Pondicherry*, setting up Revenue-*cum*-police squad on the lines of *Gujarat* is under consideration of the Government. *It is observed that the Harijan Cells/Special Cells do not have adequate supporting staff at State and Regional Levels to enable them to make prompt enquiries into atrocities cases. It should be ensured that the special machinery at district level is also adequately staffed for proper enforcement of the P.C.R. Act and effective and quick disposal of cases of atrocities against Scheduled Castes/Tribes. The Ministry of Home Affairs should provide adequate funds for strengthening the Harijan Cells/Special Cells at State/District levels.*

10.29 In addition to Harijan Cells/Special Cells at State level as well as at district level, some State Governments/Union Territory Administrations have established Cells/Committees at Secretariat level to redress grievances of Scheduled Castes/Tribes arising out of harassment, atrocities and social disabilities. Available State-wise information about the working of the cells is as follows.

Bihar

A Harijan Cell was set up in the Home (Police) Department under the charge of a Special Secretary in August, 1977. The Cell is expected to watch over other Government Departments entrusted with the work of welfare of the Scheduled Castes/Tribes and provide guidelines for better coordination between them. The Government of *Bihar* is reported to have also set up a Cell at the A. N. Sinha Institute of Social Studies. Patna for undertaking studies regarding incidents of atrocities on the Scheduled Castes.

In June, 1979, the Commissioner for Scheduled Castes and Scheduled Tribes visited *Bihar* and learnt that even after the establishment of a Harijan Cell, enquiries into incidents involving Harijans were not promptly conducted. The Police had been able to submit charge sheets within a period of 60 days in 2 to 4 cases only. It was also understood that the Harijan Thana functioning at Patna since 2nd January 1978 had registered 51 cases of atrocities on Scheduled Castes/Tribes. The Harijan Thana however was very inadequately manned.

The Commissioner therefore suggested to the Chief Minister that *the role of Harijan Cell under the Home*

Police Department and the D I.G. Harijan Cell under the I.G. Police should be clearly defined and there was need for better co-ordination between the working of these two Cells. The D.I.G. Harijan Cell should provide expert guidance in the investigation and prosecutation of atrocity cases and for that purpose strengthening of the Harijan Cell under the D.I.G. is also necessary to expedite investigation and prosecution in some selected atrocity cases, analysing the judgements of various courts and to lay down guidelines to be followed by the district authorities.

Gujarat

To redress the grievances of Scheduled Castes arising out of harassment and atrocities and social disabilities, a Cell is working in the Social and Tribal Welfare Department at State Secretariat. This Cell attends to such matters and calls for reports and issues instructions wherever necessary for redressal of grievances. The work done by the Cells at three district levels during 1978, 1979 and 1980 (upto May) is given below :

S. No.	Details	1978				1979				1980 (upto May)			
		H.C. Rajkot	H.C. Gandhi Nagar	H.C. Baroda	Total	H.C. Rajkot	H.C. Gandhi Nagar	H.C. Baroda	Total	H.C. Rajkot	H.C. Gandhi Nagar	H.C. Baroda	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.	No. of complaints/ applications enquired into	181	111	1	293	141	76	40	257	53	25	11	89
2.	Hotel trap	59	26	..	85	125	96	40	261	26	36	19	81
3.	Villages Surveyed	..	..	..	..	146	196	101	444	184	78	77	339
4.	Visits to affected Villages	300	146	12	458	251	240	193	684	110	73	77	260
5.	Visits to Police Stations	209	135	3	347	199	129	58	386	86	52	25	163
6.	Taluka level Harijan workers meetings	218	45	5	268	55	42	36	133	21	9	11	41
7.	No. of cases visited for investigation	23	..	..	23	43	24	19	89	18	11	8	37
8.	Meeting with D.S.P.	..	..	..	..	46	22	15	83	42	12	5	59
9.	No. of discussions with Asstt. P.Ps.	5	3	..	8	26	21	26	73	18	17	15	50
10.	No. of Harijans recruited in GRD *	400	34	205	639	291	392	248	931	178	20	72	270

*Gram Rakshak Dal.

Himachal Pradesh

The officers of Harijan Cell, except in a couple of exceptional cases, did not investigate or enquire into the cases of atrocities on Scheduled Castes/Tribes. The enquiries and investigation are being normally conducted by the local police. The officers of the Harijan Cell are only looking after and attending to the correspondence relating to Harijan complaints and furnishing returns to the Government from time to time. Information regarding number of enquiries/ cases investigated by the Cell during the years 1978 and 1979 is given below :—

Year	Enquiries conducted	Cases investigated by the Cell
1978	36	12
1979	63	7

Karnataka

The State level Consultative Committee consists of M.L.As., officers of the Social Welfare Department, Civil Rights Enforcement Cell and others under the Chairmanship of the Minister for Law, Social Welfare and Backward Classes to discuss matters relating to the amelioration and protection of the Scheduled Castes and Tribes.

The Cell has been intended to bring about stricter enforcement of the P.C.R. Act, 1955 and to deal with cases of harassment and atrocities against Scheduled Castes. It was required to enquire not only into the more important petitions of harassment against Scheduled Castes but also to keep watch over cases under the P.C.R. Act and cases of atrocities registered and investigated in districts, compile statistics and take up investigation in cases of grave nature. Number of petitions received and disposed of by the Cell during

the years 1977 to 1980 (upto June 1980) is as under :—

Year	No. of petitions received	No. of petitions sent to the district officers for necessary action	No. of petitions in which reports called for from Distt. officers	No. of petitions taken up for enquiry by the staff of the Cell	No. of cases registered	No. of report sent to Special I.G.P./ I.G.P./ Govt.
1977 .	527	183	214	130	..	128
1978 .	829	220	450	159	..	85
1979 .	722	159	386	177	1	42
1980 .	313*	71	127	115	..	28

Madhya Pradesh

Number of complaints received from Scheduled Caste and Scheduled Tribe persons in 7 Special Police Stations and their disposal during the year 1979-80 is given below :—

	Received	Investigated	Registered	Founud False	Transferred	Pending	Others
(*i*) Scheduled Castes .	3519	3361	245	945	215	158	1956
(*ii*) Scheduled Tribes .	575	545		138	46	30	321

Maharashtra

Applications received by the cell from the government or from the members of the Scheduled Castes/ Tribes with regard to their complaints were enquired into by the staff of the P.C.R. Cell and the reports submitted to the government. Details of the applications enquired into by various units are as under :—

Sl. No.	Officers	No. of applications received and disposed of during			
		1978-79		1979-80	
		From Govt.	From Public	From Govt.	From Public
1.	Dy. I.G.P. (PCR) Bombay.	4	1	7	..
2.	Dy. S.P. (PCR) Bombay	4	..	4	..
3.	Police Inspector (PCR) Nagpur . . .	52	105	53	85
4.	Police Inspector (PCR) Amravati . . .	43	45	25	42
5.	Police Inspector (PCR) Nasik . . .	56	132	58	91
6.	Police Inspector (PCR) Kolhapur . . .	88	149	92	124
7.	Police Inspector (PCR) Thane. . . .	29	40	31	44
8.	Police Inspector (PCR) Aurangabad . .	58	132	61	106
	TOTAL . . .	334	604	331	492

Orissa

The State Government set up a High Level Committee to enquire into the allegations of harassment, exploitation and atrocities on Scheduled Castes/Tribes with the broad objective of finding out whether appropriate administrative and other action was taken in each case at the appropriate time and to suggest measures that should be adopted for complete eradication of evils on 16th June, 1978. The High Level Committee consists of a Chairman and five Members, all M.L.As and M.Ps and Director, Tribal and Rural Welfare as member Secretary.

Punjab

The Harijan Cell received 75 complaints of atrocities and alleged denial of justice to Scheduled Castes during the year 1978-79, out of which 31 complaints were looked into by the Cell and 44 complaints were forwarded to the concerned District Police Units for necessary action. Similarly in the year 1979-80, the Cell looked into 15 complaints and 28 complaints were referred to the concerned District Police Units for enquiry and necessary legal action.

Delhi

The Scheduled Caste/Scheduled Tribe Cell only processes the complaints which are either looked into by the District or the Vigilance Branch. The officers of the Cell do not investigate or enquire the complaints personally. Whenever any complaint regarding atrocities on Scheduled Castes/Tribes is received, the Deputy Commissioner of Police concerned is requested to take necessary action in the matter and furnish a report to the Police Headquarters. On receipt of the requisite report from the Deputy Commissioner the same is sent to the concerned authority. The number of complaints received during 1979 and 1980 (upto September 1980) is as under :—

Sl. No.	Year	No. of complaints
1.	1979	656
2.	1980 (upto Sept. 1980)	353

Monetary Relief to Scheduled Caste and Scheduled Tribe victims of atrocities

10.30 The Government of *Andhra Pradesh* had introduced a scheme of giving monetary relief to the victims of atrocities during the year 1975, and reviewed it in December 1976 and issued instructions for giving relief to the Scheduled Caste/Scheduled Tribe victims of atrocities in the priority assignment of land for

cultivation if they are landless poor ; admission of the children of victims in Backward Class Hostels on priority basis; appointment of one eligible member of the family of the victim to a suitable post under Government or a public sector undertaking in relaxation of the normal regulations ; payment of a maintenance allowance to the widow/daughter/son of the deceased victim in the form of old age pension, if no member of the family is eligible for employment, till some member of the family becomes eligible for appointment to a post. The Commissioner for Scheduled Castes and Scheduled Tribes recommended in his 1975—77 Report that the State Governments/Union Territory administrations which had not so far taken necessary action to give monetary relief to the Scheduled Caste/Tribe victims of atrocities should do so at an early date. In pursuance of that recommendation similar schemes have been introduced in *Bihar, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu* and *Uttar Pradesh*. The Government of *Kerala* also introduced the scheme of monetary relief to Scheduled Caste and Scheduled Tribe victims of atrocities from 1980. Available information regarding measures of relief provided by various State Governments may be seen at Appendix XCIV. It would be observed that the amount of monetary relief provided to Scheduled Caste and Scheduled Tribe victims of atrocities by various State Governments is at different rates depending upon the gravity of the case.

10.31 In case of death or permanent incapacitation of an earning member an amount of Rs. 2,000 is paid in the States of *Andhra Pradesh, Bihar, Himachal Pradesh, Karnataka, Maharashtra, Orissa* and *Tamil Nadu*. The States of *Gujarat* and *Uttar Pradesh* pay Rs. 5,000 and Rs. 4,000 is given by *Kerala*. In case of death or permanent incapacitation of a non-earning member Rs. 1,000 is paid by the States of *Andhra Pradesh, Bihar, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Tamil Nadu* and *Uttar Pradesh* and Rs. 2,000 by *Kerala*.

The amount of compensation payable in case of temporary incapacitation for an earning member is upto Rs. 500 in the States of *Andhra Pradesh, Bihar, Himachal Pradesh, Karnataka, Maharashtra, Orissa* and *Tamil Nadu ;* upto Rs. 1,000 in the respective States of *Uttar Pradesh* and *Kerala*, depending on the degree of incapacitation. In *Gujarat*, an amount of Rs. 1,250 is admissible for such victims. In case of temporary incapacitation of a non-earning member the amount to be paid is upto Rs. 250 in the respective States of *Andhra Pradesh, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Tamil Nadu*, upto Rs. 500 in *Kerala* and *Uttar Pradesh* and upto Rs. 200 in *Bihar*, depending on the degree of incapacitation. For loss of house and/or other belongings compensation is payable upto Rs. 250 in *Bihar*, upto Rs. 500 in the States of *Andhra Pradesh, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Tamil Nadu* and *Uttar Pradesh*, upto Rs. 1,000 in *Kerala*, depending on the extent of loss. An amount of Rs. 2,000 is paid by *Gujarat*. For loss of moveable properties compensation payable is upto Rs. 250 in the States of *Andhra Pradesh, Himachal Pradesh, Maharashtra, Orissa, Tamil Nadu* and *Uttar Pradesh*, upto Rs. 500 in the States of *Karnataka* and *Kerala* depending on the extent of loss. In *Bihar*, victims of rape are paid compensation upto Rs. 1,000. For other loss, an amount of Rs. 200 is paid in *Uttar Pradesh*. For serious mischief, *Kerala* pays Rs. 500 for an earning member and Rs. 250 for a non-earning member.

10.32 The Distrtict Collector/Deputy Commissioner/Director of Social Welfare are empowered to sanction relief to the victims of atrocities after immediate enquiry following the incident without waiting for the result of the criminal proceedings in respect of such incidents. As pointed out earlier, there are wide variations in the quantum of aid given by various State Governments/Union Territory Administrations in such cases as is evident from the Appendix I. It is understood that the Union Ministry of Home Affairs propose to formulate a new centrally sponsored scheme to be financed on matching basis by the Centre and States for payment of enhanced compensation to the Scheduled Caste and Scheduled Tribe victims of atrocities and their dependents in the shape of financial aid and other facilities which may be adopted uniformally by all States/Union Territories.

10.33 The Ministry of Home Affairs are understood to have suggested the following scale of relief :—

	Rs.
(*a*) Death (whether of earning or non-earning member of family)	5,000.00
(*b*) Permanent incapacitation	5,000.00
(*c*) Temporary incapacitation . . .	1,000.00
(*d*) Grievous hurt short of incapacitation .	500.00
(*e*) Rape	2,000.00
(*f*) Loss of House.	2,000.00
(*g*) Loss of Immovable Property . . .	2,000.00
(*h*) Loss of earning assets like a vehicle' a boat or a bullock	2,000.00

10.34 *It is felt that at least an amount of Rs.* 10,000 *as compensation should be given in case of death or permanent incapacitation. In case of temporary incapacitation an amount of Rs.* 6,000 *should be admissible. An amount of Rs.* 3,000 *should be considered*

as minimum necessary for loss of house, and for loss of immovable property other than residential houses such as cattle shed, an amount of Rs. 2,000 should be considered adequate. For loss of earning assets like a vehicle, a boat or a bullock, an amount of Rs. 2,000 or the actual cost of replacement, whichever is higher, should be given to the victim. For the loss of movable property such as grains, clothes and other household effects, an amount of Rs. 2,000 should be considered enough to cover the loss. In case of loss of irrigation well, electric motor, etc. the amount of compensation should be equal to the value of loss suffered. Other steps like allotment of land, training facilities in various vocations and provision of equipments etc. should be initiated to enable the victims or their dependents to stand on their own legs. It is observed that most the State Governments/Union Territory Administrations have not made provisions for giving relief to rape victims. As such victims suffer humiliation for their entire lives an amount of Rs. 7,000 should be made admissible.

Atrocities on women

10.35 The table given below shows the number of reported cases of rape committed on women since 1975 :—

Year	Total	Sch. Caste	Sch. Tribe
1975	3,375	320	N.A.
1976	3,686	314	N.A.
1977 .	3,922	228	19
1978	3,899	541	68
1979	N.A.	425	64

The figures do not include number of cases in respect of Madhya Pradesh, Orissa, Andaman & Nicobar Islands and Arunachal Pradesh since crime-wise break-up is not available.

It would be seen that number of rape cases on women in general and on women belonging to Scheduled Castes and Tribes in particular have increased. The number of rape cases committed on Scheduled Caste women decreased from 320 in 1975 to 314 in 1976 and 228 in 1977. The percentage of decrease as compared to the base year 1975 were 1.87 in 1976 and 28.75 in 1977. But the number had suddenly gone up to 541 in 1978 and 425 in 1979 over the base year 1975. The percentage of increase as compared to base year 1975 were 69.06 in 1978 and 32.81 in 1979. Similarly, number of rape cases committed on Scheduled Tribe women increased from 19 in 1977 to 68 in 1978 and 64 in 1979. The percentage of increase as compared to base year 1977 were 257.89 in 1978 and 236.84 in 1979.

10.36 An important event which took place during the period under review was the judgment of the Supreme Court in Tukaram *vs.* State of *Maharashtra* which led to a good deal of comment in the press and by women organisations on the law relating to rape. Demands were also made for a review of procedures, which could provide safeguards, *e.g.* prohibiting police to interrogate women at Police Stations or arresting and keeping them in custody at night, conducting trials of such offences *in camera* and in respect of changes in the substantive law.

10.37 Keeping in view the seriousness of the problem and public demand, Government of India issued guidelines* to the Chief Secretaries of all State Governments in March, 1980, to prevent the police from subjecting women to any indignity or any misbehaviour within the ambit of the existing law, bringing out all the legal provisions regarding effecting the arrest of women, their search etc. and advising the State Governments to ensure that all these instructions were followed by the State Police.

10.38 The Union Government of India decided to refer the matter regarding demand relating to change in criminal law to the Law Commission. The Law Commission was asked to make a special study of the law relating to rape and assaults on the modesty of women and related matters. The Commission submitted its 84th Report on Rape and Allied Offences to Government. The Report contains a large number of recommendations for the amendment of the I.P.C., the Cr. P.C. and the Evidence Act. The Ministry of Home Affairs, after examination of the recommendations and in consultation with the State Governments, have introduced a comprehensive legislation ; Criminal Law (Amendment) Bill, 1980 in Parliament. The Bill was referred to a Joint Committee of both the Houses of Parliament.

An analysis of cases of atrocities on Scheduled Castes and Scheduled Tribes from 1967 to 1979

10 39 From the information available in respect of cases of atrocities on Scheduled Castes and Scheduled Tribes from 1967 to 1979, an analysis has been made in respect of States where comparatively more incidents have been reported Information about the number of incidents of atrocities committed on Scheduled Castes during 1973 and in respect of Scheduled Tribes for the years 1973 to 1975, is not available.

*A copy of the letter may be seen at Appendix EV.

10.40 Available State-wise statistical data arranged rank-wise regarding atrocities committed on Scheduled Castes from 1967 to 1979 is given in the following table :—

Ranks Occupied Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1967	Uttar Pradesh (659)	Madhya Pradesh (395)	Rajas-than (355)	Orissa (273)	Gujarat (192)	Maha-rashtra (132)	Tamil Nadu (110)	Kerala (94)	Punjab (90)	Karna-taka (37)	Himacha Pradesh (1)			
1968	Uttar Pradesh (631)	Madhya Pradesh (508)	Rajas-than (336)	Orissa (191)	Gujarat (172)	Maha-rashtra (155)	Kerala (92)	Punjab (81)	Karnataka (50)	Tamil Nadu (14)	Andhra Pradesh (4)	Himachal Pradesh (2)		
1969	Uttar Pradesh (596)	Madhya Pradesh (484)	Rajas-than (307)	Gujarat (195)	Maha-rashtra (188)	Orissa (178)	Kerala (142)	Punjab (89)	Karnataka (38)	Tamil Nadu (14)	Andhra Pradesh (5)	Himachal Pradesh (3)		
1970	Uttar Pradesh (795)	Madhya Pradesh (488)	Rajas-than (359)	Orissa (285)	Gujarat (226)	Maha-rashtra (208)	Kerala (168)	Punjab (96)	Karnataka (50)	Andhra Pradesh (10)	Tamil Nadu (5)	Himachal Pradesh (1)		
1971	Uttar Pradesh (980)	Madhya Pradesh (641)	Rajas-than (411)	Gujarat (268)	Maha-rashtra (238)	Orissa (230)	Kerala (199)	Punjab (80)	Karnataka (39)	Andhra Pradesh (20)	Tamil Nadu (16)	Himachal Pradesh (4)		
1972	Uttar Pradesh (921)	Madhya Pradesh (567)	Tamil Nadu (412)	Rajas-than (352)	Maha-rashtra (237)	Kerala (231)	Gujarat (299)	Orissa (217)	Punjab (86)	Karnataka (33)	Andhra Pradesh (25)	Himachal Pradesh (4)		
1973	Not available													
1974	Uttar Pradesh (5791)	Madhya Pradesh (1578)	Kerala (493)	Gujarat (352)	Maha-rashtra (277)	Bihar (258)	Tamil Nadu (35)	Orissa (24)	Andhra Pradesh (22)	Rajas-than (18)	Haryana (1)			
1975	Uttar Pradesh (4656)	Madhya Pradesh (1587)	Kerala (331)	Bihar (263)	Maha-rashtra (263)	Gujarat (184)	Punjab (167)	Rajas-than (100)	Karnataka (55)	Andhra Pradesh (27)	Haryana (25)	Orissa (25)	Tamil Nadu (7)	
1976	Uttar Pradesh (2626)	Madhya Pradesh (1829)	Bihar (621)	Kerala (254)	Maha-rashtra (211)	Gujarat (203)	Punjab (147)	Karnataka (79)	Rajas-than (71)	Andhra Pradesh (34)	Tamil Nadu (18)	Himachal Pradesh (15)	Orissa (14)	Haryana (11)
1977	Uttar-Pradesh (4974)	Madhya Pradesh (3366)	Bihar (681)	Maha-rashtra (570)	Gujarat (331)	Rajas-than (261)	Kerala (233)	Andhra Pradesh (102)	Punjab (84)	Orissa (69)	Karnataka (59)	Tamil Nadu (54)	Himachal Pradesh (42)	Haryana (26)
1978	Uttar Pradesh (5660)	Madhya Pradesh (3240)	Bihar (1911)	Maha-rashtra (1053)	Rajas-than (886)	Kerala (767)	Gujarat (540)	Karnataka (376)	Tamil Nadu (141)	Orissa (135)	Andhra Pradesh (110)	Punjab (83)	Haryana (66)	Himachal Pradesh (66)
1979	Uttar Pradesh (4102)	Madhya Pradesh (3866)	Bihar (2152)	Kerala (887)	Rajas-than (760)	Karnataka (508)	Maha-rashtra (503)	Gujarat (478)	Punjab (171)	Tamil Nadu (115)	Himachal Pradesh (94)	Andhra Pradesh (92)	Haryana (85)	Orissa (43)

It would be seen from the above that the respective States of *Uttar Pradesh* and *Madhya Pradesh* have consistently occupied first and second positions in respect of cases reported regarding atrocities on Scheduled Castes. *Rajasthan* occupied third position in this regard in the first 5 years, *i.e.*, from 1967 to 1971, in 1972 *Tamilnadu* occupied 3rd position, *Kerala* in 1974 and 1975. From 1976 to 1979, the State of *Bihar* reported comparatively more cases of atrocities on Scheduled Castes and occupied third position. The State of *Orissa* occupied 4th position in 1967, 1968 and 1970. During 1969, 1971, 1974 *Gujarat* occupied 4th position in this regard. In 1972, the State of *Rajasthan* occupied 4th position. In 1975 *Bihar* attained 4th place, whereas, *Kerala* attained 4th place during 1976 and 1979. The State of *Maharashtra* occupied 4th place during 1977 and 1978. As regards 5th position, the State of *Gujarat* remained at 5th place during 1967, 1968, 1970 and 1977. *Maharashtra* occupied this place in 1969, 1971, 1972, 1974, 1975 and 1976. *Rajasthan* occupied 5th position in 1978 and 1979. Leaving aside first two positions which have been consistently occupied by the States of *Uttar Pradesh* and *Madhya Pradesh,* comparatively more incidents of atrocities on Scheduled Castes have been reported from the States of *Bihar, Rajasthan, Gujarat, Orissa, Kerala, Maharashtra, Karnataka, Tamil Nadu, Punjab, Andhra Pradesh* and to some extent in *Haryana* and *Himachal Pradesh.* It would also be seen from the crime-wise position given elsewhere in this Chapter that the States of *Madhya Pradesh, Uttar Pradesh* and *Bihar* also topped in respect of serious crimes like murder, violence and rape committed on Scheduled Castes.

Atrocities on Scheduled Tribes

10.41 Available State-wise statistical data regarding atrocities committed on Scheduled Tribes, arranged rank-wise from 1967 to 1979 is contained in the following table :—

Rank Occupied Year	1	2	3	4	5	6	7	8	9	10
1967	Rajasthan	Maharashtra	Uttar Pradesh	Orissa	Madhya Pradesh	Gujarat	Kerala			
	(318)	(220)	(121)	(94)	(66)	(23)	(1)			
1968	Rajasthan	Maharashtra	Uttar Pradesh	Madhya Pradesh	Orissa	Gujarat				
	(343)	(227)	(112)	(90)	(76)	(23)				
1969	Rajasthan	Maharashtra	Uttar Pradesh	Madhya Pradesh	Orissa	Gujarat	Kerala			
	(348)	(222)	(122)	(105)	(55)	(29)	(19)			
1970	Rajasthan	Maharashtra	Uttar Pradesh	Orissa	Madhya Pradesh	Gujarat	Kerala			
	(439)	(215)	(151)	(132)	(66)	(47)	(25)			
1971	Rajasthan	Maharashtra	Uttar Pradesh	Orissa	Madhya Pradesh	Gujarat	Kerala			
	(364)	(309)	(133)	(126)	(120)	(52)	(15)			
1972	Rajasthan	Maharashtra	Uttar Pradesh	Madhya Pradesh	Orissa	Gujarat	Kerala			
	(402)	(233)	(131)	(114)	(112)	(37)	(8)			
1973 1974 1975	——————————Not available——————————									
1976	Madhya Pradesh	Maharashtra	Gujarat	Kerala	Rajasthan	Bihar	Orissa	Uttar Pradesh	Andhra Pradesh	
	(521)	(292)	(170)	(30)	(15)	(14)	(7)	(6)	(6)	
1977	Gujarat	Maharashtra	Madhya Pradesh	Rajasthan	Orissa	Andhra Pradesh	Uttar Pradesh	Karnataka	Himachal Pradesh	
	(407)	(406)	(147)	(103)	(24)	(19)	(6)	(4)	(1)	
1978	Madhya Pradesh	Maharashtra	Rajasthan	Gujarat	Bihar	Kerala	Karnataka	Orissa	Andhra Pradesh	Uttar Pradesh
	(1221)	(325)	(292)	(254)	(182)	(44)	(37)	(36)	(14)	(1)
1979	Madhya Pradesh	Rajasthan	Bihar	Maharashtra	Gujarat	Karnataka	Kerala	Orissa	Andhra Pradesh	
	(1373)	(205)	(200)	(169)	(87)	(54)	(33)	(16)	(13)	

It would be seen from the above that from 1967 to 1972 the State of *Rajasthan* remained on top in respect of reported incidents of atrocities on Scheduled Tribes. The State of *Madhya Pradesh* occupied first position in 1976, 1978 and 1979. In 1977, the State of *Gujarat* occupied first position. The State of *Maharashtra* occupied second place from 1967 to 1972 and from 1976 to 1978. In 1979 *Rajasthan* attained 2nd place. The State of *Uttar Pradesh* attained 3rd place from 1967 to 1972, 1976 *Gujarat* attained 3rd place, in 1977 *Madhya Pradesh,* in 1978 *Rajasthan,* and in 1979 *Bihar* attained third place. In this way, it would be seen that comparatively more incidents of atrocities on Scheduled Tribes were reported from the respective States of *Rajasthan, Madhya Pradesh, Gujarat, Maharashtra, Orissa, Kerala, Bihar, Karnataka, Andhra Pradesh, Uttar Pradesh* and to some extent *Himachal Pradesh.* It would also be seen from the crime-wise position given elsewhere in this Chapter that the States of *Bihar, Gujarat, Maharashtra, Rajasthan* and *Karnataka* also topped in respect of serious crimes like murder, violence and rape committed on Scheduled Tribes.

10.42 *The above analysis indicates the names of the State in which comparatively more incidents of atrocities on Scheduled Castes and Scheduled Tribes have been reported. It would go a long way in checking the recurrence of such incidents if the States under reference could further make an analysis of the cases of atrocities committed on the Scheduled Castes and Scheduled Tribes district-wise and identify specific pockets therein and concentrate their efforts in these areas through posting of special revenue and police staff so that elements hostile to the interests of the Scheduled Castes and Scheduled Tribes could be kept under check and the persons belonging to the Scheduled Castes and Scheduled Tribes accorded necessary security and protection.*

Relatively serious atrocity incidents given in the earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes

10.43 It may be worthwhile to recall some of the relatively serious types of atrocity incidents contained in the earlier Reports of Commissioner. Brief State-wise description in respect of such cases reported in the Annual Reports of the Commissioner from the years 1970-71 to 1977-78 is given below :

Andhra Pradesh

I A Scheduled Caste Sarpanch of a village in Guntur District died on the spot and two other Scheduled Caste persons died of injuries later, when the houses of Scheduled Caste persons were attacked by other villagers armed with deadly weapons because the Harijans had taken water from the village tank. (1970-71).

II Two *madigas* and one *telega* committed a theft in July 1974 by snatching *mangal sutra* of a caste Hindu lady in *Andhra Pradesh.* Consequent upon this, a madiga boy was caught and brought to the home of a munsiff of the village and beaten. Two other accomplices of the boy were also beaten severely. When the 3 injured were being taken to the police station, the madiga boy died due to severe beating. (1973-74).

III 98 houses of Scheduled Caste persons were burnt by caste Hindus due to dispute over payment of wages in Ramapatty village, Cuddapah district. (1973-74).

IV Some toddy tappers caught two Scheduled Caste persons while they were committing theft of toddy from palm trees in Atmakur village, Anantapur District. They tied their hands and legs and assaulted them. Dead body of one of the Scheduled Caste persons was found later. (1974-75).

V A mob of caste Hindu landlords attacked a gathering of 300 Scheduled Caste persons when they were celebrating the marriage in village Kanch Kacharia, Krishna District. The three couples escaped unhurt, but six other Scheduled Caste persons were injured. The situation was brought under control by the strict vigilance of police. (1974-75).

VI A Scheduled Caste lady had been beaten and raped by some caste Hindus of Bhallukhandupalem Village, Guntur District. She had also been unlawfully detained for 5 days. (1977-78).

Bihar

I On 22nd November, 1971, 14 Scheduled Tribe persons died in Rupaspur village of Purnea district when a mob of 150 persons attacked them subsequent to a dispute regarding the share of *bataidars.* (1970-71).

II In Madhuban village, Saharsa District, 4 Scheduled Caste women were tortured. Heated iron rods were applied to their feet, hands and other delicate parts of body. The incident took place because the villagers believed that the women had been practising witch-craft. (1971—73).

III On the night of 1st/2nd May, 1973 an armed police party raided the Scheduled Caste locality in village Gahalaur, Bhagalpur district and indulged in indiscriminate assault, rape and loot on Scheduled Castes, because earlier a police constable had been assaulted by some residents of the village when he went to serve summons. (1971—73).

IV 4 Scheduled Caste persons died due to police firing and 21 others were injured when a police party visited the village to arrest some persons. The main cause of the incident

in village Chauri, Bhojpur District related to the struggle between the landlords and the landless on the issue of quantum of wages. **(1971—73).**

V In village Bairia, Daltonganj Police Station, Palamau, there was unrest amongst Scheduled Castes/Scheduled Tribes when it was proposed to open a liquor shop. The State Government after considering the **sentiments of people dropped the proposal.** (1973-74).

VI A police official entered the house of two Scheduled Caste girls of village Tilambatar, Santhal Parganas District and beat them. **The allegation of rape was not proved.** (1974-75).

VII In Jogihura and other surrounding villages of Palamau District some influential persons holding important political positions had taken possession of sizeable agricultural lands of Scheduled Caste/Scheduled Tribe persons. The villagers were also being subjected to atrocities like assault on women, payments of less wages, forced labour, etc. (1975-76).

VIII 11 persons including 8 Harijans were burnt alive in Belchi village, Patna District by **Kurmi landlords. (1975—77).**

IX On 25th March, 1978 two Harijans, 1 Kurmi and two *Kanus* lost their lives **in Bishrampur and Kaniari villages of** Rohtas District and several houses were **burnt due to agrarian disputes. (1977-78).**

X In Dharampura village, Bhojpur District 60 persons led by a *mahant* attacked the locality of Scheduled Caste persons. 4 Scheduled Caste persons lost their lives and 4 others were injured. The incident took place because the *mahant* wanted to evict the Scheduled Caste persons from lands. (1977-78).

XI Seotha village of Bhojpur District was **reported to be having Naxalite influence.** In 1974, a caste Hindu was killed and mostly Scheduled Castes were charged for offence. In 1976 a caste Hindu lady had been attacked by Scheduled Castes. In October 1977 a Scheduled Caste person was murdered by Rajputs. (1977-78).

XII On 19th October, 1977 in village Karketa, Chaibasa Sadar, Singhbhum District 3 persons killed an old man belonging to Scheduled Tribe. They also assaulted two girls, one of whom died on the spot and the second one expired at the hospital. (1977-78).

XIII A Scheduled Caste girl of village Dandkhora, Katihar District who happened to be working in the fields was raped by a landlord. (1977-78).

Gujarat

I In village Somasar, Surendranagar District Harijans had been socially boycotted by caste Hindus because the latter had been obliged to take water from public well when during the rainy season their own well got sub-merged in water. This action offended **caste Hindu who threw dead snake into** the well. Police arrested 15 persons under Clause 7(b) of the Untouchability (Offences) Act, 1955. (1970-71).

II A religious procession of Harijans going with *garbas* to worship at Maha Kali temple at a place known as Vagasona, Taluka Kalol, District Mehsana was attacked by an armed group of caste Hindus. (1970-71).

III The wells of Harijans had dried up in **Ranmalpur village, Surendranagar District** and as such they started taking water from common well. This was resented to by Kanbi patels. The Harijans approached higher authorities who found the allegations of Harijans true and action was also initiated against caste Hindus. Subsequently the Kanbi patels raided the houses of Scheduled Castes in which two Scheduled Castes lost their lives and 2 others were badly injured. Police constables were also injured. Ornaments and property of Scheduled Castes were also looted. In Mithaghoda village of Surendranagar District, an incident relating to the assault of a Harijan girl by a caste Hindu, resulted in an attack by the Kolies on Scheduled Castes, and one Scheduled Caste person was killed. (1973-74).

IV One Harijan boy was beaten to death by a priest in Dhalkot village, Jamnagar District because the Harijan boy had entered the temple. (1973-74).

Haryana

I Houses of the Scheduled Caste persons of a village in Rohtak district were set on fire and Harijans beaten by caste Hindus over a dispute concerning the digging of a well. (1970-71).

II A Scheduled Caste lady was raped by some caste Hindus in Khewra village, District Sonepat. (1977-78).

III A caste Hindu committed rape on a minor Scheduled Caste girl, who was found abandoned later in an unconscious state in Langra Thana village of Gurgaon District. (1977-78).

Kerala

I Two Harijan girls were confined to a police station for interrogation. The D.S.P. who made enquiries in the matter suspended the head constable on duty and a police constable, but later on they were exonerated of charges, and reinstated. The head constable was, however, awarded a black mark for not making entries regarding the detention of two girls at the police station. (1973-74).

Madhya Pradesh

I A large number of non-Scheduled Tribe Government servants and others developed illicit relations with tribal women in Bastar district. A survey carried out between April 1971 and October 1971 revealed that as many as 251 Scheduled Tribe girls were thus involved. 90 out of 251 men involved worked at Bailadila Project. Rest of the males were contractors and in other jobs. (1971—73).

II In Ambah Tehsil, Morena District, caste Hindus burnt the houses of 46 Scheduled Caste persons and an old disabled Scheduled Caste woman was burnt alive. To control the mob, the police party had to fire ten rounds. The incident took place because a caste Hindu while escorting his newly wed sister was waylaid by some persons and deprived of clothes and jewellery. The caste Hindus suspected Scheduled Castes and raided their village. (1973-74).

III A sub-inspector of police flogged and killed a Scheduled Caste person of Vencka village, District Sagar who was alleged to have committed a theft. (1974-75).

IV A Scheduled Caste youth had been beaten to death in a police lock up at Balaghat on the allegation that he along with 3 others had been carrying on illicit affair with a woman. As the news of his death spread, the police station was surrounded by people and 2 policemen burnt alive. (1974-75).

V A Scheduled Caste person of village Dhonde, District Morena who was keeping a watch on his fields during night was found missing. During police investigations, it was revealed that the persons who had old enmity towards him had committed his murder. (1974-75).

Maharashtra

I A Scheduled Caste person of Varangaon village, Taluka Bhusaval, Jalgaon District burnt himself to death due to ill treatment and harassment by the officials of village panchayat. (1970-71).

II Some Scheduled Caste women of a village in Parbhani district were molested and paraded naked by persons belonging to non-Scheduled Caste communities because the latter suspected them of some thefts. (1971—73).

III In August 1972, in a village of Nagpur District, a Scheduled Caste person was reported to have committed suicide, on the basis of investigations made by police authorities. But in the course of Commissioner's visit to this village in September 1972, it was revealed that the boy was actually ritually murdered by the members of the non-Scheduled Caste community and the evidence given by the members of village panchayat, school teacher, doctor etc. was false. The police took up investigations on proper lines subsequent to the visit of Commissioner for Scheduled Castes and Scheduled Tribes. (1971—73).

IV In a village in Poona district, persons belonging to *Mahar* community were subjected to social boycott because they did not agree to withdraw the candidate sponsored by them for the zila parishad elections, for which the village leaders desired a certain person belonging to *Mang* community to be elected unopposed. (1971—73).

V 12 persons belonging to Neo-Buddhist community died by drinking polluted water from their well as they were not allowed to draw water from the well used by caste Hindus in a village in Aurangabad District (1971—73).

VI A Neo-Buddist girl had an affair with the son of a *maratha* landlord in village Dhakli, District Akola and gave birth to a child. The parents of the girl desired that the boy should be married to their girl. In September 1974 the father and uncle of the girl were beaten by the members of landlord faction, and their eyes were gouged with sharp weapons as a result of which both of them became blind.. (1973-74).

VII In Sonavale village of Thana District, the water of the well used by Nav-Budhas had become unfit for human consumption and the Nav-Budhas started using the well of caste Hindus. In February 1974 the caste Hindus attacked the Nav-Budhas, as a result of which 13 persons were injured. (1973-74).

VIII A Scheduled Caste person was done to death in village Lodhi, District Nagpur by 14 caste Hindus because the former used to draw water from the well of Caste Hindus. (1974-75).

IX One young Scheduled Tribe widow living with her brother in Dunade village, District Thana was harassed and her hut set on fire because she did not yield to the seduction of two police constables. (1974-75).

X There were a series of incidents in Marathwada region of Maharashtra State in July and August 1978 over the question of renaming of Marathwada University after the late Dr. Ambedkar. Two Harijans lost their lives, 15 were injured and about 1,200 Harijan huts were destroyed. Police opened fire on 17 different occasions. (1977-78).

Orissa

I In June 1977 there was a clash between Scheduled Cahte persons and caste Hindus in Santrapur village, Dhankanal District because the caste Hindus had objected to the use of wooden planks by Scheduled Castes kept for the car festival. In the clash that took place on 19th June, 1977, members of both the communities suffered injuries. One person belonging to Scheduled Castes lost his life. (1977-78).

Punjab

I Some Scheduled Tribe girls abducted from West Bengal and Orissa were recovered in Punjab. (1971—73).

II In Bath village, Taran Taran Tehsil of Amritsar, a sarpanch and some of his accomplices used fire arms and killed 4 Scheduled Caste persons on the spot and caused injuries to 20 others. The incident took place on account of dispute over the possession of a house. (1973-74).

Rajasthan

I Persons belonging to *Kanjar* community of a village in Tonk District were being harassed by the police. (1970-71).

II Pond of a Scheduled Caste person which was in his possession for the last 20 years was being encroached upon by other persons in a village of Tijara Tehsil, Alwar District. They had also been threatening to kill him. (1970-71).

III A Scheduled Caste person of Alwar District was being constantly harassed by some Muslims to deprive him of his land. Though the Scheduled Caste person had won cases in the court against his oppressors, the miscreants were not allowing him to cultivate his land. (1971—73).

IV A Scheduled Caste person's ears were chopped off by some caste Hindus in Hasora village of Alwar District on account of a clash over planting of a tree. (1977-78).

Tamilnadu

I 42 persons had been burnt alive in a village of Thanjavur District on account of land dispute with the caste Hindus. (1970-71).

II A Scheduled Caste lady of village Madhanpur, North Arcot District was waylaid by some culprits with the intention of raping her. She was beaten with cycle chain when she did not yield. The miscreants also assaulted her cousin when he tried to intervene. (1973-74).

III 8 Scheduled Caste persons were killed and property belonging to about 112 Scheduled Caste persons looted in a series of incidents at Villupuram, South Arcot District. (1977-78).

Uttar Pradesh

I In a village of Hapur Tehsil of Meerut District there were disputes between Scheduled Caste persons and caste Hindus over payment of wages. Landless Harijans were being denied employment and socially boycotted. (1970-71).

II Scheduled Caste constables were not allowed to take their meals with others in a police mess in Varanasi. (1970-71).

III On 14th September, 1971, a group of caste Hindus attacked the Harijan basti of a village in Varanasi district on account of the refusal of Harijans to remove dead cattle and not allowing their womenfolk to serve as mid-wives. 31 Harijan huts were reduced to ashes and 13 others partly damaged. (1970-71).

IV A Scheduled Caste woman of Bijnor District died in Dharampur town at the place of a Muslim mid-wife where her pregnancy was being terminated. She was reported to have become pregnant by her caste Hindu master. (1970-71).

V In March 1971, the Scheduled Caste person of Bhainsroli village, Bhogaon Police Station, Mainpuri District decided not to do *begar* or attend the houses of landlords for cleaning and sweeping work. The landlords started harassing them in various ways and tried to intimidate them. (1970-71).

VI An enquiry conducted by sub-divisional Magistrate, Bijnor revealed 22 injuries on the body of a Harijan youth. Due to excessive heating the Harijan youth expired. (1970-71).

VII It was reported to this office that the Scheduled Caste persons of Mehmoodpur Jamalpur village, Aligarh District were not

being allotted land because the local population was creating obstacles and the Pradhan and Lekhpal had leased out the land to other persons in an unauthorised manner. On taking up of this matter by Commissioner's Office, the pradhan and land management committee had been suspended as a disciplinary action against them for not allotting *gaon sabha* land as per rules. Further legal action was also initiated against pradhan and lekhpal for illegal allotment of land. (1970-71).

VIII In a village at a distance of 15 kms. from Banda a young Scheduled Caste lady was dragged out and raped by three persons. In another case an ailing Scheduled Caste lady who had been brought to Banda Government hospital for treatment, was raped. (1971—73).

IX Many cases of social boycott due to elections were reported from Banda District. Commissioner for Scheduled Castes and Scheduled Tribes visited some of the villages of Banda District and found factors such as landlessness amongst Scheduled Castes, incorrect entries in the land records and *harvahi* system, not giving possession of allotted lands, absence of cottage industries, indebtedness, tensions on account of Lok Sabha and Panchayat elections, responsible for unrest and exploitation of Scheduled Castes. It was found that some of the Scheduled Caste persons had migrated to other areas to escape harassment. (1971—73).

X Scheduled Caste persons of a village had been socially boycotted by caste-Hindus because they had refused to do *begar* for them. (1971—73).

XI A Scheduled Caste student of Hathras Polytechnic was killed and another seriously injured following a clash between Scheduled Caste and non-Scheduled Caste students. It was found by Commissioner's Office on enquiry that the murder was the result of long negligence on the part of polytechnic authorities to bring about healthy relationship between the students belonging to various communities (1971—73).

XII In Gogma Jalalpur village of Muzaffarnagar District some of the caste Hindus were found exploiting Balmikis by instituting criminal cases against them in distant courts to keep them under serfdom. (1973-74).

XIII In Reotpur village, Lucknow District the houses of Scheduled Caste persons had been raided on their refusal to remove dead cattle. Out of 11 injured Scheduled Caste persons, 5 had to be hospitalised. It was established that the police had also played into the hands of caste Hindus. (1973-74).

XIV A Scheduled Caste person of Pratapgarh District was shot dead by caste Hindus in wheat fields as a result of old enmity. (1973-74).

XV Four Scheduled Caste persons of P.S. Jagatpur Rae Bareilly District were taken to the Dalmai Hospital and forcibly sterilised. (1973-74).

XVI Scheduled Caste allottees of residential plots in village Nangal Rai, Mathura District were not being given possession of the lands. (1974-75).

XVII In Banda District, a Scheduled Caste person of village Bannas was murdered. Another Scheduled Caste person of Panna village was also killed following exchange of hot words. (1974-75).

XVIII Scheduled Caste persons of village Dhania, Thana Harpalpur, District Hardoi had been socially boycotted on their refusal to carry dead animals. They were attacked and their womenfolk insulted and beaten. (1974-75).

XIX In April 1978 there were series of clashes between Scheduled Castes and caste Hindus and police in Agra City. Four persons died, 15 received gun shot wounds and more than 100 persons received lathi blows. More than 1,200 homes had been burnt. (1977-78).

Delhi

I There was a quarrel between two persons in Andrewsganj area of Delhi in May 1974. A Scheduled Caste person intervened and separated them. One of the persons reported the matter to the police whereupon the police constable took the Scheduled Caste person to the police station and gave him severe beating. The concerned sub-inspector of police was censured for his misbehaviour.

II In September 1974, a dispute took place between a caste Hindu teacher and a Scheduled Caste head master working in Adult Evening Higher Secondary School, Badarpur, Delhi as a result of which hot words were exchanged and a scuffle took place. It was revealed that there was a *prima facie* allegation regarding abusive language by the caste Hindu teacher. (1973-74).

10.44 It would be seen from the foregoing that the persons belonging to Scheduled Castes and Scheduled Tribes have been made to suffer in various ways like murder, chopping of ears, gouging of eyes, assault on their womenfolk, subjecting them to social and economic boycotts. Numerous causes lead to such victimisation like agrarian disputes, caste prejudices and use of foul and abusive language; suspecting them of petty crimes or witch-craft; insisting on their removal of dead cattle and making their women to work as maids; denial of common facilities; changing the name of University or at times tensions generated by elections. The exploiters come from almost all other sections and chiefly consist of land owning class of both the upper and middle castes. Some of the lower level revenue, police and panchayat personnel have been found responsible for committing crimes against Scheduled Castes and Scheduled Tribes.

Studies conducted by the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes

10.45 A number of studies were conducted by this Organisation on the problems concerning Scheduled Castes and Scheduled Tribes. All these studies have been mentioned at appropriate places in this Report. In the subsequent paras, three studies conducted in *Uttar Pradesh, viz* about the killings of Scheduled Caste persons in Kafalta village, Almora District, incidents concerning untouchability, arson and loot at Hathras, Aligarh District and about the killing of Scheduled Castes in Kunwarpur village in Etah district, are given.

Report of the Study Team regarding the killings of Scheduled Caste persons in Kafalta Village, Almora District, Uttar Pradesh

10.46 Reports appeared in the newspapers that a number of persons belonging to Scheduled Castes were killed and injured on account of a clash between caste Hindus and Scheduled Castes in village Kafalta in the interior of Ranikhet tehsil in Almora District on 9th May, 1980. The matter was also raised and discussed in both Houses of Parliament. In view of the seriousness of the incident Commissioner for Scheduled Castes and Scheduled Tribes deputed a Study Team for conducting an on-the-spot study of the incident. The Team reached Almora on 17th May, 1980 and remained in the field till 21st May, 1980. During their investigation the Team met a number of officials and non-officials from different communities and also went to Biralgaon Talla and Kafalta Malla and surrounding villages. A copy of the study report was sent to the Ministry of Home Affairs and the Government of *Uttar Pradesh.*

According to the official version one marriage procession of Scheduled Castes of Biralgaon Talla was reported to have been stopped at the entrance of the village Kafalta Malla by the upper caste villagers who asked the bridegroom to get down from the *doli.* But the Scheduled Castes did not agree to the demand and continued to proceed further for about 100 yards through the village. A scuffle took place and one Shri Khemanand, a caste Hindu who came running from the opposite direction stopped the marriage procession and the bridegroom's *doli* was reported to have been toppled and at that particular moment the stabbing of Shri Khemanand took place, who died. When the Scheduled Caste persons realised that Khemanand had died, some of the *baratis* managed to run away from the scene and some others entered the house of Shri Nariram, a Scheduled Caste person which was just below the place where Khemanand was killed. As soon as Khemanand died the caste Hindus shouted and could manage to collect some people from the neighbouring villages. The enraged mob was reported to have locked the house from outside and the roof was opened and then the house was set on fire from all sides. 6 Scheduled Caste persons were burnt to death inside the house. Those who tried to escape were killed outside with stone slabs and sticks. The number of Scheduled Caste persons killed outside in the fields in front of Shri Nariram's house was 8. The State Government ordered a judicial inquiry into the incident and sanctioned Rs. 2,000 each to the relatives of deceased persons. The Harijan Sahayak Department sanctioned a total sum of Rs. 70,000, *i.e.* Rs. 5,000 each to the relatives of deceased Scheduled Caste persons, and Rs. 950 to Shri Nariram whose house was burnt. In addition, financial assistance amounting to Rs. 10,000 was sanctioned from the Prime Minister's Relief Fund to family members of each dead person. To all injured persons Rs. 200 each was sanctioned.

According to available information, out of 33 accused 30 persons had been arrested. Charge-sheets against 26 caste Hindu men u/s 147/148/149/436/302 IPC and 4 caste Hindu women accused u/s 4(4)/4(10)/7 PCR Act was submitted on 26th May, 1980. One caste Hindu accused had been killed in the incident and the remaining 2 were yet to be arrested against whom action u/s 82/83 Cr.P.C. was being taken. As regard the case registered in connection with the murder of one caste Hindu, evidence was available against three Scheduled Castes out of whom 2 had been killed in the incident. Charge-sheet was submitted on 26th May, 1980 against the remaining one Scheduled Caste accused u/s 147/148/308 IPC.

Some of the salient points mentioned in the Report submitted by the District Magistrate, Almora to the State Government are given below :—

(1) The incident took place due to scuffle between caste Hindus and Scheduled Castes over the use of *doli* by the Scheduled Caste bridegroom and after the death of Shri Khemanand, the *baratis* were assaulted by the villagers of Kafalta Malla and the house in which they had taken shelter was burnt and those who tried to escape were killed by stones and sticks.

(2) The area where the incident occurred was so difficult that the Revenue Patwari had to

walk throughout the night to inform the tehsil and district authorities and could reach there only the next day.

(3) The dead bodies were emitting foul smell and nobody was prepared to lift them on the shoulders from 7 kms. to Jhimmar from where they were to be transported to Ranikhet. After strenuous efforts some persons from neighbouring villages were persuaded to lift dead bodies.

(4) The caste Hindus were feeling dissatisfied that no Scheduled Caste was arrested. It was mentioned in the report that Scheduled Caste culprits whose names were mentioned in the F.I.R. would also be arrested.

The Study Team after discussing this incident with a cross-section of the villagers learnt that on May 9, 1980 the caste Hindus insisted that the bridegroom who was coming on a *doli* from village Biralgaon Talla should get down from the *doli* at the entrance of village Kafalta Malla through which the *barat* was to pass for another village called Pipna to show reverence to the temple deity of the village situated at the other end of the village. The Scheduled Caste persons in the *barat* felt that the tradition did not demand any such action and the bridegroom would certainly got down from the *doli,* in front of the temple and would offer prayer before the temple but would not go walking through the village. It was reported that bridegroom was pulled out of the *doli* by the caste Hindus and then a scuffle between Scheduled Castes and caste Hindus took place. In the scuffle L/NK. Khemanand of the Engineering Corps who had come from Assam to attend his brother's marriage was done to death by a knife allegedly by a Scheduled Caste person of the marriage party which enraged them. When the Scheduled Castes in the procession saw that their opponents were in an angry mood they took shelter in Shri Nariram's four-roomed house which was quite close to the place where Shri Khemanand was killed. It was also revealed that Shri Nariram had nothing to do with this marriage and had gone out for an evening walk. On his return, he found that some people had locked the front door and set his house on fire from all sides. When he questioned the culprits he was also hit by a lathi on his head.

Some of the pertinent observations of the Study Team were as follows :—

(1) In the course of the discussions with the officials, political leaders, social workers including caste Hindus and Scheduled Castes, it was observed that the practice of untouchability was the main cause for confrontation between the caste Hindus and Scheduled Castes. Scheduled Caste persons appeared to be determined to assert their rights and even to defy caste Hindus on the issue of tradition of bridegrooms alighting from *doli* at the entrance of the village to show reverence to temple which was situated at the other end of the village.

(2) So far as the tradition of showing reverence to temple was concerned, it was difficult to ascertain about the proper place from where the bridegroom should get down from the *doli.* The Study Team noted two versions of this practice. According to caste Hindus, the bridegrooms of caste Hindus and Scheduled Castes alike get down from the *doli* right at the entrance of the village. However, according to the Scheduled Castes informants it was not so and they alone were asked to observe it and not caste Hindus who get down from the *doli* only in front of the temple.

(3) An earlier incident which occurred on 2nd May, 1980 at Kafalta appeared to have accentuated the caste tensions which were already prevalent in the area since 1976-77. On 2nd May Shri Nari Ram, whose daughter was to be married, agreed to the demand by the caste Hindus that the bridegroom get down from the *doli* at the entrance of the village. This annoyed the Scheduled Caste youths of Biralgaon. They wanted to settle this disputed tradition and humiliation of Scheduled Castes marriage parties once for all and live with dignity. The situation so developed that the inter-caste clash took place in the middle of the village street which was very narrow and the high caste people of village Kafalta were definitely in an advantageous position to encircle the Scheduled Caste marriage party. During the scuffle Shri Khemanand Upadhyay got knife injuries and died on the spot. Probably either of the group had not apprehended the repercussions that would follow before the confrontation started at the entrance of the village.

(4) The death of Shri Khemanand enraged the caste Hindus. They appeared to have become violent and attacked the Scheduled Castes with *lathis* and hurling of stones. Some among the marriage party managed to run away from the spot and some of them might have been encircled by the caste Hindus and forced into the house of Shri Nari Ram. It was alleged that the Scheduled Castes were dragged inside the house and locked by caste Hindus. In the meantime, persons from neighbouring villages in the vicinity of about two to four kms. also reached Kafalta for the help of the caste Hindus. Then the house was set on fire from all sides. As a result six Scheduled Castes died due to severe burns and 8 persons who tried to escape from the house were assaulted by lathis and stones and done to death.

(5) The enquiry report of the officer from the state C.I.D. would reveal whether Shri Khemanand was stabbed or he got knife

injury during the clash and whether the Scheduled Castes entered into Nari Ram's house themselves or they were dragged inside the house by caste Hindus. It is understood that on the request of the State Government, the High Court of Allahabad has directed District Judge, Almora, that this case be taken up on priority. It is hoped that the accused would be brought to book expeditiously and given exemplary punishments.

(6) The Kafalta incident of 9th May, 1980 proved to be one of the heinous crimes committed on Scheduled Castes by caste Hindus and is thus first of its kind in Kumaon division. The brutal killings were not an isolated incident and were related to the incident of 2nd May, 1980 at Kafalta alongwith other incidents which had occurred in different villages of Moulekhal (Suit) Block since 1976-77. It is also felt that if the district authorities had taken adequate preventive measures perhaps the gruesome incidents at Kafalta could have been averted.

(7) Another important thing which was observed by the Team was the functioning of revenue police. The Patwari who is incharge of 4 to 6 revenue villages also acts as a revenue police. He is supposed to look after the law and order problems in the area besides his other engagements. It is strongly felt that this system should be done away with and police force should be posted at least in the sensitive areas.

(8) Financial assistance given to affected families by Central/State Governments seemed to be adequate, but the team was of the view that compensation given to Shri Nari Ram for his burnt house was rather on the low side. The house appeared to have been recently built and was totally damaged in the fire. The State Government should arrange to give adequate compensation to Shri Nari Ram. PAC had been posted in the disturbed villages to maintain law and order and to restore peace in the villages, but the simmering discontentment among both the factions and distrust against the administration was still evident. The present situation demands some radical and comprehensive measures. (a) District administration should constitute a 'Peace Committee' comprising prominent social workers, political leaders representing both the factions and officials to restore peace in the villages and confidence among the Scheduled Castes immediately. (b) The district authorities should make adequate arrangements during the marriage processions, so that no incident may take place in future. The marriage which led to this dispute has not been solemnized. The Peace Committee in consultation with the families of the bridegroom and bride and district administration should make proper arrangement for the marriage at a early date. (c) Molekhal (Suit) Block is prone to untouchability practices and the District administration should identify the social disability areas and undertake remedial measures particularly in Datholi, Kafalta, Pipna, Chemkana, Dabhara and Ranthambhore villages.

(9) The atrocity of such a magnitude took place in an interior and most difficult place like Kafalta which is not connected even to the Kaccha road at a distance of 8 kms. and one has to climb difficult hills to reach Jhimmar which is connected by jeepable road. It was reported that the patwari reached the spot at 3 A.M. on the night of 9th May. And the D.M. and police officials reached the spot on the night of 10th May, 1980. Thereafter, the Chief Secretary of U.P. and high officials went there. Home Minister visited village Biralgaon Talla on 12th May, 1980. If the village had been connected by the road the news regarding the happenings of crime of such a magnitude could have reached to the district/Tehsil Headquarters quickly. It is, therefore, strongly recommended that the Government of U.P. should immediately provide Kaccha road from Biralgaon and Kafalta villages to Jhimmar and in near future should also link up the other neighbouring villages to Jhimmar which is approachable by jeep.

(10) One could observe that in the past 33 years very little change had taken place in this area. When the land holdings are uneconomical, it is all the more essential that some forest based industries are opened in the area. The climate and soil is quite conducive for the horticultural development programmes. If these programmes are undertaken, the economy of Scheduled Castes and even that of caste Hindus can be boosted up which might help to remove traditional orthodox attitudes.

(11) The Kafalta incident is no doubt the outcome of caste animosities and hatred. Any preplanning on either side does not appear to be apparent. Some of the Scheduled Caste persons educated and living outside in place like Delhi have imbibed an urge to do away with all social discrimination. In Biralgaon all the Scheduled Castes are Shilpkars and 3 or 4 teachers, 2 are in police force and some others are serving outside the village. Shri Harakram an old man of 98 years was a freedom fighter and his daughter Smt. Anandi Devi was reported to be a Sarvodya worker. This is an indicator that there was tremendous awakening among Scheduled Castes about their privileges and rights and they were not prepared to tolerate any social discrimination.

(12) It is astonishing that negligible cases under PCR Act, 1955 were registered against caste Hindus, when several cases had taken place in the past and the practice of untouchability widely present in the area. It is suggested that the Committees as envisaged in the Act itself should be set up at appropriate levels and particularly the district and tehsil level Committees should be revitalized.

(13) To instil much needed sense of security in the minds of the Scheduled Caste persons in the affected village and other parts of *Uttar Pradesh,* it is desirable that collective fine may be imposed on the villagers of Kafalta (excluding Scheduled Caste households) where atrocities were committed on the Scheduled Castes. Although the situation appeared to have calmed down in the affected village, the Scheduled Castes do not feel secure and apprehend trouble in future.

Kafalta incident has brought to the surface the deep seated caste prejudices prevalent in the interior parts of Kumaon Division in Uttar Pradesh. The situation requires stricter vigilance to avoid recurrence of such incidents. These areas have suffered from long neglect in the matter of providing basic infrastructure facilities. Urgent attention requires to be given to the primary task of linking interior places with tahsil towns so that intelligence of sensitive issues containing potentialities of developing into major incidents could be brought to the notice of authorities well in time for taking preventive measures.

Untouchability, arson and loot at Hathras, District Aligarh (U.P.)

10.47 Incidents of untouchability, loot and clashes between Scheduled Castes and non-Scheduled Castes which occurred from 18th to 20th May, 1980 were reported in the Press from the town of Hathras, District Aligarh, *Uttar Pradesh.* The situation was officially described as 'very grave'. Police force, P.A C. and C.R.P.F. were deployed at sensitive spots as a precautionary measure. The origin of the trouble was stated to be refusal on the part of a caste Hindu shopkeeper to serve *lassi* in glass tumblers to five young men belonging to Balmiki community. What appeared rather painful was that almost all sections of the so-called touchables irrespective of religious and political affiliations had either joined hands in perpetrating the atrocities or had taken up the cause of the perpetrators. The news of the strike by Scheduled Caste employees of Hathras Municipality on 19th May, 1980 call for a *hartal* by caste Hindu shopkeepers in retaliation and the impending elections to the Vidhan Sabha on 28th May, 1980 made the Commissioner for Scheduled Castes and Scheduled Tribes decide that a Study Team consisting of a Research Officer and an Investigator should investigate into the incidents after the elections were over. The Team visited Aligarh and Hathras town from 11th June to 13th June, 1980 and met a number of officials and non-officials. The various clashes, arson and firing by the police as well as the political fall out of these incidents are discussed in the subsequent paragraphs.

Alleged practice of untouchability at the tea stall on 18th May, 1980.

According to the version of official sources, at about 4.00 p.m. on 18th May, 1980 five youths belonging to Balmiki community who happened to be under the influence of drinks, demanded *'lassi'* at the tea-stall of one Shri Kailash Chandra Gaud in Khatikhana Mohalla, Hathras town. They were served *lassi* like other customers in earthern pots by Shri Kailash Chandra Gaud. The Balmiki youths got angry with the shopkeeper as to why they were not given *lassi* in glass tumblers and started quarrelling with him. Shri Mahesh Chandra Yadava, owner of 'pan' shop situated by the site of the tea/lassi stall of Shri Gaud objected to the behaviour of the young men. Gradually people belonging to Scheduled Castes and other castes gathered and the dispute turned into a fight between the two groups. The information of the incident reached Basantbag police out post and some police force rushed to the place of incident. In the meantime, supporters of both the groups had taken aggressive attitude and started throwing stones at each other. The small police force could not control the situation and then Police Station, Hathras was informed about the fighting. The police Inspector with force reached the spot and controlled the situation. The S.D.M. and C.O. Police who were at Aligarh at the time of the incident returned to Hathras and visited the place of occurrence around 6.30 P.M. A.D.M. and Superintendent of Police (Rural) along with extra force also reached Hathras on the same day after some time. 8 Balmikis who got simple injuries during the clash were discharged from the hospital after first aid. Shri Ramkishan Balmiki lodged a complaint with the police vide case crime No. 359 u/s 147/323/336/429 IPC and 4/7 PCR Act. He named 6 persons and also referred one Sub Inspector (anonymous) in the F.I.R. Another F.I.R. vide case crime No. 359(A) u/s 147/323/336 IPC was registered by Sub Inspector Shri Mathan Singh himself about the incident who was present at the place of incident.

According to District Magistrate and Senior Superintendent of Police there were no previous case about the practice of untouchability and that Balmikis are permitted to enter hotels. This view was contested by some non-officials. The members of Balmiki Sangarsh Samiti stated that the incident of 18th May, 1980 took place when 3 Balmiki youths went to Shri Kailash Chandra Goud's stall and demanded tea. They were served tea by stall owner in earthern pots. When they insisted on being served in glasses and not in *'kullarhs'* or earthen pots they were abused by Shri Mahesh Chandra—another stall owner and attacked by a group of caste Hindus. They alleged that police did not reach the place of occurrence for about two hours. Police also did not arrest the culprits named in F.I.R. lodged by Shri Ram Kishan. They further stated that the Balmikis were again attacked by caste Hindus at midnight on the same day. They said that practice of untouchability was the main cause of this

quarrel. The Scheduled Castes are denied tea in many tea stalls of Hathras town. However, the same persons expressed the opinion that Balmiki youths unnecessarily quarrelled with the stall owner which sparked off group fighting on caste lines. At the meeting with prominent citizens of Hathras, participants unanimously stated that the quarrel on 18-5-1980 took place between 5 Balmiki youths and the tea/*lassi* stall owner on the issue of serving lassi in '*kullarhs*' instead of glasses. Generally tea/*lassi* is served in '*kullars*'. The customers who desire tea/*lassi* in tumblers are served accordingly. This quarrel turned into group fighting on caste lines and some Balmiki persons sustained injuries.

From the above statements based on interviews it can be safely concluded that on 18-5-1980, when five Balmiki youths insisted on being served *lassi* in glass tumblers and not in '*kullarhs*', a verbal quarrel took place between the Balmiki youths and stall owner which later on developed into a group fighting on caste lines followed by stone pelting on each other. The Study Team arrived at the conclusion that normally customers are served tea/*lassi* in '*kullarhs*' but if someone desires to be served tea/*lassi* in a tumbler then the stall owner obliges. The Balmiki youths were denied *lassi* in tumblers. Hence there was a clear case of untouchability. After inter-caste clash on 18-5-1980, one of the Balmiki youths lodged F.I.R. with the police but the accused involved in group fighting went scot-free. The group fighting on 18-5-1980 on caste lines sparked off the incidents of 19th and 20th May, 1980.

Incidents on 19th May, 1980

It was stated by the officials that on 19-5-1980 Balmiki men and women along with employees of Hathras Municipality had assembled in Municipal office and demanded arrest of persons named in F.I.R. lodged by Shri Ram Krishan on 18-5-80 and protection to the Balmiki sweepers. S.D.M. who is also Executive Officer of the Hathras Municipality acceeded to their demands. At about 7.30 A.M. the sweepers agreed to resume their work on the assurance of S.D.M. and E.O. Hathras Municipality to take legal action against the accused. In the meantime, when negotiations were still going on, some of the local leaders came to Municipal compound and provoked them to go on strike by delivering aggressive speeches.

In the meantime, when the Balmikis were assured of their protection by the authorities, the news of quarrel in Sial Basti was received where the police force proved ineffective because of attack from all sides by a large crowd. Non-Scheduled Castes people set fire to the houses of Balmikis. Simultaneously, the houses of Balmikis of Nagala Balanshah were also set ablaze. When the S.D.M. felt that the crowd was violent and the situation was beyond control because of inadequate police force, he imposed curfew at about 10.30 A.M. 22 and 59 houses were set on fire in Nagala Balanshah and Sial Mohalla respectively. Most of the houses were *pucca* made of bricks and stones and partially damaged. 22 Scheduled Caste persons and 8 police personnel sustained injuries due to stone pelting. Shri Rajaram lodged an F.I.R. with the police about the incident vide case crime No. 363, u/s 147/148/436/323/336 IPC against 38 persons, 36 belonging to non-Scheduled Castes and 2 Jatavs (Scheduled Castes). Out of them 30 persons were arrested on the same day, *i.e.*, 19-5-1980. Apart from this two more FIRs were lodged by police officers vide case crime Nos. 361 and 362, u/s 147/323/336/188/431 IPC. The sweepers—Municipal workers and private, immediately went on strike after this incident. In retaliation the non-Scheduled Castes gave the call for a *hartal* in markets.

According to the Balmikis of Mohalla Balanshah, a strong mob of about 10,000 persons of non-Scheduled Castes *gheraoed* mohalla Nagala Balanshah around 8.30 A.M. on 19-5-80 when majority of the Balmiki men were at Municipal office negotiating with the authorities for protection of their lives in connection with the attack on Balmikis by caste Hindus, on 18th May, 1980. The mob attacked the Balmikis by pelting stones on them set fire to their houses and located their property. They also reported that the temple of Bamikis was also set on fire. The members of the Balmiki Sangarsh Samiti substantiated the version of the Balmikis of Nagala Balanshah about the incident on 19th May, 1980 and informed the team that the mob was led by some persons associated with a political party and its workers had also a hand in these incidents. One of the informants stated that a quarrel between Balmikis and Muslims in Hathras town took place on 19-5-80. Some of the local leaders tried to exploit it by provoking Muslims against Balmikis. It was alleged that two Muslim leaders from Aligarh visited Hathras town to convert it into a communal riot. According to some prominent citizens of Hathras, on 19-5-80 Balmikis assembled in Municipal Office and demanded protection of their lives. Some political leaders were reported to have addressed this gathering and urged them to go on strike. In the meantime, caste clash between non-Scheduled Caste persons and Scheduled Caste persons in Sial Mohalla took place. The non-Scheduled Caste persons set fire to houses of Scheduled Castes. On hearing this news, the Scheduled Castes ran away from the Municipal Office towards their houses. Later on, a mob of caste Hindus and others went to Nagala Balanshah Mohalla and attacked the Scheduled Castes, looted their property and set fire to their houses.

From the above information regarding the incident on 19-5-1980, it can be concluded that the non-Scheduled Caste persons of Sial Mohalla encouraged by the apathy of administrative machinery, attacked the Scheduled Castes of Sial Mohalla which soon spread to the nearby mohalla Nagala Balanshah. Scheduled Castes' houses were set on fire and property looted on large scale by the non-Scheduled Caste persons.

Incidents on 20-5-1980

Enquiries from official sources revealed that the situation was normal till 4 O'clock on 20-5-80. At about 4.00 P.M. some office bearers of Balmiki Sangh, Aligarh arrived in Hathras town and visited Sial and

Nagala Balanshah Mohallas. At the same time large number of Balmikis gathered in Sial Mohalla out of curiosity who afterwards started abusing the caste-Hindus. This resulted in a fight between the Scheduled Caste and non-Scheduled Caste persons of Sial Mohalla. The S.D.M. feared damage of property and loss of lives. He, therefore, ordered firing. After two rounds of fire crowd dispersed. Nobody got injured in police firing. The information about the incident was conveyed to Police Circle Officer through wireless who immediately rushed to the spot with police force. In the meantime, caste Hindus assembled on the roofs of the houses at the other end of the Mohalla. Police force went there to disperse the mob. When the mob was being dispersed, at the other end of the mohalla some Balmikis who had earlier assembled at the other entrance of the mohalla set fire to the houses of caste Hindus resulting in damage to 4 houses. 6 families were affected. Fire was put off by fire brigade. As a reaction to this incident, a huge crowd of non-Scheduled Castes assembled in Naya Ganj Mohalla around 6 P.M. Circle Officer was informed that some Police Constables had been encircled by a crowd near Chanwada Gate Square. Station-in-Charge, Basantbag Police Outpost accompanied by a Sub-Inspector and police constables were asked by the Circle Officer to go to the place and control the situation. When the police party was on their way to Nayaganj Mohalla, a mob of non-Scheduled Castes indulged in heavy pelting of stones on police jeep, as a result of which the driver sustained serious injuries. Police opened fire in self-defence but they could not save the jeep and wireless set fitted therein which were set on fire by the crowd. The S.D.M. and Circle Officer rushed to Nayaganj. The crowd was pelting stones heavily from the roofs. However, with the help of police force the violent crowd was dispersed. Seeing the situation deteriorating the S.D.M. reimposed curfew at about 7 P.M. which was only few hours earlier lifted. The curfew was lifted the following day morning (21-5-80) around 9 A.M.

Due to police firing on 20-5-80, 13 persons (caste Hindus) sustained simple injuries. 10 persons out of 13 were allowed to go to their houses after receiving first-aid. 2 persons were admitted in the hospital. Mehendra Singh (Police driver) sustained serious injuries and was admitted in the hospital. A Magisterial Enquiry was ordered into the police firing.

After incidents of 19th and 20th May and arrest of non-Scheduled Caste persons by police, the non-Scheduled Castes called indefinite Hathras Bandh. Because of tense situation in town, police force was deployed in various sensitive areas and A.D.M. and police officials kept a constant watch over the situation. I.G. P.A.C., Commissioner, Agra Division and D.I.G. Police, Agra camped at Hathras and met representatives of various sections/classes. Peace Committees were set up in all the disturbed areas.

Compensation to injured and for loss of property

An estimate of damage to property was made and monetary relief given to affected families. The persons who sustained injuries due to inter-caste clashes and police firing were given financial aid. The loss of property was estimated to be Rs. 51,279 and Rs. 34,050 was distributed to 87 affected persons as monetary relief ranging from Rs. 50 to Rs. 550 depending upon the extent of damage. A sum of Rs. 1,275 was also distributed among 52 injured persons and 2 police constables were given Rs. 100 each because they sustained serious injuries. Apart from monetary relief about 9 qtl. wheat, 3 qtl. potato and 8 kg. spices were also distributed among the affected families as immediate relief.

The monetary relief given to affected families seemed to be inadequate because all the affected families lost their valuable household belongings and partial damage to their houses due to arson and loot. The houses were *'pucca'* built by bricks and stones. The cost of repair and in some cases re-construction of whole house would require more than the amount distributed. However, authorities informed the Study Team that second attempt at estimation of loss of property would be done so that adequate monetary relief could be provided to affected families. The citizens of Hathras also assured to raise a fund to provide monetary relief to the victims. If this materialises, the gesture deserves appreciation.

Efforts of district administration to bring about normalcy

In an effort to reopen the market, the District Magistrate and S.S.P. met several prominent citizens and the markets opened on 27-5-80 but Balmiki sweepers continued their strike. Efforts were also made to call off the sweepers' strike. From 6-6-80 about 15-16 Municipal employees resumed their work and from 9th June, 1980 the strike was called off. Out of a total 75 persons arrested, 45 persons were released on bail by the court of Magistrate. 30 persons denied bail by Magistrate were bailed out by Sessions Court.

Political Setting

On the surface, the incident appears to be an outcome of deep rooted caste hatred coupled with the apathy of the administrative machinery. But the most important cause for these incidents seems to be poll strategy. The political happenings before and after the incidents on 18th, 19th and 20th May, 1980 substantiate this view. After Parliamentary elections held in 1980, it was reported that an attempt was made by some persons of a political party to replace local office bearers but could not succeed. The quarrel between five Balmiki youths and stall owner was therefore allegedly engineered to create caste tension during assembly elections so that the situation could be exploited in favour of a particular candidate to gain sympathy of non-Scheduled Caste voters and to stop Scheduled Caste voters from exercising their franchise. The Balmiki Sangarsh Samiti decided to boycott the assembly elections. It was reported that about 8,000 Scheduled Caste voters did not caste their vote during the assembly poll. In the light of these

politically motivated activities it appears that the imporant cause of inter-caste clashes in Hathras town was a result of pre-planned political manoeuvering and to some extent infightings between two groups of a political party. As soon as the assembly elections were over, the caste tension started receding and the Balmiki Sangarsh Samiti also decided to call off sweepers' strike.

Atrocities committed by a dacoit gang on the Scheduled Caste persons of Village Kunwarpura, P. S. Jethra, Etah District (U.P.)

10.48 According to information furnished by the Government of Uttar Pradesh, the Pothi dacoit gang raided village Kunwarpura, Police Station Jethra, District Etah, *Uttar Pradesh* on the night between 2nd and 3rd May, 1981. They lined up fifteen people in that village and shot them. Ten of the victims died on the spot and one more died on the way to the hospital. Four others were injured. The eleven persons who died were members of Scheduled Castes. A day earlier, the same gang had killed seven persons in two other villages in the jurisdiction of Police Station, Aliganj. They included persons belonging to communities other than Scheduled Castes. The Government of Uttar Pradesh placed a sum of Rs. 1 lakh at the disposal of District Magistrate, Etah for providing relief.

It was felt that this was a case of wanton killings or reprisal by a dacoit gang. A study regarding the raid conducted by the dacoit gang was conducted by the Director for Scheduled Castes and Scheduled Tribes-*cum*-Deputy Commissioner for Scheduled Castes and Scheduled Tribes, Lucknow. Etah has been described as a backward district with poor means of communication. Till mid-fifties even district headquarters was not connected by train. Before independence, it was regarded as an acute crime prone district and there used to be dacoit gangs operating in this area. The south-eastern portion of the district adjacent to Mainpuri, Farukhabad and Shahjahanpur districts is comparatively the worst. The south-eastern area of the district across Kali river is reportedly dominated by Yadav (Ahir) caste. Aliganj Tahsil in which this incident took place was described by some district officers as an area where the incident of dacoities, murders and kidnapping with the intension of obtaining ransom, even of junior and middle level government servants, was extremely common. A substantial number of such cases specially ransom cases never come to police records. An impression was given that the departmental officers posted in this area found it difficult to work according to the instructions issued by the Government. In fact, they had to keep the leaders of various gangs satisfied otherwise reprisals were quick and cruel. It was confirmed by some of the informants and responsible persons that the dacoits had left a letter after committing the crime. The letter was in Hindi and addressed to the 'New Kaptan' (Superintendent of Police), Etah. The contents of the letter as roughly recapitulated by the villagers, were as follows :

"The lower caste people do mischief. Yadavs never harass the Harijans. Since the police officers are harassing Yadavs, we will kill Harijans. If the police operations and harassment of the Yadav community did not stop, there would be a heap of corpses in the area. We will kill at least 40 persons of Kunwarpur, thereafter, 50 persons in Bichchwa village and 60 persons in a village of Shahjahanpur district.

Signed by 1. Mahabir
2. Balbir"

Dasvuraj Pothhi Ram Yadav.

Though the villagers were in a state of shock and terror, they narrated the following factors for this happening :

(i) It has been stated in the letter by the dacoits that since Yadavs were being terrorised by the police officers presently working in the area they had to hit back. The village people said that it was mentionable that till just before the time of the incident, Superintendent of Police, Etah, Station House Officer, Jaithara, Medical Officer, Primary Health Centre, Jaithara and Sub-Divisional Officer, Jaithara were all from the Scheduled Castes. According to these villagers the two police officers had been very active and had made intensive efforts to put pressure on the suspected Yadavs. Similarly the doctor had in some cases resisted pressure from the Yadavs in connection with minimising the nature of injuries inflicted in clashes in his medical reports. A couple of cases dealt by the police officers and the medical officer were actually described and partially corroborated from other sources. It was stated that because of such cases the villagers had received oral messages from Yadav gang leaders that they, the Scheduled Caste villagers, would have to suffer for the hard line taken by the Scheduled Caste officers. Since Kunwarpur was the best known Scheduled Caste village of the area it was an obvious choice for any reprisals.

(ii) There was close relationship between politics and criminality in the area. Political warfare between some local politicians and also its reflection during elections had also contributed to the crime. Since the area is dominated only by Yadavs and Brahmins the front line political rivalries are found among these two communities. It was reported by several sources that the Scheduled Castes of this area have never been free in casting their votes. Impersonation of Scheduled Caste voters, booth capturing and threats to Scheduled Castes and other weaker sections have been routine things in the area. The villagers of Kunwarpur told that while

in the past elections they had hardly voted freely, during the mid-term assembly poll in 1980 a separte booth was set up in their own village for the 360 voters. The impending bye-election to the adjoining Patiali constituency which could not go to the polls alongwith the elections held in the State for the Vidhan Sabha due to the murder of a Scheduled Caste candidate further aggravated the situation.

(iii) Kunwarpur village is surrounded by several villages dominated by the Yadavs suspected to have links with dacoit gangs. During the last one year there had been 2 or 3 incidents where crops sown by the Harijans in their land were forcibly harvested or destroyed by the Yadavas. The villagers told that after destroying the crops the Yadavas would jeer by saying that the Scheduled Caste persons had sown seeds without 'Mundi' and hence there was no grain. In one instance at least, the Scheduled Caste persons had retaliated by cutting some crop belonging to the Yadav and also taken the matter to the village Panchayat. This too was likely to have infuriated the Yadavs.

It was felt that in the absence of any other clear and concrete motivations, the three factors described above might have contributed in varying degrees to the carnage.

It was also learnt that in Etah District, there was a very large number of arms and most of these were in possession of Yadavs. The Scheduled Castes informants stated that arm licences had been freely distributed in the past and these were being used to intimidate and terrorise the weaker sections. It would be in the fitness of things that arms in the possession of persons suspected of any links with dacoit gangs should be got surrendered immediately and all lincenced semi-automatic weapons should be confiscated.

It was further learnt that the injured persons belonging to the Scheduled Castes had to make their own arrangements to reach the District Hospital from Jaithara by bullock-cart. These persons were also required by the doctors to purchase the prescribed medicines as well as gauze, bandages, etc. from the market and no supply was made to them from the hospital. It was understood that the Collector and District Harijan and Social Welfare Officer had been advised to grant immediately a sum of Rs. 1,000 to each of the wounded persons and the funds for the purpose had been received in the district.

It was concluded that the Scheduled Caste persons of Kunwarpur village were in a state of terror and shock. The villagers demanded that unless a police outpost was created in Kunwarpur, they were not likely to continue to stay there because their village had become a kind of eye-sore to the Yadavs.

Cases received in the Organisation of Commissioner for Scheduled Castes and Scheduled Tribes

10.49 A large number of untouchability and harrassment as well as problems relating to land, housing, educational matters, etc. are received in this organisation from Scheduled Caste and Scheduled Tribe persons. Information regarding subject-wise break-up of these cases during the year 1979-80, is given below :—

S. No.	Description	No. of complaints
1.	Harassment and Untouchability . . .	613
2.	Land and Agriculture	308
3.	Housing	163
4.	Education	90
5.	Miscellaneors	186

Typical cases of atrocities and harassment

10.50 Every year this organisation enters into correspondence with State Governments/Union Territory Administrations about the excesses committed on the members of Scheduled Castes and Scheduled Tribes by other sections of society. A large number of cases are reported to this office by the aggrieved parties themselves. But atrocity cases reported in the press are also taken up with concerned authorities. Some of the typical cases of complaints under the categories of murder, rape, arson and violence alongwith available information about the causes that led to such crimes etc. are given below.

Murder

(i) It was reported that at Sukapalli village in the Kovvur Taluk of Nellore District of *Andhra Pradesh,* 8 persons had been done to death in a group clash between fishermen and Scheduled Caste persons. The cause of the incident was related to long standing dispute between these two groups. On 23rd May, 1980 about 2,000 fishermen attacked the dwellings of Scheduled Caste persons with deadly weapons resulting in the death of four Scheduled Caste persons. Details of the incident were still awaited.

(ii) Over the years the population pattern of Adilabad District of *Andhra Pradesh* has undergone a change in relation to Scheduled Tribes. In the past 20 to 30 years time, the Gond tribesmen were reported to be selling away their lands and retreating into forests, while others were buying land and advancing near the forests. In the third week of April 1981, 13 tribals lost their lives in a police firing at Indravelli village in Adilabad District. According to the press reports the cause of the tribal unrest was related to loss of land belonging to Gond tribesmen and it was understood that the State Government was considering steps to restore land to the Gonds that they

had earlier sold away to either Lambada or other people. The matter has been taken up with the State Government and further information is awaited.

(iii) It was reported that 2 Scheduled Caste persons of a family were killed on 30th June, 1980 in Nalanda District of *Bihar* State. Details of incident were awaited.

(iv) An incident of clash and the resultant killing of one person and injury to 20 others was reported in the 4 villages of Barhaiya Block in Monghyr District of *Bihar* State. An armed gang of non-Scheduled Caste persons was reported to have attacked the Scheduled Castes who were also reported to have used guns and country-made bombs in retaliation. In the ensuing clash many huts belonging to Scheduled Castes were burnt and about 100 women and children fled to Barhaiya block office for shelter. The riot affected villages were mentioned as Palisarora, Maharam Chak, Manpur and Sadarpur. One person was reported to have been killed and 5 others injured when police opened fire on fighting groups of non-Scheduled Castes and Scheduled Castes. It was reported that the police had arrested 60 miscreants and recovered arms. Details of the incident were still awaited.

(v) According to a press report dated 23rd March, 1980 a group of villagers killed a Scheduled Caste person of village Marmadiri, Hazaribagh District of *Bihar* since he refused to part with his chickens. The matter was taken up with the Deputy Commissioner, Hazaribagh for facts, and it was revealed that on 16-3-80 at about 8.30 p.m. the accused alongwith his associates visited the house of Scheduled Caste person and demanded fowls from him. Upon his refusal, he was beaten up severely. Later on, he succumbed to his injuries. The neighbours came when they heard hue and cry of the family members of the victims, chased, apprehended and assaulted the main accused. The police reached the place on the night of 17th March, and cases were registered against the accused persons who were arrested. A case under Section 302/34 IPC has been instituted against the main accused for killing a Scheduled Caste person. The family of the deceased was given a monetary relief of Rs. 2,000. The final outcome of the case is awaited.

(vi) In the Report for the year 1978-79 [Para 9.29 (xii)] it was mentioned that two Scheduled Tribe persons were killed in village Makrampur Police Station Masalia, District Santhal Parganas in *Bihar*. The enquiry report of the Deputy Commissioner had revealed that in a fair in the month of October, in the village located in a predominantly Santhal area, some boys of a non-Santhal village tried to outrage the modesty of Santhal girls. This led to violence in which non-Santhals used firearms. In all, 100 persons sustained gun shot injuries. Two Santhals were reported to be missing. The body of one of them was reported to have been recovered from Masanjore Lake adjacent to the village while the body of the other was found floating near the Dam. Eleven persons were arrested in this connection. A recent report received shows that chargesheet against the accused had been submitted on 18th September, 1979 and case committed by the Chief Judicial Magistrate, Dumka on 10th April, 1980. Final outcome of the case is awaited.

(vii) According to Press reports several persons were reported to have been killed or injured and hundreds arrested during the last 3 years in fierce tree war in Southern *Bihar*. The issue of Sal versus teak had pitted the local tribals against the Government and lent fire to the long standing demand for a separate tribal State. Development work in the area was reported to have virtually ceased because of the agitation which could only be contained by strong police measures. It was mentioned that in 1977, the Bihar Forest Development Corporation had started a scheme to upgrade the natural Sal forests by replacing them with teak which was commercially a far more valuable timber. The tribals of Singbhum considered Sal much more useful. Its hard, durable timber is used for village carts, for beams, posts and railway sleepers; the soft karnel of the fruit is eaten by the tribals in lean times; Sal leaves are shaped into drinking cups in tribal villages and the Sal seed oil has many industrial uses. The Sal tree is used in tribal religious rites. In comparison the teak is purely commercial timber of no particular value to the tribal or his cattle.

(viii) According to the Press reports a person belonging to Scheduled Caste was murdered in Jetalpur rural town near Ahmedabad, *Gujarat* State. It was understood that some boys belonging to Patel Community entered their house during night on the pretext of making search for a missing buffalo. Next morning the Harijan youth was dragged, beaten and ultimately burnt to death. This place was also stated to be the scene of anti-reservation agitation. It is understood that police protection has been given to the Scheduled Caste persons. But it is mentioned in press reports that after the publicity given to the death of the Scheduled Caste youth the Patels were taking revenge by boycotting Scheduled Caste persons and refused to give them any work.

(ix) There was a news item dated 28th March, 1981 about the murder of a 14 years' old Scheduled Caste boy by a factory owner on Jind Road in Sonepat District, *Haryana*. Detailed report of the incident was awaited from the concerned authorities.

(x) An incident of alleged torture resulting in the death of a Scheduled Caste person at the hands of police was reported at Hodal PS, Gurgaon District, *Haryana* The cause of the incident was related to some heated arguments between SDM and the deceased regarding construction of a Harijan *chaupal*. It was stated that the victim was tortured to death and afterwards his body thrown in a well. When the people went to the police station to demand post-mortem of the deceased person, police fired on them resulting in the death of two persons. Detailed report of incident was awaited.

(xi) There was a news item dated 30th May, 1980 about the murder of a Scheduled Caste youth by 4 non-Scheduled Caste persons at Bhadravathi at a distance of about 250 Kms. from Bangalore District, *Karnataka.* The victim, a tea shop owner was allegedly strangled to death in a farm house. Accused persons were reported to have been arrested. Details of the incident were awaited from the State Government.

(xii) According to newspaper reports two Scheduled Caste persons were done to death by some armed men on 28th February, 1980 in Phullar village at a distance of about 30 Kms. from Bhatinda District, *Punjab.* Details of the incident were awaited.

(xiii) It was reported that on 29th March, 1980, 8 members of a tribal family had been beheaded in Badmal village of District Raigarh of *Madhya Pradesh.* 2 accused persons were reported to have been arrested by the police. The details of the incident were awaited.

(xiv) An incident of alleged murder of a Scheduled Caste person by caste Hindus was reported at Madani village, Begumganj P.S., District Raisen of *Madhya Pradesh.* A case under Sec. 302 IPC had been registered. 13 accused persons were reported to have been arrested and the wife of the deceased had been given monetary relief amounting to Rs. 5,000 by the Government of *Madhya Pradesh.* The case was pending in the Court.

(xv) A case was registered in P. S. Bhikangaon, Khargone district of *Madhya Pradesh* under Section 302/147/149 IPC about the murder of a Scheduled Tribe person by some caste Hindus for non-payment of money advanced to him. The accused persons were acquitted by the Court.

(xvi) A case was registered on 26th March, 1978 in P. S. Bargha, District Seoni of *Madhya Pradesh* u/s 302/394/34 IPC about the murder of a six year old Scheduled Tribe girl. It was stated that the two persons had murdered her to deprive her of her silver ornaments. Both the accused persons were given life imprisonment.

(xvii) According to a case registered under Section 302 IPC in P. S. Kalyanpura on 22nd March, 1978, a police personnel had been deputed to Bhagoriahat Kalyanpura, Jhabua District, *Madhya Pradesh* He in the company of a forest guard belonging to Scheduled Tribe took drinks together. They quarrelled among themselves and the police personnel killed the person belonging to Scheduled Tribe with his rifle on the spot. The accused person was sentenced to imprisonment for life.

(xviii) A report was lodged in P. S. Sarni, District Betul, *Madhya Pradesh* under Section 302/394/34 IPC on 12th April, 1978 about the murder of a Scheduled Caste person at his residence. On investigations it was found that the Scheduled Caste person had been murdered by 5 persons in the course of dispute in a gambling session. On 19th September, 1978 all the accused were acquitted by the Court.

(xix) Some incidents of mass attack on Pardhi tribal families were reported in February, 1980 in Dhoki village of Osmanabad District of *Maharashtra* resulting in the death of six persons and injuries to 19 others. 52 out of 54 accused persons were arrested. The victims were provided with monetary relief. Latest position about this case was awaited.

(xx) According to newspaper reports dated 18th July, 1980, 4 Scheduled Tribe persons including a pregnant lady were allegedly killed by an angry mob of villagers near Baradangela in Ganjam District, *Orissa,* on account of the suspicion that the deceased were practising witch-craft. Details of the incident were awaited.

(xxi) An incident of alleged killing of Scheduled Caste person was reported on 24th February, 1980 in Kunha village, Bharatpur District, *Rajasthan.* It was alleged that one caste Hindu accused and six others shot dead a Scheduled Caste person and caused injuries to another person belonging to Scheduled Caste. The incident was related to some election dispute. Details of the incident were awaited.

(xxii) There was a news item regarding stabbing of a Harijan to death because of his intervention in a quarrel between two women of Vedapplayam Harijan Colony in Uthiramerur Taluk in District Chingleput of *Tamilnadu* State. On the receipt of this complaint the case was referred to the Collector Chingleput for facts and necessary action. A reply received indicates that this incident occurred on 18-6-1980. A case in Uthiramerur Police Station had been registered under Cr. No. 138/80, 326 IPC. The accused person had been arrested and the weapon seized. The case is reported to have been charged on 21-9-1980 before the Judicial Second Class Magistrate, Tirukkalikundram and was pending trial.

(xxiii) There was a news item dated 11th January, 1980 that an inmate of the Government Harijan Hostel at Thottiyaur in Tiruchirapalli District of *Tamilnadu* State was murdered on 4th January, 1980 on account of enemity. The enquiry report of the State Government revealed that the deceased, an inmate of the Harijan Welfare Hostel was murdered by a non-Scheduled Caste person on suspicion that he had developed intimacy with his wife. The accused was arrested on 9th January, 1980 and remanded. Information regarding latest position of the case was awaited.

(xxiv) A complaint was received in April, 1980 about the murder of a person belonging to Scheduled Caste and threat to the lives of some other Scheduled Caste residents of village Mirgamai P. S. Hathras, Aligarh District of *Uttar Pradesh.* The matter was taken up with the Government of Uttar Pradesh who informed that a case under Sections 147/148/149/302/323/307 IPC had been registered against the accused persons. Police guard had also been provided in the village to maintain peace. A case against 20 accused persons had also been referred to the Court. Financial assistance amounting to Rs. 5,750 was also stated to have been given to the aggrieved persons.

(xxv) In the Report for the year 1978-79 [Para 9.29(iv)] it was mentioned that a Shoshit Samaj Dal leader was killed near Mahoba village, District Bareilly in *Uttar Pradesh*. An enquiry into the matter revealed that the deceased was a social worker. On 8-5-1978, he had gone to Mahoba village and then to Rohata village, where two persons fired at him. The sub-Inspector of Police Aliganj, went to the spot of murder and made an enquiry about this case. A case u/s 302 IPC was registered at Police Station Aliganj. One accused person had been arrested along with a gun and the other had surrendered himself in the court. Both the accused persons were sent to jail. A final report received from the District Magistrate shows that the case was tried by the Additional District Judge, Bareilly and ended in acquittal on 29th November, 1979.

(xxvi) There was a news item dated 16th February, 1981 regarding alleged killing of two Scheduled Caste persons and injuries to half-a-dozen persons when some caste Hindus attacked them with lethal weapons at Palpur village, Khandasa Police Circle, Faizabad district, *Uttar Pradesh*. The cause of the incident was alleged refusal by Scheduled Caste persons to work for the assailants. Final reply was awaited from the concerned authorities.

Rape

(i) There was a news item dated 11th July, 1980 about the rape committed on a tribal lady by three persons. An enquiry conducted into the incident revealed that on 7/8 July, 1980 a lady belonging to Scheduled Tribe working as a labourer in Coffee Plantation had arrived at Narsipattanam, Vishakhapatnam District, *Andhra Pradesh* accompanied by her brother-in-law. When they were having tea near a cinema about 8 persons out of whom one belonged to Scheduled Caste took away the woman to Baligatham village at a distance of 3 Kms. from Narsipattanam. It was mentioned in the inquiry report that other persons present at the tea stall did not obstruct the taking away of the woman because she did no offer any resistance. However, when a report was made to the police by her brother-in-law and the woman came back she reported that she had been taken to a flour mill and raped by three persons. 5 out of 8 accused persons who had taken her away were reported to have been apprehended the same night. The case was charged on 6th October, 1980 and was pending trial in the Court. Final outcome of the case was awaited.

(ii) There was a news item dated 6th October, 1980 regarding alleged rape on three Scheduled Caste girls at a place known as Adoni in Kurnool District of *Andhra Pradesh*.

(iii) There was a news item dated 28th March, 1981 about the alleged rape of six Mishing tribal girls at Lohitmukh in Darrang District, *Assam* by some miscreants. Further information in this regard is awaited from the State Government.

(iv) There was a news item dated 6th December, 1980 that a married Scheduled Caste lady was allegedly raped by patrolling C.R.P. men inside the compartment of a train near Kagra Railway Station about 30 Kms. from Nawadah, *Bihar* State. The victim was reported to have been admitted to Nawadah Hospital.

(v) It was reported in July, 1980 that a young Scheduled Caste girl of village Murapur, Basantpur P.S., Siwan District, *Bihar* State was allegedly kidnapped, raped and poisoned by an unknown person. She was reported to have been sent to local hospital for medical treatment. The detailed report from the Government of Bihar was awaited.

(vi) It was reported that a Scheduled Caste lady of Dumri village, Nalanda District of *Bihar* State was stripped, raped and paraded in the village by some persons belonging to backward community. Detailed report was awaited.

(vii) An incident of alleged rape of a Scheduled Caste girl was reported in Ori village, Nandod Taluka, Bharuch district, *Gujarat*. The case was referred to the District Magistrate, Bharuch and it was revealed that on 22-10-1979 a Scheduled Caste girl had gone to a grocery shop for making purchases. The shop-owner allegedly caught her hand, closed the doors of the shop and committed rape on her. The girl reported the matter to her brother and other relatives. They went to the shop, where the shop-keeper and seven others insulted them by uttering derogatory terms. On filing a complaint, a case was registered at the Rajpipla Police Station against the accused persons u/s 376/342/323/114 IPC and Sections 7(1)(3) and 10 of the P.C.R. Act. The accused were arrested on 23-10-1979 and 24-10-1979 and charge-sheeted on 28-1-1980. The case was decided on 4-7-1980 and the accused acquitted by the Sessions Court, Bharuch.

(viii) It was reported that on 29th April, 1980 a non-Scheduled Caste person had raped a Scheduled Caste girl in Manekpore village, Valsad District, *Gujarat* State. A case under Sections 363, 366 and 376 IPC was registered, which was pending investigation.

(ix) It was reported that on 12th July, 1980 a Scheduled Caste girl was allegedly raped by 5 caste Hindus at Mavli village of Dabhoi P.S., Vadodra District, *Gujarat* State. A case under Sections 376, 506, 114, 323 IPC was registered which was reported to be pending investigation.

(x) It was reported in the Press in the month of May, 1980 that a Scheduled Caste girl belonging to a village in District Mandi, *Himachal Pradesh* was raped. Afterwards the victim committed suicide. Enquiries revealed that the 16 years old girl had left her home to visit some relatives at Morgul and reached Sarkaghat by bus at 4 P.M. on 7-5-1980. She proceeded along with a school teacher towards the village. When both of them reached near Rest House Sarkaghat, 7-8 persons appeared from behind and some of them engaged the school teacher in conversation. The girl was

followed by three persons who caught hold of her and took her forcibly to the nearby jungle, and raped her turn by turn. They also asked her to accompany them to their residence. The girl escaped when the accused left to bring key of their house. The girl reached at the house of a known person, stayed that night there. On 8-5-1980, she lodged a complaint at the police station accompanied by her brother and a case was registered u/s 376/34 IPC at 11.30 A.M. She was medically examined on 8-5-1980. The three accused (one Scheduled Caste and two non-Scheduled Castes) were arrested on 8-5-1980 and medically examined. They were produced before the District and Session Judge, Mandi who released them on bail. The girl's parents were informed of the incident on the evening of 8-5-1980. The girl was brought home on 9-5-1980 in the evening. On 10-5-1980, when the children of the family returned after closure of the school in the evening they found that their sister was vomiting and suffering from diarrhoea. One of them immediately called their parents from the field. The parents found her unconscious. The deceased was cremated on 11-5-1980 without informing the police. Enquiries conducted by Deputy Commissioner, Mandi and Superintendent of Police, Mandi could not establish the cause of death. At present the case is under trial in the Court of District & Sessions Judge, Mandi. Further outcome of the case is awaited.

(xi) There was a news item dated the 4th July, 1980 regarding rape committed on a young Harijan housewife by a gang of nine youths at Ambajidurga Hillocks near Chintamani Police Station, Kolar District of *Karnataka*. The matter was referred to the State Government for facts. The enquiry report furnished by the authorities concerned revealed that on 30-6-1980 the victim aged 16 years alongwith her husband had come to Ambajidurga for collecting firewood. When both of them were taking 'Pan' about nine youngsters approached them and asked the victim's husband whether she was his wife or prostitute. He replied that she was his wife. But they did not believe it and tied him to a nearby rock. Four persons kept guard on him. The other indulged in outraging her modesty. After some time they released her husband and went away. The victim lodged a complaint on the same day at Chintamani Rural Police Station. Two persons were reported to have been arrested in this connection and efforts were being made to arrest the remaining absconding persons. The final outcome of the case is awaited.

(xii) A news item appeared in March 1981, that four Scheduled Tribe women of Nayagaon in Morena District, *Madhya Pradesh* were raped on the night of February 4 by policemen. According to reports half a dozen armed policemen reached Nayagaon in the evening of February 4 and asked the Sarpanch to provide them with chicken, ghee, home-brewed liquor and flour for their dinner. No liquor had been brewed that day, but chickens and ghee were provided. But no one in the village had wheat flour. Infuriated by this policemen attacked the villagers and forcibly entered their houses. Four women were raped. The Sarpanch mustered courage and gathered the villagers who attacked the policemen. Five policemen fled, one of them leaving behind his rifle. The sixth policemen was captured along with his rifle. Then a group of seven villagers left for the nearest bus stand, 73 Kms. away, alongwith the captured "rapist" and the rifles the same night. Meanwhile, the other policemen had reached Vijayapur town. When the adivasis reached the bus stand the next morning, they were arrested by the Vijayapur police and charged with dacoity causing hurt to deter public servants from duty, wrongful confinement and rioting. Later the police visited the village and arrested 22 more villagers in connection with rioting.

The issue was raised in the State Vidhan Sabha and the State Government ordered a magisterial inquiry. After State Government's announcement, the hamlet was invaded by hoards of policemen and officials, accompanied by forest guards and local feudal elements, the masters of their lives and property. The adivasis were persuaded into believing that their women were never raped. It was also alleged that there had been attempts to cover up the case and villagers coerced to withdraw rape charge. On February 25, two days after three women of the village had filed affidavits alleging that they were raped by policemen, a police vehicle carried them to Sabalgarh Court where they filed counter affidavits denying that they were criminally assaulted. The counter affidavits were filed interestingly, at the magistrate's home at 6.30 P.M. after the courts had closed.

The matter was taken up with the State Government for obtaining facts and report is still awaited.

(xiii) According to a Press report dated 11th August, 1980 a constable and a forest guard of Bangnadi Check Post on the *Madhya Pradesh-Maharashtra* border were arrested by the police on a charge of raping a minor Scheduled Tribe girl, who was working as a domestic servant at the constable's house. The constable and the guard were alleged to have committed criminal assault on the minor girl on different occasions. The matter was taken up with the District Magistrate, Rajnandgaon, *Madhya Pradesh* and a report reecived from him revealed that the victim reported the matter to the police on 8th August, 1980 around 10.00 A.M. that she was molested by a forest guard and a constable at Baghnadi Check Post. The girl was X-rayed at D.K. Hospital, Raipur and found between 12—14 years old. The two accused were arrested by police u/s 376/34 IPC and been remanded to custody till August 25. After investigation of the case, chargesheet has been submitted u/s 376 IPC on 15th October, 1980. The case is subjudice.

(xiv) According to Press reports two teenaged tribal girl students were allegedly raped and thrown into well in Bhabra village Jhabua District, *Madhya Pradesh*. While one of the girls died, the other had to be hospitalised. Two tribal boys who lived in an adjoining hostel had been arrested on charges of rape and murder. It is understood that a C.I.D. inquiry has been ordered by the State Government into this case. Further report is still awaited.

(xv) There was a news item dated 5th April, 1980 that a married Scheduled Caste lady had been raped by five persons at Narsinghpur Town near Jabalpur, *Madhya Pradesh.* Six persons were arrested. The case was pending trial in the court and its final outcome awaited.

(xvi) There was a news item dated 26th July, 1980 about the suspension of a head constable of Thana Afjalpur, District Maudsaur, *Madhya Pradesh* on account of a complaint made by a Scheduled Caste lady about non-recording of her complaint. It was reported that the head constable had also misbehaved with her.

(xvii) There was a news item dated 17th October, 1980 regarding gang rapes committed on 5 Scheduled Tribe women near Girna river at Satna in Nasik District, *Maharashtra.* Detailed report of the incident was awaited.

(xviii) There was a news item dated 26th March, 1981 that two constables, 4 homeguards and a sweeper of the Primary Health Centre, Rajura Tehsil, Chandrapur District, *Maharashtra* State had gang-raped a Harijan woman on the night of Holi. The victim, a 28 year old Harijan widow from Pochi village was reported to have come to Rajura to see her relatives but had missed the last bus back home in the evening. Further information in this regard is awaited from the State Government.

(xix) There were newspaper reports in July 1979 about alleged atrocities in an Adivasi village at a distance of about 90 Kms. from Bombay in *Maharashtra.* Enquiry report revealed that on 12th March, 1979 a tribal boy lodged a complaint at Kasa P.S. that about an year back one of his female relations had been raped by a caste Hindu while she had gone to take bath at the village stream. Since the girl was unmarried the parents did not want to report the incident so that her marriage prospects may not be adversely affected. However, after a lapse of one year at the instance of her cousin the case was registered under Section 354 IPC. It was reported to be subjudice in the court of J.M.F.C. Final outcome of the case was awaited.

(xx) There was a news item in July, 1980 that a police Inspector of Phulbani had been transferred and put under suspension for allegedly raping an adivasi woman. The matter was taken up with the District Magistrate, Phulbani, *Orissa,* who sent a report of the S.P. Phulbani which revealed that on 9th June, 1980 a complaint petition was received in the office of S.P. Phulbani by post. The victim woman resident of Luhurasahi village under Gochhapeda out-post, Phulbani District in *Orissa* had been brought to the residence of the Inspector Phulbani Circle on 28th May, 1980 alongwith her father who was suspected in a burglary case in Gochhapeda under Phiringia P.S. Around 3 P.M. on that day the Inspector gave one rupee and sent her father to procure rice. Thereafter she was forcibly taken inside the quarters of the Inspector and raped by the Inspector. She protested against the forcible act of the Inspector, but she was helpless. After some time one old woman, who worked as a maid servant in the quarters of the Inspector came and knocked on the door. Thereafter, she was released by the Inspector and was commanded to go away. Being frightened, she left for her house by boarding the bus in the evening. The S.P. enquired into the petition on 10th June, 1980 and on being satisfied that the information contained in the petition disclosed the offence of a cognizable case, directed the O.I.C. Phulbani P.S. to register a case u/s. 376/342/323 I.P.C. and D.S.P. Phulbani to take up investigation which was supervised by the S.P. from 22nd June to 27th June, 1980. After investigation it had been established that the allegation of forcible sexual intercourse was substantiated only by oral testimony of the victim woman. The circumstantial evidence, however, suggest that there would be no other motive behind confining the woman in the bedroom of the accused Inspector after closing all the doors. The Inspector had been transferred on 16th June, 1980 and S.P. recommended to place the accused under suspension for having been involved in an act of moral turpitude.

(xxi) There was a Press report dated 4th May, 1980 that a 13 year old Scheduled Caste girl and her mother were allegedly kidnapped by some caste Hindu persons at Singapur Railway Station, Rayagada District, *Orissa.* The girl was alleged to have been raped later. It was understood that the police had arrested a railway employee in this connection and filed a case against him u/s. 363 IPC. Details of the case were awaited.

(xxii) There was a news item dated 7th May, 1980 that a woman belonging to Scheduled Caste had been allegedly raped by three policemen on the outskirts of Cuttack district, *Orissa State.* The victim alongwith her husband had been brought to Bidanasi police outpost for interrogation, where the crime was committed on her. The accused persons were understood to have been suspended and arrested when the victim's husband lodged a complaint in this regard. The case was taken up with the concerned authorities and further information was awaited.

(xxiii) There was a news item dated 22nd February, 1981 that at Sadar P.S. Bhatinda District, *Punjab,* a married Scheduled Caste woman had been raped by an Assistant Sub-Inspector and head constable of police. The victim was taken to the Police Station for interrogation in a theft case on 14th February, 1980 and the crime was committed on her. She was again taken to a village and the crime was repeated. Detailed report of the incident was awaited.

(xxiv) There was a news item dated 26th July, 1980 regarding rapes committed on two Scheduled Tribe girls in Hiranmagri locality of Udaipur District, *Rajasthan.* The victims were reported to be sleeping in a house under construction when the crime was committed at the point of knife. The detailed report of the incident was awaited.

(xxv) There was a news item dated 14th October, 1980 about rapes committed on 17 Scheduled Caste women by some caste Hindus in Sangahangulam

Harijan Colony in Nanguneri Taluk of Tirunelveli District of *Tamilnadu.*

(xxvi) There was a news item dated July, 1980 regarding rape of a 16 years old Scheduled Caste unmarried girl, of Nawalganj village, Unnao District in *Uttar Pradesh.* According to reports, the victim alongwith her mother who had come from the village Nawalganj, in Hasanganj police area to Lucknow to get justice from the legislators, narrated her ghastly experience. On the night of July 5, a dozen policemen visited her hut in Nawalganj village at the instance of a villager. The police party told her parents that they wanted to search the hut for illicit liquor. The policemen were reported to have forced their way into the hut and be laboured her parents who fled due to fear. The girl was taken inside the hut and allegedly raped by two policemen. The matter was taken up with the District Magistrate, Unnao who informed that S.D.M. Hasanganj enquired into the alleged incident and the interim report submitted by him revealed that the rape charge was not substantiated by statements and evidences recorded by him. The victim girl could not be medically examined nor her statement recorded since she was not present in the village at the time of enquiry by the S.D.M. However, investigation in the alleged charges was going on and its final outcome was awaited.

(xxvii) A complaint was received in September, 1980 regarding rape of a Scheduled Caste girl of village Hira Lal Gaddi, P.S. Secundrabad, District Bulandshahr, *Uttar Pradesh* by a caste Hindu on 13th August, 1980. The girl alongwith her uncle and brother was working as a labourer in the fields of the landlord. It was alleged that the landlord asked the girl to accompany him to another field for agricultural operations, where she was forcibly raped by the accused. The matter was reported to the police and the accused was arrested and sent to jail. The family members of the accused were pressing the girl's father to withdraw the case and threatened to set fire to his house, if he did not comply with their wishes. The case was referred to D.I.G. Harijan Cell, Lucknow and the D.M. Bulandshahr for facts. The report received from the District Magistrate revealed that on 15th August, 1980 the girl lodged a complaint with the police against the accused that she was raped by him. A case was registered u/s. 376 IPC. After investigation of the case, charge-sheet had been submitted to the Court on 22nd August, 1980. The case is subjudice at present. Apart from this, action u/s. 107/116(3) Cr.P.C. had been taken against the family members of the accused as a precautionary measure.

(xxviii) There was a news item dated 30th January, 1981 that a minor Scheduled Caste daughter of a rikshaw-puller of Pratapgarh District in *Uttar Pradesh* was allegedly abducted on 7th May, 1980 by an M.L.A. The accused had allegedly threatened him. Information regarding facts of the case were awaited from the concerned authorities.

(xxix) There was a news item dated 26th March, 1981 that a Sub-Inspector of Police, New Seelampur Police Post, Delhi had been suspended for an alleged attempt to suppress the case of a criminal assault on a six year old Harijan girl by a young man of the area on March 20, 1981. Further details are awaited from Delhi Administration.

Arson

(i) There was a news item dated 28th May, 1980 that 60 houses belonging to Scheduled Caste persons had been reduced to ashes in Chintalagunta Harijan Colony of Puttur in Chittoor District of *Andhra Pradesh.* Details of the incident were awaited.

(ii) It was reported that in October, 1980, 20 houses of Scheduled Caste persons were burnt by caste Hindus at Bhatsila village, Shambhuganj P.S., Bhagalpur District, *Bihar* State. One Scheduled Caste lady died on account of burns suffered by her. Details of the incident were awaited.

(iii) There were reports that some huts of Scheduled Caste persons had been set on fire by a landlord and his henchmen on 22nd March, 1980 at Barhota village, Sadar P.S. of Darbhanga District of *Bihar* State. Property of the Scheduled Caste persons was reported to have been looted and their womenfolk assaulted. Details of the incident were awaited.

(iv) There were reports that on 25th February, 1980, 4 houses belonging to Scheduled Caste persons were set on fire by some anti-social elements in village Buxar, P.S. Goh, Aurangabad District of *Bihar* State. The enquiry report of the District Magistrate revealed that the clash had taken place between the members of two groups who had some ill-feelings towards each other. Both the groups consisted of Scheduled Caste as well as non-Scheduled Caste persons. The victims were reported to have been provided with monetary relief. Final outcome of the case was awaited.

(v) There was a news item dated 1st March, 1980 that 15 houses belonging to Scheduled Caste persons were set on fire by the henchmen of a landlord in Phulwar village, Garasahan P.S., East Champaran District, *Bihar.* Details of the incident were awaited.

(vi) There was a report about the burning of a house belonging to a Scheduled Caste person, looting of property and assault on womenfolk by a landlord and his musclemen at Barhata village, Police Station Sadar, District Darbhanga in *Bihar* on 22nd March, 1980. The matter was referred to District Magistrate, Darbhanga who informed that the matter had already been investigated by him alongwith Sub-divisional Officer Sadar, and it was found that only a portion of the Scheduled Caste's house was damaged by fire. Charges relating to looting of property and assault on Scheduled Caste woman could not be substantiated. The incident took place when the landlord and the labourers were harvesting Masur crop on a disputed land which was opposed by two Scheduled Caste women. A case was registered in Sadar Police Station. Arrangement was being made to provide one week's ration to the victims. An enquiry about the disputed piece of land was also ordered. Information about the latest position of the case is awaited.

(vii) It was reported that in Mahundra Village of Gandhinagar, *Gujarat* State, some non-Scheduled Caste persons had set on fire the household material kept in the compound of a Scheduled Caste person. A case under Section 436 IPC had been registered and the same was pending investigation.

(viii) On the evening of 27th February, 1981 houses of Harijans were reported to have been set on fire by an armed mob of caste Hindus in village Dhetroj, Ahmedabad, *Gujarat,* State. It is understood that a considerable number of caste Hindus armed with deadly weapons started looting and setting Harijan houses on fire. The police personnel from the nearby police post did not render immediate assistance to the Scheduled Caste persons. About 700 persons belonging to Scheduled Castes were understood to have suffered losses. The persons belonging to Scheduled Castes took shelter in a nearby village named Kukwao.

(ix) There was a news-item dated the 30th March, 1980 regarding attack by jat landowners on Scheduled Caste families at Bilaspur Khurd village of Gurgaon district in *Haryana.* The case was referred to the Deputy Commissioner, Gurgaon and it was revealed that ownership of land was the main cause of the dispute between the Scheduled Castes and the caste-Hindus. The investigation, however, further revealed that land in question for the construction of a house actually belonged to the Gram Panchayat. A case under Sections 436/420/426/148/149 IPC against 10 accused persons had been registered for setting fire to 5 huts of Scheduled Castes. The affected persons had been given monetary help in the shape of fire relief grant. The case is pending trial in the court. Further details of the case are awaited.

(x) There was a report that on 16th June, 1980 huts of Scheduled Caste persons had been set on fire and several others looted by caste Hindus at Thirinalandur near Mayuram, *Tamil Nadu.* The incident was related to the resentment expressed by Scheduled Caste persons over the teasing of their womenfolk by five caste Hindus. Details of the incident were awaited.

(xi) There was a news item in March 1980 that houses of Scheduled Caste persons were set on fire at village Bijapur Thangtaur in District Deoria, *Uttar Pradesh.* According to the first information report lodged with the police, two persons belonging to Scheduled Castes were also assaulted. The matter was referred to the District Magistrate, Deoria for obtaining facts and it was revealed that on 14th March, 1980, sheds used by Scheduled Caste persons for keeping animals at night were set on fire by 20 persons. According to preliminary investigations made by Circle Officer, no Scheduled Caste was beaten and injured. A case was registered at Kharvundu Police Station under Section 436 IPC. Five accused persons were arrested and local police alerted to keep constant watch over the situation. The case is under investigation and its final outcome awaited.

Violence

(i) A representation was received from Scheduled Caste person of village Pakala, Chittoor district, *Andhra Pradesh* regarding assault on his son. On receipt of this complaint, the matter was taken up with the Collector, Chittoor for facts. According to the report of the Collector, the victim, a student of first year Intermediate Government Junior College, Pakala had supported one candidate in college elections to whom the students of the other group did not support and bore grudge against the victim. When the victim came out of the college after appearing in his examination, the accused way laid and assaulted him causing simple injuries. He was also threatened that they would kill him and burn his house. On receipt of complaint a case was reported to have been registered under Section 147/323 IPC r/w. 7(d) of P.C.R. Act, 1976. The case had been investigated, charged and pending trial in the Court. Further outcome of the case is awaited.

(ii) There was a news item dated 21st January, 1980 about a clash between Scheduled Castes and caste-Hindus in Nathavaram village of Visakhapatnam District of *Andhra Pradesh* on 18th January, 1980 on account of some differences in the course of cock fights.

(iii) There was a report that at Pathanuru village of Nizamabad District, *Andhra Pradesh* some Scheduled Caste persons were allegedly assaulted by the caste Hindu landlords when they had gone to represent their problems to some of the legislators.

(iv) It was reported that the Scheduled Castes of village Chumbo under Mandu Police Station in Hazaribagh Disrict in *Bihar* were attacked by a group of caste Hindus on 2nd January, 1981. According to the information furnished by the State Government, a caste Hindu was assaulted by the Scheduled Castes on the evening of 2nd January, 1981. In retaliation the caste Hindus attacked the Scheduled Castes resulting in injuries to eight persons including some women. The trouble was caused due to alleged refusal by the Scheduled Castes of the village to contribute towards the repair of the village temple. A case had been instituted which is under investigation. Arms of the accused persons have been seized and action taken for suspension of their licences. The injured were given medical aid. Financial assistance to the tune of Rs. 3,700 was also reported to have been provided.

(v) In village Namadota, Police Station Chatra District Hazaribagh, *Bihar* a Scheduled Caste person was assaulted by a caste Hindu moneylender. The cause of this incident was the demand of Rs. 500 as an interest for a loan advanced by the moneylender to the victim. It was decided in the panchayat that Rs. 138 only should be paid to the moneylender. The decision of the Panchayat was not acceptable to the moneylender and he along with his associates assaulted the Scheduled Caste person and forced him not to report the matter to the police. The accused on the contrary reported a burglary case against the victim. When the victim also reached the police station at the

same time, the accused confessed about the real incident. The main accused had been arrested and 2 others are yet to be arrested. A report u/s. 107 Cr.P.C. has been submitted and pending trial in the court. Final outcome of this case is awaited.

(vi) On 1st March, 1980 in village Kanha Chatti, Police Station Chatra, District Hazaribagh, *Bihar* a caste Hindu assaulted a chowkidar who was deputed for duty there when he did not allow the former and his associates to take fire wood from bullock carts belonging to other persons. The accused wanted fire wood for celebrating 'Holika Dahan'. The chowkidar was assaulted by the accused persons. A case under Section 341/323 of IPC was registered in Chatra Police Station and its outcome is awaited.

(vii) There was a news item dated 26th March, 1980 that a Scheduled Caste lady and some of her family members were beaten by two policemen in village Faloo, Bhadarwa area of Jammu region of *Jammu & Kashmir* State. The accused were reported to have been suspended. Details of the incident were awaited.

(viii) An incident of alleged violence occurred when about 200 Scheduled Caste persons were reported to have beseiged Kollegal P.S. near Mysore in *Karnataka* State. The enquiry report into the incident revealed that on 21st May, 1980, a complaint was lodged at the Police Station by a Scheduled Caste person that a person belonging to Muslim community had tried to outrage the modesty of his wife. The accused was immediately arrested but after some time some youngmen belonging to Scheduled Caste visited the police station and demanded that the accused be handed over to them. On the refusal of the police to do so the demonstrators started pelting stones and set on fire a fuel depot. Some houses of Muslims were also set on fire. Police resorted to lathi-charge. It was understood that a case against the accused Muslim had been registered under Section 354 IPC. It was pending trial. The final outcome of the case was awaited.

(ix) There was a news item dated 18th July, 1980 that Scheduled Caste persons of village Bajarwada, Hoshangabad District, *Madhya Pradesh,* were beaten by caste Hindus. It was mentioned that the Scheduled Caste persons were attacked when they had gone to purchase ration near village headman's house. They had been given lathi blows. The report of the incident was made at Bahai P.S. next day. The Scheduled Caste persons were reported to have left the village due to fear. 11 persons were reported to have been arrested and some others were being traced. The Scheduled Caste persons were being persuaded to return to the village. Details of the incident were awaited.

(x) There was a news item in June, 1979 that in Kontar Bobled village, Jath Taluka of Sangli District, *Maharashtra,* some Scheduled Caste persons were allegedly attacked by caste Hindus. The enquiry report into the incident revealed that on 21st May, 1979 some caste Hindus had pelted stones on the Harijan locality and also set two houses on fire. As a result, 3 Scheduled Caste persons sustained wounds. The cause of the incident was related to a dispute about the gram panchayat elections. About 100 persons were reported to have been arrested. A case u/s. 147, 148, 149, 435, 436, 337, 452 of IPC, Sections 25 and 27 of Arms Act and Section 7(1)(d) of the PCR Act were registered. Final outcome of the case was awaited.

(xi) An incident of alleged violence was reported to have taken place between Scheduled Castes and caste Hindus at Hupari village in Kolhapur district, *Maharashtra* State on 27th October, 1980. The background of this case was related to a case registered under PCR Act on 23rd October, 1980 against 7 caste Hindus at Hatkanagale P.S. The caste Hindus observed a bandh on 26th October, 1980 alleging that the arrests made of caste Hindus subsequent to the registration of case under PCR Act were on false charges levelled by the Scheduled Caste persons. The caste Hindus took out a procession and when it happened to pass through Harijan locality, the caste Hindus pelted stones and set some houses of Scheduled Caste persons on fire. The situation was brought under control by bringing additional police force from Kolhapur. The victims were provided monetary help. 57 persons were reported to have been arrested. The situation was described peaceful. Final outcome of the case was awaited.

(xii) There was a news item dated 27th January, 1980 about the killing of a Scheduled Caste youth and injuries to 15 others in Chhanahara village, Pipli Police Station, Puri District of *Orissa* State. The enquiry report of the District Magistrate revealed that the incident occurred due to a quarrel over encroachment on Government land. Some group rivalries were also going on in the village since 1976. The dependents of the deceased were given a cash relief of Rs. 2,500. Final outcome of the case was awaited.

(xiii) There was a news item dated 30th March, 1980 that 17 houses belonging to Scheduled Caste persons had been set on fire by the caste Hindus in Kahudi hat about 60 kms. from Bhubaneshwar in *Orissa.* Several Scheduled Caste women were also allegedly beaten. 20 accused persons were reported to have been arrested. Details of the incident were, however, awaited.

(xiv) There was a news item dated 28th April, 1980 that at Haladi Padar village near Berhampur in Ganjam District, *Orissa* Scheduled Caste persons were allegedly attacked by some caste-Hindus and some fishermen. 6 Scheduled Caste persons were reported to have received injuries and 60 houses belonging to them had been damaged. An inquiry conducted into the incident revealed that there was a minor group clash due to sudden provocation.

(xv) There was a news item dated 28th April, 1980 that in Ambadola village of Koraput District, *Orissa,* 35 houses belonging to tribal people were gutted. The enquiry report of the Additional District Magistrate, Koraput revealed that 25 houses had been destroyed in a fire on 24th April, 1980. The victims were provided monetary relief. However, the cause of the fire was not mentioned.

(xvi) There was a news item dated 22nd January, 1981 that three minor Scheduled Caste children were allegedly tortured by the police at the instance of a landlord at Ramamandi P.S. of Bhatinda District, *Punjab* State. Detailed report of the incident was awaited from the concerned authorities.

(xvii) Some persons belonging to Scheduled Tribes were reported to have been beaten up on 2nd-3rd August, 1980 in Nayabans village of Neem-ka-Thana Sub-Division of Sikar District of *Rajasthan* State. It was alleged that a large number of policemen surrounded the village to arrest some persons while investigating a theft case. Women and children were reported to have been subjected to inhuman treatment. The incident was related to a theft committed in the house of a rich trader for which the police suspected these people to be responsible. The case was taken up with the concerned authorities whose reply is still awaited.

(xviii) There was a news item dated 16th February, 1980 regarding clash between Scheduled Castes and caste-Hindus of Thungananpatti village, Dindigul taluk of Madurai district in *Tamil Nadu*. The case was taken up with the concerned authorities for facts. The report revealed that relations between Scheduled Castes of Thunganampatti and caste Hindus of Kulanthaipatti villages were strained during elections held in January, 1980. As a consequence of this the caste Hindus attacked the Scheduled Castes of Thunganampatti village on 13-2-80 which resulted in injuries to eight Scheduled Caste persons who were treated in the hospital. Nine caste-Hindus were arrested in this connection. Final outcome of the case is awaited.

(xix) There was a news item dated 19th January, 1980 about a group clash between caste Hindus and Scheduled Caste persons at a place known as Keela Awasoor, Kallakude P.S. of Tiruchirapalli District of *Tamil Nadu*. It was reported that out of total number of 26 injured persons as many as 22 belonged to Scheduled Caste. It was mentioned that the ill-feeling between the members of the two groups was on account of taking of village temple car through the locality of Scheduled Caste persons, though they were being not engaged for work. Details of the incident were awaited.

(xx) There was a news item dated 16th February, 1980 that some caste Hindus had attacked the Scheduled Caste persons of Kulanphaipatti village, District Madurai, *Tamil Nadu*. 7 persons were stated to have been injured out of whom the condition of one was reported to be serious. Previous enmity was stated to be the cause of this incident. According to State Government the tension had been building up between two groups subsequent to January, 1980 elections. As a sequel to this caste Hindus were alleged to have attacked the Scheduled Castes on 13th February. 1980 resulting in the injuries to 8 Scheduled Caste persons. 9 caste-Hindus were reported to have been arrested. Information regarding latest position of the case was awaited.

(xxi) There was a news item dated 13th April, 1980 about injuries to six Scheduled Caste persons and 2 caste Hindus, on account of a group clash on 10th April, 1980 at Sirutinayur village, Chingalput District, *Tamil Nadu*. The cause of the incident was related to the use of a common pond by persons belonging to Scheduled Caste. Details of the incident were awaited.

(xxii) There was a news item dated 18th September, 1980 about a group clash between Scheduled Castes and caste Hindus of Kodambathur village at a distance of about 30 miles from Madras in *Tamil Nadu*. The caste Hindu landlords were alleged to have opened fire on Scheduled Caste persons. Many persons were stated to have been injured as a result of stone-throwing by the warring groups on each other and the lathi-charge made by the police. Details of the incident were awaited.

(xxiii) There was a news item dated 27th July, 1980 regarding raid conducted by caste Hindus on the locality of Scheduled Caste persons near Ranipet in North Arcot District, *Tamil Nadu*. It was reported that on an earlier occasion one Scheduled Caste person had assaulted a caste Hindu at a cultural show, on account of which the caste Hindus raided the places of Scheduled Castes. Details of the incident were awaited.

(xxiv) An incident of alleged arson and rioting was reported in July, 1979 at Adigude village, Lalgudi Taluk of Tiruchirapalli District, *Tamil Nadu*. The enquiry report revealed that on 10th July, 1979 one boy belonging to Scheduled Caste had passed certain remarks about a caste Hindu girl. There was also some ill-feeling between two groups. Some hot words were exchanged and a clash took place between some members of Scheduled Caste and caste Hindu community. The houses of 8 Scheduled Caste persons were set on fire. The victims had been provided with monetary and material help. Final outcome of the case was awaited.

(xxv) There was a news item dated 23rd September, 1980 about the violence and arson committed on Scheduled Caste persons by caste Hindus in Cuddalore New Town, South Arcot District, *Tamil Nadu*. In the ensuing clash one Scheduled Caste person and three non-Scheduled Caste persons sustained injuries. The incident was alleged to have taken place when a non-Scheduled Caste rikshapuller was assaulted by three youths at Tiruppapuliyar on 21st September, 1980. Houses of some Scheduled Caste persons were set on fire. Police had to open 13 rounds of fire, after a mild cane-charge to disperse the clashing groups. Details were awaited.

(xxvi) There was a news item in May, 1980 about a clash between Scheduled Castes and caste Hindus in Muchwapur village of Fatehpur District in *Uttar Pradesh* when a caste Hindu objected to the use of palanquin by a bridegroom belonging to the Scheduled Caste

community. The case was taken up with the District Magistrate, Fatehpur and the inquiry report revealed that on 10-5-80, a Scheduled Caste marriage party came from Faridpur village to Muchwapur village. The bridegroom used palanquin during marriage procession ceremonies which was objected to by a caste Hindu. After some verbal quarrel, the dispute was settled by the villagers themselves. Another community of Scheduled Caste took this incident as an insult and they objected to the act of caste Hindus. The palanquin kept near the bride's house was picked up by some caste Hindus and kept in the house of a caste Hindu. On receipt of complaint on 11-5-80, police restored the palanquin to the Scheduled Castes and a case was registered under Section 385 IPC. After this clash on 11-5-80 when some caste Hindus passing by the village lane were assaulted by throwing bricks from roof resulting in the death of one caste Hindu person. Another case under Section 304/IPC was registered. Charge-sheets of both the cases have been submitted after investigation. The cases are subjudice at present and the final outcome is awaited.

(xxvii) It was reported to this Organisation that a marriage party of Scheduled Caste persons had been attacked by some members belonging to Muslim community in Moradabad District, *Uttar Pradesh*. The bridegroom received injuries and was thrown into a ditch. The marriage party had also been looted. Some houses of Scheduled Castes were also burnt and Scheduled Caste ladies insulted. Several persons belonging to Scheduled Castes were stated to have received injuries. The matter was taken up with the District Magistrate, Moradabad and a reply received from him conveyed that Section 144 was imposed in the affected areas and situation brought under control. On 25th August, 1980 the DIG and the Commissioner visited riot affected areas. In this case 7 cases were reported to have been registered. The root cause of this incident was related to the earlier communal riots. 1 person had received serious injuries and 20 others also received minor injuries. All of them were sent for medical treatment. It was further learnt that this incident occurred on account of playing on musical instruments before a mosque. Financial assistance was also provided to the affected persons. Police guards had also been posted to the affected areas.

(xxviii) There was a news item in February, 1981 that a Scheduled Caste youth of Shamshabad Village, Gonda District, *Uttar Pradesh* was allegedly blinded by the police. The victim reported this incident to the District Magistrate alleging that he had also been threatened by the police officers that they would get him killed in an encounter in case the incident was reported to the higher authorities. Details of the incident were awaited.

(xxix) An incident of alleged arson was reported on 4th July, 1980 when the tribal hamlets in Malikunda and six other villages near Islampur West Dinajpur District of *West Bengal* were allegedly destroyed due to police atrocity. Details of the incident were awaited.

(xxx) There were reports that several persons belonging to Scheduled Castes and Scheduled Tribes were injured due to police firing to disperse a mob which had allegedly gathered at Toofanganj Police Station in Coochbehar District of *West Bengal*. It was alleged that the victims had gheraoed police station and demanded the release of 4 persons who had been arrested following a clash between them and refugee settlers over a piece of land in Bazrapur village. Further details were awaited.

Sd/-
(SHISHIR KUMAR),
Commissioner.

RECOMMENDATIONS MADE IN THE REPORT

S. No.	Recommendation/Observation	Reference	
		Para No.	Page No.
1	2	3	4
	CHAPTER 1 — INTRODUCTORY AND GENERAL REVIEW		
1.	As consciousness rises with the awakening of the age, the gap between expectation and fulfilment becomes more yawning than before and more gruelling than generally realised. This dichotomy often causes aberrations of one kind or the other and reactions ranging from psychological indignation to extremist expressions. It is true that the past three decades of independence were by no means wasted years in terms of development and laudable social legislations of which the country can boast of many significant achievements. And yet the pace could not keep up with the march of time	1.1	1
2.	The declaration of the Government of India from no less a person than the Prime Minister to reduce the poverty line by half within the current plan period is perhaps the first serious commitment and positive action plan to attack poverty. But where and how do we draw the poverty line so as to be easily discernible and identifiable. The two-decade old criterion of calories intake with variations from region to region and from cereals to cereals may not be adequate. The line of poverty to be more meaningful and graspable will have to be drawn up in the fields and in occupations and vocations. It is more necessary to do so today when every organised group seeks to raise its income level by by-passing the poor . .	1.2	1
3.	The measurement of poverty poses many difficulties, for, not one single criterion will be able to determine with a degree of satisfaction the extent of our poverty. The phenomenon of poverty in India may not be fully comprehended by relying only on any economic indicator for its breeders lie deep also in our very social structure. The endemic caste factor, continuing to cripple the mobility of a large number of Scheduled Castes and other socially and educationally backward class of more or less comparable socio-economic status as also the isolation of the Scheduled Tribes, are factors to reckon with while computing poverty in this country	1.3	1
4.	No separate percentages of Scheduled Castes and Scheduled Tribes below the poverty line are available but it will be safe to presume that the bulk of these communities are located among the poorest 30 per cent of the population. For instance, as given out by a Member of Parliament from Orissa more than 88 per cent of the Scheduled Tribes of that State are, on the authority of the State Government, below the poverty line	1.14	3
5.	While there is no readily available alternative to the calorie based line of poverty, the attack on it would require concentration of efforts at such points of the continuum of the poverty line where it has the largest concentration and more easily identifiable groups needing immediate care. It is the hard core of poverty that has to be attacked in a more concentrated and systematic manner. The allocations should not be thinly spread out and the strategy for removal of poverty should not degenerate into a generalised approach towards the eradication of poverty	1.17 1.18	4 4

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6.	A number of States could not earmark outlays from the general sectors in proportion to the Scheduled Castes population in those States, on the plea that the bulk of their plan allocations were under non-divisible sectors, viz., power, communications, irrigation etc., not leaving much in the divisible sectors for allocation to the Special Component Plans, with the result that their Special Component Plans were not 'optimal' and they could not threfore, claim the required amount of Special Central Assistance on 'effort based' criteria. A way out would be to identify schemes suitable for the development of Scheduled Castes, from the so-called non-divisible sectors and earmark outlays therefrom in the Special Component Plans, so that the State Governments concerned can get a fair share in the allocation of special central assistance on 'effort-based' criteria . . .	1.21	5
7.	Substantial amounts should flow to Scheduled Castes for implementation of viable schemes for which credit should also be provided to them and the benefits of various schemes implemented by State Governments concerned for the Special Component Plans, should actually accrue to the Scheduled Caste beneficiaries. Some State Governments have opened separate budget heads for the Special Component Plans in order to ensure that funds earmarked for the Special Component Plans are not diverted, as well as to enable effective monitoring of expenditure. The State Governments concerned which have not yet taken this step should do so early	1.22	5
8.	If the Scheduled Caste and Scheduled Tribe families are to be really helped to rise above the poverty line, a substantial amount of investment has to be made for the projects started for them, to generate lasting income-generating assets, to help them to rise above the poverty line. The goal of the Government to riase 15 million families above the poverty line under the integrated rural development programme would require an expenditure of Rs. 13,500 crores, but with the provision made in the Sixth Plan only 56 lakh families including about 11.20 lakh Scheduled Caste families may be covered. Thus about 68.80 lakh Scheduled Caste families will still be left to be covered under the Special Component Plans if the target of 50 per cent of Scheduled Caste families to be assisted to cross the poverty line is to be achieved. Therefore, the efforts to be made through various economic development schemes included under Special Component Plans will have to be intensified by allocating a higher percentage of outlays from the State Plans by the various States	1.25 1.26	5 6
9.	The practice of alienation of tribal lands still continues to remain quite acute. The State Governments concerned should make surveys in the tribal areas to assess the exact magnitude of the problem and keep on reviewing the legislative and executive measures to check alienation of tribal lands in order to find out loopholes therein and take necessary action to plug the same and to restore the alienated land to tribals	1.27	6
10.	The view of the Government of Kerala that restoration of tribal lands alienated by small and middle peasantry, back to tribals will render these small middle peasants landless and economically weaker, are rather disquieting. The Government of Kerala and other State Governments concerned should look at the problem of alienation of tribal lands with more seriousness and with a sense of urgency and take early action to restore the alienated tribal lands so that unscrupulous people may not continue to exploit the situation to their benefit .	1.28	6

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11.	Legislative measures alone may not be sufficient to put a stop to the practice of alienation of tribal lands unless these are supplemented by economic measures to wean away the simple and honest tribal from the clutches of the money-lender who projects himself as a ready solution to all his credit needs. LAMPS already established to meet the long and short term credit needs as well as for the sale and purchase of minor forest produce are not playing the required role. The working of these societies therefore requires a review at a higher level, to find out the bottle-necks in their efficient working and necessary corrective measures to streamline their working to make them really useful to meet all the needs of the tribals, so that the latter are not exploited by the money-lenders and contractors by providing easy credit with a view to ultimately forcing the tribals to alienate their lands .	1.29	6
12.	Social forestry can play a very important role in the economic development of Scheduled Castes and Scheduled Tribes, meeting the requirements of grass, fuel and fodder of the local communities and protecting the illicit cutting of trees . .	1.32	7
13.	The Forest Department of Gujarat is implementing a scheme of plantations designed specially for the tribal areas under which the tribals are permanently engaged for raising plantations over 2.5 hectares and get a fixed monthly income of Rs. 250. If a similar scheme is started by other State Governments it will provide remunerative employment to the landless agricultural labourers and easy supply of fuel, small timber, fodder, etc. etc. to the villagers. The proposal that 10 per cent of the allocation under the NREP should be specifically earmarked for utilisation on programmes of social forestry and fuel plantation is a welcome one, but ultimately the success of the programme will depend on the involvement of the poeple and local voluntary bodies	1.32	7
14.	In order to ensure that more Scheduled Caste/Scheduled Tribe students reach the College/University level of education, it is desirable that the huge wastage and stagnation among the students belonging to these communities is checked and universal coverage of incentives is extended by all States to Scheduled Caste and Scheduled Tribe students. To persuade the Scheduled Caste/Scheduled Tribe parents to send their children to schools cash compensation in the form of opportunity cost, at the rate of at least Rs. 20 per month per child, subject to a suitable means test, should be paid to the parents. Some State Governments like Bihar have initiated such scheme to ensure that more Scheduled Caste/Scheduled Tribe students are enrolled	1.37 1.39	8 8
15.	To increase the participation of Scheduled Castes and Scheduled Tribes in trade and commerce it is necessary that in the fields of new economic opportunities that are opening up in the rural and urban areas, they are helped by means of reservation of dealerships of commodities controlled by the Government and issue of licences/permits to persons belonging to these communities.	1.40	8
16.	Under the Protection of Civil Rights Act, 1955 the Central Government is required to lay every year before each House of Parliament an Annual Report on the working of Section 15-A of the Act. The reasons for not placing the Reports in Parliament for the years 1979 and 1980 are not known and to that extent it deprives the members of Parliament to know the actual implementation of the Central Act	1.43	9

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17.	The State Governments of Andhra Pradesh and Rajasthan have taken steps to set up special courts for trial of offences under the Protection of Civil Rights Act, but information about the work done by these courts is not available. Only the State Governments of Gujarat, Karnataka, Kerala, Madhya Pradesh and Maharashtra have taken some steps to identify disability prone areas . . .	1.44	9
18.	The Gujarat High Court have held that when a person who is 'Dheda' by caste is called 'Dheda', it is not an offence under the Untouchability Offences Act. Cases registered under Section 7 of the P.C.R. Act were difficult to prove on the basis of evidence produced by the investigating authorities in Gujarat. It is, therefore, recommended that Section 7 of the P.C.R. Act may be referred to the Law Commission for suggesting appropriate amendments so as to bring the offenders within the purview of the Act	1.45	9
19.	Surveys conducted by this Organisation, Harijan Sevak Sangh and others about the prevalence of untouchability in various parts of the country should not be allowed to remain on the shelf. Sustained efforts must be made by the State Governments to ensure that the evil of untouchability is eliminated from the places indicated in the various survey reports	1.46	9
20.	Good deal of progress can be achieved in breaking caste barriers by encouraging inter-caste marriages. Some positive steps in this direction have been taken by a number of State Governments mentioned in the Report. The remaining State Governments which have not so far introduced the scheme to encourage inter-caste marriages should also do so. Inter-caste married couples should also be sheltered against any sort of harassment	1.47	10
21.	It is high time that a programme to abolish the inhuman practice of handling night-soil from all nooks and corners of the country is undertaken in a phased manner so that this evil is abolished within the current Sixth Five Year Plan period itself	1.50	10
22.	In depth studies conducted by the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes into some of the serious crimes committed on Scheduled Castes and Scheduled Tribes have revealed that various socio-economic maladies have been causing distress among Scheduled Castes and Scheduled Tribes. Foremost amongst these happen to be denial of equal treatment, their normal rights and privileges, lack of adequate protection for their lands and other prossessions and exploitative practices by vested interests in the matter of wages, rural indebtedness and also the practice of bonded labour. At times, mere expression of their determination to resist an anticipated injustice invites unprovoked heavy-handed treatment resulting in atrocities of varying magnitudes, with law and order machinery pitifully lacking in effectiveness. Inadequate legal protection therefore only helps to aggravate these problems. It is really unfortunate that the affluent sections committing atrocities are helped in their nefarious activities by lower level revenue and police officials and even by politicians	1.52	10
23.	Many of the atrocities on the Scheduled Castes whether in the North or in the South were committed by some of the affluent sections of the so-called backward classes of middle caste peasantry, themselves, for the most part victims of a kind of social discrimination classes now come in more direct contact with the rural poor as competing and invariably opposing economic interests groups, consequently leading to confrontation on issues like minimum wages, share in produce as share		

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	croppers, distribution of surplus lands and recording rights in land. Since an element of kinship is inherent in the caste system, even a section of the rural poor belonging to some backward Castes, although almost similarly placed in economic status as Scheduled Castes and Scheduled Tribes, are often used in perpetrating crime against the Scheduled Castes. It is invariably from the relatively poorer sections of their kins men that the landlord recurits his goons and muscle men to terrorise and oppress the members of the weaker sections unlike the earlier days when zamindars belonging to the so-called upper castes, or advanced backward castes, or even Muslims would recruit their retainers and muscle men from almost all castes for the purposes of subduing their tenants and sub-tenants. And this increasing reliance on muscle men of one's own kinship group appears to be one of the reasons why such cases of atrocities easily tend to acquire the proportion of caste conflicts	1.53 1.54 1.55	10 11 11

24. The natural solidarity and alliance between the Scheduled Castes and Tribes and the village poor similarly placed in social and educational matrix has not been allowed to develop, thanks to the tendency in the States to rely on political expediencies rather than on constitutional imperatives. The injunction of our basic law about socially and educationally backward classes as interpreted by judicial pronouncements has at the hands of the forward classes of the so-called upper castes. A possible explanation of their aggressiveness vis-a-vis the weaker sections is that since the advent of independence the rural scene has undergone some qualitative transformation in terms of property relations and consequent economic and political power in the villages. It is the middle caste peasantry that became the immediate beneficiaries of agrarian reforms along with the upper caste peasant proprietors. Many of the former sub-tenants acquired the status of tenants with consequent elevation of their socio-economic status. In the villages the traditional leadership in the hands of the so-called upper castes has been naturally steadily yielding to the middle caste peasantry. This process of enlarging rural elite from among those placed a degree lower in the social hierarchy was by itself a healthy development, inasmuch as, it exhibited the potentialities of breaking at least some of the Traditional social values bedevilling the agrarian scene. The new elite was capable of guiding production operations with more direct and active physical participation than their forward caste counter-parts for many of whom manual labour in the production operations continue to be social taboo. But the contrast ends here. A process that could help to further release the social forces is now meeting with resistance also at the hands of the emerging affluent middle class among the backward classes. They appear to be equally sensitive to any change in the semi-feudal relations in the agrarian sector, they being, along with some forward class peasantry, the gainers of added surplus accruing to their land yields. This is true for both North and South. These emerging affluent nowhere been strictly adhered to. According to the Supreme Court ruling on Article 15(4), "The backwardness under Article 15(4) must be social or educational. It is not either social or educational". This also perhaps may have been the rationale behind the Central Government cautioning the State Governments "not to go by Caste" alone while choosing their criteria for defining backwardness. Failure to informally apply the combined criteria of social and educational backwardness and also to recognise that both these criteria viewed in combination instead of in isolation are the "inevitable corollaries of the extremes of poverty", has resulted in denying the opportunities of forging natural solidarity among the rural poor to avail in an

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	organised manner the fruits of three decades of development. The possibility of such a thing happening would have acted as a bulwark against the onslaught of the rural rich whether of the forward or backward denomination . . .	1.56 1.57	11 11
25.	The reasons for unrest among the tribal people are, non-fulfilment of their aspirations that have grown faster than the pace of economic development, growing unemployment among the educated youth, continuance of their social and economic exploitation and fear of being overwhelmed by outsiders. It is hoped that remedies would be found to correct the continuing economic exploitation in these areas which, if not tackled on the right lines, may unfold serious consequences . .	1.60	11
26.	The implementation of the laws for restoration of alienated lands to the tribals is lost due to civil litigation by non-tribals moving the High Courts to prevent the restoration of alienated lands to them. This is a vital question which needs the urgent attention of law makers	1.61	12
27.	The tardy implementation of land reforms high-lights the consideration whether not a policy review was needed to put more life and vigour to the land reforms so as to make them more meaningful and worthy of imparting dynamism capable of transforming rural society with aplombs of social justice and also production sans concentration	1.62	12
28.	Land reforms accompanied with conscious efforts at structural changes are to be viewed in the perspective of eradicating poverty and disparity in the rural areas. There may, therefore, be a case of further reducing land ceiling as small farms adequately aided by new technology and inputs could be viable units of agriculture and the declared surplus made available for distribution among the landless . .	1.63	12
29.	On an analysis of the findings of the inspecting teams deputed by the Commissioner of various offices/organisations to investigate into the working of the service safeguards, as also the nature of the representations received, the Commissioner felt that for a more positive impact on the implementation of the reservation orders, the emphasis must be on more and more collective studies so that the problems of the bulk of the employees in a particular organisation could receive immediate attention and solution. And, therefore, equipping the Commissioner with adequate number of inspecting teams as recommended earlier deserves immediate attention.	1.64 3.127	13 84
30.	It is difficult to understand why promotions in the public sector establishments like the B.H.E.L., Instrumentation Ltd., Heavy Engineering Corporation etc. have been kept out of the purview of reservation orders. Even the flier system connoting accelerated promotion may as well degenerate into nepotism to reward less deserving favourites. It, therefore, seems necessary to review this system of upgradation and promotion so that the Schedule Caste and Scheduled Tribe employees are not deprived of their due claims	1.66 3.71	13 69
31.	The policy of a number of public sector Units to fill up posts through direct recruitment and promotions on the basis of internal circulars only, works against the interests of Scheduled Castes and Scheduled Tribes as they are not adequately available among the departmental candidates to avail the quota reserved for them. In such cases it is necessary that instead of filling the posts from general category		

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	candidates, the remaining vacancies reserved for Scheduled Castes/Scheduled Tribes should be filled from the open market	1.67	13
		3.63	67
32.	The most pertinent point we are faced with today is how to narrow, if not to bridge, the hiatus between the running of the administration is run. This becomes more relevant if we take into account the fact that by its very nature the State as a vehicle of advancement and development is increasingly growing collectivist. Such a concept of the State at the present stage of our development dismisses the concept of an administration monopolised by a so-called 'aristocracy of letters'. And therefore, merit and efficiency will have to be used more meaningfull with proper linkages with grass-roots and with a social outlook that promotes change. The increasing intake of people coming from unsophisticated groups and crude environment would certainly improve the quality of administration attuned to change, even if not, able to display an embroidered appearance of the administration. The poor have a stake in change and also in the instrument devised to execute and oversee that change. The elitist conception of administration has, therefore, no place in such a scheme of things	1.71	17
33.	The founding fathers of our Constitution had striven to strike a balance to make the administration more earthy. Theirs was not a case of protecting efficiency in the coventional sense, but, an efficiency, which should be consistent with the ethos of change. Efficiency is a relative term and no absolute meaning can be attached to it. It is subjective as well as situational and therefore its assessment can be objective as well as attitudinal. Efficiency, therefore, has to be understood in relation to the basic objective of providing distributive justice, one of the components of which is to give weightage to the Scheduled Castes and the Scheduled Tribes in employment and in educational institutions. That appears to be the cruse of the policy towards reservation	1.72	17
34.	In promotions within Class I to higher categories of posts such as Deputy Secretaries, Directors, and Joint Secretaries and such like equivalent posts in public sector undertakings and banking establishments etc. where decision making is involved, the element of reservation has still not been introduced in spite of the recommendations to that effect made in earlier Reports and reiterated now . .	1.73	17
		3.7	53
35.	Scheduled Castes of Meenakshipuram are reportedly more well off than many other members of the Scheduled Castes elsewhere and even those of non-Scheduled Caste people of Meenakshipuram itself. And yet, the fact that they were impelled to forego all the benefits accruing to them as members of the Scheduled Castes is indicative of their impatience in seeking a more honourable quality of social life than they as members of Scheduled Castes among Hindus were enjoying. It is this lesson of Meenakshipuram which should not be lost sight of in the great hub bub and hustle of protest and counter-protest in the wake of conversion. It is not the destitutes who are involved in the present spate of conversions but those more awakened to their rights, which fact may cast doubts on any credible reliance on the money theory	1.77	18
36.	Not by bread alone can the distance to social equality be covered for, a psyche to change, needs a jolt, which it is hoped the recent conversions have provided in no small measure. The pace of economic development, therefore, may have its own contribution and a significant one in levelling up a socio-economic fabric and yet		

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	this alone may not be capable enough to bridge the gulf between social ostracism and social equality. Nor modernisation alone can achieve the target of social integration without constant conscious efforts at social development . . .	1.79	19
37.	In the peculiar setting of India, no religion can perhaps claim to be wholly free from the practice of social discrimination. If socio-economic standards are applied, quite a sizeable section of people of Christian and Muslim religious societies may have to be scheduled in the similar manner as in the Hindu and Sikh societies . . .	1.80	19
38.	Not a medieval anchor but a modern social escalator will enable all persons socially discriminated in the religious societies of Muslims, Hindus, Christians, Sikhs to scale the ladder of socio-economic equality. The battle against social discrimination has to be joined on secular lines rather than on religious or communal fronts, for discrimination, in the last analysis, to a secular manifestation of a diseased social order which, in appearance, is contrived to look as religious or communal aberration. It may be futile to seek social integration through the medium of religion. Whatever the claims of theologians, it is secularisation along with which developed the concept of equality in any concrete shape, and its fulfilment can be sought only in more secularization	1.81	19
	CHAPTER 2 — CONSTITUTIONAL SAFEGUARDS		
39.	It is reiterated that, though the Protection of Civil Rights Act, 1955 does not provide for a discussion in Parliament on the Report laid by the Central Government every year on the working of Section 15-A of the Act, yet a discussion thereon would bring out in sharper focus the prevalence of untouchability and the steps that are still required to be taken for its abolition. Necessary provision should be made in the Act requiring the State Governments also to place annual Reports on the working of the Act on the Tables of the State Assemblies and to held discussion on those	2.4	23
40.	It is felt that the work of setting up of Special Courts for trial of offences under the Protection of Civil Rights Act is being done at a slow pace. The State Governments concerned who have not yet established such Courts should do so expeditiously for quick disposal of atrosity cases and offences under the Act and the Criminal Procedure Code	2.8	24
41.	It has been observed that the Committees set up by various State Governments concerned at various levels for the proper implementation of the Protection of Civil Rights Act are almost dormant and seldom meet. The State Governments concerned should ensure that these committees are really vigilant and effective for doing their task. The State Governments concerned who have not yet established such committees should also do so at an early date	2.9	24
42.	Quite a good deal of information is available through the studies conducted by official and non-official organisations about the areas in different States, where untouchability against Scheduled Caste persons is practised in various forms. The State Governments concerned should ensure that the findings of such studies are also taken into due consideration for combating this evil	2.11	25
43.	Identification of bonded labourers in each State concerned should be done by a Research body/University in areas suspected to be prone to bonded labour system, in collaboration with the State Labour Department so that the findings of the studies are quickly available and acted upon by the State Governments	2 23	27

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44.	The Government of Bihar should be more vigilant and make arrangements to provide gainful employment to the tribal persons in their villages during the slack agricultural season and especially when drought occurs in the tribal areas to avoid these persons being taken by local influential persons to work in distant States as bonded labourers.	2.26	27
45.	The backlog of cases of rehabilitation of released bonded labourers in Andhra Pradesh, Bihar, Karnataka and Madhya Pradesh was quite alarming. These States should, therefore, put in special efforts to rehabilitate the remaining bonded labourers. The Central Review Committee under the Ministry of Labour with the representatives of different Departments and State Governments concerned should coordinate all programmes for the rehabilitation of bonded labourers more effectively. . . .	2.29	28
46.	It is astonishing that even when Central assistance is readily available, the State Governments concerned are not coming forward with matching grants for the rehabilitation of bonded labourers. It is reiterated that the State Governments should make optimum utilization of the resources available in the Central and State sectors, under the ongoing schemes in the integrated Area Development Programme and weaker sections development Programme for the purpose of rehabilitating the bonded labourers in their respective areas. The State Governments concerned should gear up their machinery and prepare special scheme for the rehabilitation of these labourers in areas of their concentration where either there is ongoing scheme in operation or the resources available under such schemes are inadequate. Constant watch is required to be kept to prevent relapse of freed labourers into bondage again. All preventive measures are also required to be taken to check this process. As the vast number of agricultural labourers in the country are potential recruits to the bonded labour system by incurring debt bondage, it is felt that the Rural Debt Relief Acts, should be strictly enforced in various States and adequate machinery should be established with arrangements for effective supervision.	2.33	29
47.	The Government of Bihar should take stern action against the lease holders who violate the mining lease contracts in quarries and ensure that labourers get the prescribed minimum wages and that the labour laws are not violated by them. . . .	2.35	30
48.	The recommendations made by the Indian Institute of Public Administration in their evaluation Study of Bonded Labour Rehabilitation Scheme in Tehri-Garhwal in Uttar Pradesh are commendable and if implemented by the State Government seriously may go a long way in improving the lot of the bonded labourers in the areas concerned.	2.36	30
49.	The steps taken by the Government of Andhra Pradesh in organising a systematic survey of the economic levels of the Scheduled Caste and Scheduled Tribe families in the State are welcome. All the other State Governments/Union Territory Administrations concerned should also organise similar surveys in their respective States/ Union Territories. This would help the administration to cover Scheduled Castes/ Tribes bonded labourers also.	2.38	33
50.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979 is quite comprehensive and attempts to deal with the basic problems of most vulnerable sections of the society. It is hoped that the State Governments/Union Territory Administrations concerned would strictly enforce the Act and ensure that rules framed thereunder are not violated. . .	2.40	34
51.	Steps proposed to be taken by the Government of Bihar to post Labour Officers of the rank of Deputy Labour Commissioner in Punjab, Haryana, U.P., and West Bengal to make inspection of the working conditions of the migrant labourers from Bihar in those States, are welcome. The State Government should take coordinated measures to ensure that the migrant labourers from that State are not exploited. .	2.42	34

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52.	It is hoped that the Government of India will bring forward in the near future a suitable legislation for a comprehensive revision of the list of Scheduled Castes and Scheduled Tribes in the present Lok Sabha.	2.64	39
53.	Since Education has since been included in the concurrent list of the Constitution, the Government of India should consider the desirability of enacting Central Legislation in order to put a stop to the practice of admission to educational institutions, by payment of capitation fees.	2.71	40
54.	It is reiterated that the State Governments/Union Territory Administrations which have not so far achieved universal coverage in the grant of pre-matric stipends to Scheduled Castes/Tribes students should take early action to achieve the same. In order to provide incentives to Scheduled Caste/Scheduled Tribe parents, specially those engaged in leather work, fishing, civic sanitation etc., to send their children to schools and to compensate them for the loss in family income which they may have to undergo by sending their children to schools, they should be paid a monthly amount of atleast Rs. 20 per child sent to school, in the form of opportunity cost. . . .	2.72	41
55.	It is reiterated that the scope of the Governors' reports on the Administration of Scheduled Areas should be expanded to cover tribal developmental programmes outside the Scheduled Areas also and clause 3 of the Fifth Schedule to the Constitution should be suitably amended for this purpose. The desirability of laying the Governors' reports in both the Houses of Parliament should also be considered. . . .	2.75	41
56.	It is reiterated that the Tribes Advisory Councils in the States concerned should be reactivated so that they may discharge functions entrusted to them in a more meaningful manner and achieve fully the purpose for which they are constituted. .	2.80	42
57.	The Governments/Administration of Assam, Meghalaya and Mizoram should give liberal grants to the Autonomous District Councils so that these bodies can take up developmental projects for the betterment of the Scheduled Tribes. . . .	2.81	43
58.	It is hoped that the Government of India would announce its decision on the Report of the Second Backward Classes Commission under the Chairmanship of Shri B. P. Mandal, in due course. Sufficient care must be exercised to ensure that the advanced and vocal sections of population may not corner facilities at the cost of really needy and deserving other backward classes.	2.99	46
	CHAPTER 3—REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES		
59.	Though we have not made much headway quantitatively, whatever has been achieved has not percolated down to the weakest among the weak. In service matters, the benefit of reservation could not be distributed evenly amongst the Harijan castes and tribes for various reasons, particularly due to the very low level of education among the weaker of the Scheduled Communities. The present state of their condition deserves greater attention than given earlier so that they also are made capable to compete alongwith others for a meaningful place in the mainstream. Their level of education will have to be raised with special care. . . .	3.4	52
60.	Unless there are specific instructions to make formal reservation in favour of Scheduled Caste and Scheduled Tribe employees in *ad hoc* promotions, their claims would not be considered and it would never be possible to curb the tendency of the appointing authorities to resort to *ad hoc* promotions on one or the other pretext. .	3.6	53

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61.	There are instructions already for application of reservation in direct recruitment posts separately to each batch of recruitment made through examination where such appointments cannot be made simultaneously. It would be appropriate if these instructions are extended to posts filled by promotion also. It is, therefore, suggested that where all the promotions through departmental examinations or otherwise, cannot be made simultaneously, the correct procedure would be to determine the number of vacancies to be reserved for Scheduled Castes and Scheduled Tribes separately according to the roster in each batch of promotion and to make promotions of the required number of general and Scheduled Caste/Scheduled Tribe candidates in that batch.	3.10	54
62.	The Department of Personnel and Administrative Reforms is once again urged to issue immediate instructions to all concerned to ensure that the policy of the Government in regard to reservation which is based on the provisions made in the Constitution is properly interpreted before the courts and the case do not go by default. At the State level, in the case of writ petitions challenging the instructions issued by the Government, State Governments should also issue similar instructions for getting the affidavits vetted by the Department responsible for the framing of rules and instructions in regard to reservation.	3.13	55
63.	The Central Government as well as the State Governments should consider the desirability of giving legal aid to the associations of Scheduled Castes and Scheduled Tribes who are actively involved in defending cases pertaining to reservation in the courts of law.	3.14	55
64.	Although as per the latest instructions, the field of choice for the zone of consideration has been enlarged in the case of Scheduled Caste and Scheduled Tribe candidates, it is felt that the objective to ensure promotion of such candidates would be better served by having a separate zone of consideration for the reserved vacancies. . .	3.15	55
65.	It is hoped that the Government will consider the need to recognise all associations of Scheduled Caste/Scheduled Tribe employees receiving grant-in-aid from the Government for the purpose of notifying reserved vacancies. As regards giving them recognition for the purposes of taking up grievances, the Government should issue suitable guidelines to be followed by various Ministries/Departments and Public Sector Enterprises.	3.22	57
66.	It is recommended that the Government should take serious view of anti-reservation activities and examine the matter entirely, if its necessary, in consultation with the Ministry of Law in order to curb organised anti-reservation activities of non-Scheduled Caste/Scheduled Tribe employees and their associations. It is unfortunate that the note of caution sounded by the Commissioner in some of his reports on the anti-reservation trends in some parts of the country was not heeded to. It is felt that if timely action as suggested by the Commissioner had been taken perhaps much of the unpleasant situation witnessed today could have been avoided.	3.26 3.52	57 63
67.	As suggested by the Commissioner in his communication to the Department of Personnel and Administrative Reforms complete and up-to-date Statewise list of Scheduled Castes and Scheduled Tribes should be included as an appendix to the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services for ready reference by the implementing authorities who are required to consult such lists quite often.	3.28	58
68.	For the sake of continuity, copies of all the instructions issued by the Ministry of Home Affairs/Department of Personnel and Administrative Reforms from time to time are incorporated in the Brochure on Reservation for Scheduled Castes and		

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	Scheduled Tribes in Services. But some of these instructions are later on either superseded or partially modified. It is suggested that while incorporating the superseded/modified instructions in the Brochure, a note should be appended at the bottom of the relevant page indicating the supersession/modification of a particular instruction with particular reference and date.	3.29	58
69.	According to instructions issued by the Government of India, Scheduled Caste/ Scheduled Tribe certificates can be issued by the District Magistrate/Deputy Commissioner/Collector/first Class Stipendiary Magistrate/Presidency Magistrate/Revenue Officers (not below the rank of Tehsildar) and Sub-Divisional officer of the area where the candidate and his family ordinarily reside. But the Government of Andhra Pradesh have empowered the gazetted officers of the State Government to issue such certificates. It is recommended that the Government of Andhra Pradesh should reconsider the matter and issue necessary instructions to ensure that the Scheduled Caste/Scheduled Tribe Certificates are issued by the Magistrate or Revenue authorities not below the rank of Tehsildar as specified by the Ministry of Home Affairs, Government of India.	3.31 3.32	58 58
70.	The Government of Karnataka were advised by the Commissioner in March 1978 to ensure that the Caste/Tribe certificates were issued by the competent authorities and authorities so empowered should exercise proper care before issuing the certificates. The Government of Karnataka have not so far furnished any report of the action taken.	3.33	58
71.	There were instances particularly in the Southern States that persons professing Christian religion had managed to secure Scheduled Caste certificates on the plea that their caste found a place in the Presidential orders notifying the Scheduled Castes and Scheduled Tribes in various States. It is, therefore, necessary to introduce a provision in the form of the Caste/Tribe certifficate seeking information about the religion of the applicant with a footnote for the guidance of issuing authority that a Scheduled Castes certificate can be issued in favour of persons professing Hindu or Sikh religion only.	3.34	59
72.	Similarly there were instances where some of the persons had got the Caste Certificates on the basis of their marriage to a spouse belonging to Scheduled Caste/ Scheduled Tribe. According to the guiding principles the status of a person not belonging to Scheduled Caste/Scheduled Tribe is not changed by virtue of his/her marriage to a person belonging to Scheduled Caste/Scheduled Tribe. It is, therefore, necessary to add a suitable note to this effect in the prescribed form for the guidance of the competent authorities.	3.35	59
73.	There is a need for the Home Ministry to reiterate the guidelines with regard to the issue of caste/tribe certificate and to make the issuing authorities responsible for verification.	3.36	59
74.	Despite the instructions issued by the Department of Personnel and Administrative Reform for a prompt response by the concerned authorities to the communications from the Office of the Commissioner for Scheduled Castes and Scheduled Tribes in regard to service grievances of Scheduled Caste and Scheduled Tribe employees these references seldom fetch a satisfactory and prompt response from the authorities concerned. It is, therefore, suggested that the Department of Personnel and		

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	Administrative Reforms should amend their earlier instructions suitably by prescribing a time limit of one month for responding to the communications sent to various Ministries/Departments/Organisations in respect of service grievances of Scheduled Castes and Scheduled Tribes.	3.37	59
75.	It is unfortunate that in spite of a decision taken by the High Power Committee, no formal orders have so far been issued in regard to formal appointment of Scheduled Caste/Scheduled Tribe candidates who have qualified in the written test for the Clerks Grade Examination subject to their passing the type-writing test within a reasonable period. It is, therefore, suggested that urgent steps should be taken to issue necessary instructions in this regard. Such candidates can also be nominated for appointment against reserved vacancies in the organisations where they require non-typists.	3.38	60
76.	It was noticed that the information supplied by the Department of Personnel and Administrative Reforms did not reflect the correct position at least insofar as it mentioned that there was no case of dereservation of reserved vacancies during the year 1979 in which Scheduled Caste/Scheduled Tribe candidates were available but not found suitable and that there was no case in which ex post facto approval was sought. In fact on scrutiny conducted by the Office of the Commissioner in one Ministry alone, it was found that there were a number of cases in which general candidates had already been appointed/promoted without obtaining prior approval from the Department of Personnel and Administrative Reforms. A further probe in cases pertaining to other Ministries/Departments may bring out more such cases. It is, therefore, hoped that this Department would be more careful in supplying correct and factual information as also ensure further that proper vigilance is exercised by the various Ministries/Departments to follow the instructions scrupulously. . .	3.42	61
77.	It is reiterated that period of carry-forward should not be restricted to 3 years and the reserved vacancies should not be allowed to lapse. It has been recommended that in order to ensure that quota reserved for Scheduled Castes and Scheduled Tribes is fully utilised, the reserved vacancies be carried forward till they are actually filled by the relevant category candidates.	3.43 3.44	61 61
78.	The efforts of the Food Corporation of India to conduct Refresher/Appreciation Courses for staff and Officers dealing with the subject of reservation for Scheduled Castes and Scheduled Tribes were commended in the previous Report but this Corporation conducted only one such course thereafter. As there is a need for conducting such courses on a regular basis the Food Corporation of India is advised to conduct these courses at regular intervals.	3.47	62
79.	Bharat Heavy Electricals Ltd. is one of the biggest public sector enterprises having a large employment potential and, therefore, it is necessary that the implementation machinery in regard to reservation orders for Scheduled Castes and Scheduled Tribes is geared from time to time and tuned fully to achieve the goal of adequate representation for Scheduled Castes and Scheduled Tribes in its services. It is, therefore, expected that the Bharat Heavy Electricals Ltd. Management would make it a regular feature to conduct courses on reservation for Scheduled Castes and Scheduled Tribes for the benefit of their officers dealing with this subject at regular intervals. It is further hoped that other bigger enterprises would also initiate action for conducting similar Appreciation Courses/Seminars for the benefit of their Officers. . . .	3.48	62

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80.	There has been a good deal of delay in regard to the follow-up action by the Department of Personnel and Administrative Reforms on the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes in his Annual Reports pertaining to policy matters relating to reservation for Scheduled Castes and Scheduled Tribes. It is hoped that the Department would expedite the decisions on pending policy issues.	3.50	63
81.	Insofar as the recommendations pertaining to service safeguards under the State Governments are concerned, the response in furnishing follow-up action reports by the State Governments has been very poor. It is, therefore, recommended that all State Governments should take this issue seriously and help the Commissioner in the discharge of his Constitutional obligation by sending reports of follow-up action within three months.	3.51	63
82.	One of the important functions of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes is "to consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution and to report as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the administration of the Union Territories". It is hoped that the Committee would lay greater stress on this aspect, as its support would help in expediting decisions from the authorities concerned.	3.52	63
83.	There should be Legislature Committees in all the States on the pattern of Parliamentary Committee on the Welfare of Scheduled Castes/Scheduled Tribes to ensure follow-up action on the recommendations in the Commissioner's reports. .	3.53	64
84.	The information regarding representation of Scheduled Castes and Scheduled Tribes in the services under the Central Government as on 1st January each year is required to be furnished by each Ministry/Department to the Department of Personnel and Administrative Reforms. In spite of these instructions, some of the major and important Ministries/Departments were taking unduly long time to furnish this information with the result that the same could not be included in the Commissioner's Annual Report. It is for the Department of Personnel and Administrative Reforms to examine as to which Ministries/Departments have failed to furnish the information as on 1st January, 1980 to that Department by 31st March, 1980 and that as on 1-1-1981 by 31st March, 1981, without any valid reason and the action taken by that Department to remedy the situation.	3.55	64
85.	In majority of all India and Central Services the representation of Scheduled Castes is poor and that of Scheduled Tribes is negligible. There is need to take special steps to attract more of these candidates particularly the Scheduled Tribes for appointment in these services. There are All India Services pre-examination training Centres which are training the Scheduled Caste/Scheduled Tribe candidates mainly for IAS/IPS and the Combined Engineering Services examinations. Desirability of arranging similar pre-examination coaching and training for viva voce for these services may also be considered. The suggestion regarding opening of training centres at places nearer the concentration of Scheduled Tribe population in the States is also worthy of consideration.	3.59	66
86.	As mentioned in earlier reports, it is felt, that unless element of reservation for Scheduled Caste and Scheduled Tribe is introduced in the recruitment of Armed Forces, the position of repreculation of Scheduled Castes/Scheduled Tribes is not		

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	likely to improve in the near future. For increasing their intake the Ministry of Defence might also consider the desirability of introducing the pre-recruitment training programme for the Scheduled Caste/Scheduled Tribe candidates. . . .	3.61	66
87.	As a result of upward revision of pay scales, certain Group D posts have been shown in Group C posts which has resulted in the inflated representation of Scheduled Castes and Scheduled Tribes in Group C posts. The Bureau of Public Enterprises is requested to issue necessary instructions so that those posts continue to be treated as Group D posts.	3.62	67
88.	There is a huge backlog in the representation of Scheduled Castes and Scheduled Tribes in many public sector undertakings particularly in Group A and Group B posts. This has been due to the fact that enough Scheduled Caste/Scheduled Tribe candidates were not available to fill up the vacancies reserved for them in the senior positions. It would, therefore, be advisable to take more and more Scheduled Caste/Scheduled Tribe candidates at the existing induction levels available in Group A & B posts and also to open direct recruitment avenues in posts at present filled by promotion only. Bureau of Public Enterprises is advised to issue suitable instructions through various Ministries/Departments suggesting the above steps for clearing the backlog in Senior Group A and Group B posts.	3.64	67
89.	The procedure for dereservation of reserved vacancies has to be followed after ensuring that all the steps prescribed for filling the reserved vacancies have been taken. The Bureau of Public Enterprises should issue suitable guidelines emphasising the need for taking all the prescribed steps for recruitment of Scheduled Caste/Scheduled Tribe candidates against the reserved quota and the importance of following the procedure for dereservation of reserved vacancies.	3.67 3.68	68 69
90.	According to the orders of Ministry of Works and Housing, reservation has to be made for Scheduled Castes and Scheduled Tribes to the extent of 10 per cent in Type I and II (the lowest two types of accommodation) and to the extent of 5 per cent in types III and IV (the next two types of accommodation). It has been noticed that in some public sector organisations reservation is allowed only to the extent of 5 per cent and in some others reservation is not allowed in types III and IV. It is recommended that Bureau of Public Enterprises should issue necessary instructions for uniform application of reservation orders in the company-built residential accommodation in favour of Scheduled Castes and Scheduled Tribes in all the public sector units. . .	3.69	69
91.	It has, further been recommended to the Government that in the matter of allotment of Government or company-built accommodation, reservation for these communities should be provided in all types of accommodation and to the extent of reservation prescribed for them in the services i.e. 15 per cent for Scheduled Castes and 7.5 per cent for Scheduled Tribes. The Government is urged to examine this matter early and expedite a decision thereon.	3.70	69
92.	In some organisations the qualification of Higher Secondary for certain categories of posts and graduation/diploma for some other categories of posts was not prescribed for promotion to the next higher grade in the case of existing employees. The managements of such organisations later on decided to introduce an element of qualification for promotion to certain categories of posts. This has deprived mostly the employees belonging to Scheduled Castes and Scheduled Tribes of the benefit of promotion to next higher grade. It should, therefore, be ensured that any change made in the recruitment rules should not affect the existing employees.	3.72	70

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93.	It is felt that still many persons belonging to Scheduled Castes and Scheduled Tribes are not going up to the level of post-graduation and where they do, many do not secure first class. It is, therefore, suggested that Central and State Governments should issue suitable guidelines to prescribe the minimum qualification of graduation or post-graduation, as the case may be, and not to insist on the first or high second class particularly in a situation where sufficient number of candidates belonging to Scheduled Castes and Scheduled Tribes are not available.	3.73	70
94.	Instructions have been issued both by the Government of India and the Bureau of Public Enterprises that their employees, who are committed to serve the present employer under a bond for a certain period the terms of their bond upon their selection in a Government or a public sector enterprises can be transferred alongwith them. However, in the case of N.T.P.C., such an exemption came in conflict with the Government policy of liberally forwarding the applications of Scheduled Caste/Scheduled Tribe employees for employment elsewhere and allowing them to better their career prospects. It is, therefore, recommended, that the policy of exemption from the general provision should be discouraged and where it becomes absolutely necessary to grant such an exemption to a particular organisation, it should not come in the way of Scheduled Caste and Scheduled Tribe employees.	3.76	71
95.	The provision of carry-forward of the backlog in promotions to officers' cadres in the public sector and nationalised banks has been allowed to be operative for five years with a proviso that the position would be reviewed after five years. It has, to be ensured by the Banking Division that the instructions are complied with by all the banks strictly and uniformly, and the vacancies in the promotion quota are reflected on 40-point rosters.	3.80	71
96.	It is felt that the present set up in the Banking Division of the Ministry of Finance for collection of statistics regarding representation of Scheduled Castes and Scheduled Tribes and for dealing with reservations matters in the nationalised and public sector banks is not adequate and, therefore, ineffective. There is a need to strengthen and reorgnise that set up to look after this work in the Banking Division so that it could effectively safeguard the interests of Scheduled Castes and Scheduled Tribes. .	3.81	72
97.	The Punjab National Bank, informed the Commissioner about their proposal for having a pre-recruitment training programme for Scheduled Caste/Scheduled Tribe candidates aspiring for a career in banking sector at their six residential training centres, located at Delhi, Calcutta, Chandigarh, Jaipur, Kanpur and Hyderabad, with stipend and free boarding and lodging facilities. It is felt that such a training programme if adopted by other banking institutions or even arranged by the Banking Division of the Department of Economic Affairs, centrally, for both officers and clerical grades under the public sector and nationalised banks, would certainly improve the chances of selection of Scheduled Caste/Scheduled Tribe candidates. .	3.85	73
98.	During the course of investigations into the representations received from various bank employees' unions, it was observed that while selections for promotion to various officers grades in the banks were made on All India basis, the vacancy rosters to provide reservations for Scheduled Castes and Scheduled Tribes were generally maintained by the respective regional offices. It has been noted that while posting selected candidates, normally the position in the select list alone has been taken into consideration and not the reservation aspect. It is felt that the posting of Scheduled Caste and Scheduled Tribe candidates from a combined select list should be guided by the number of vacancies reserved for them in each region.	3.86	73

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99.	Time and again it has been emphasised in various reports of the Commissioner for Scheduled Castes and Scheduled Tribes that due attention has not been paid to the question of reservation for Scheduled Castes and Scheduled Tribes in services under the Universities. It is rather disappointing that the Ministry of Education and the University Grants Commission have not so far taken the issue of reservation for Scheduled Castes and Scheduled Tribes seriously even for ministerial services. It is high time that the Ministry of Education and University Grants Commission exert their position to bring round the Universities to accept the principle of reservation in all services under them	3.89	75
100.	It was intimated that the Executive Council of the Delhi University was not in favour of reservation at promotional level on the plea that it would be detrimental to the efficiency in the University. It is obligatory on the part of the Central Universities to apply reservation to promotional posts under them but the stand taken by the Delhi University is against the interests of the Scheduled Caste/Scheduled Tribe employees. As recommended in the twenty-fourth Report (1975—77), it is reiterated that the Ministry of Education should evolve uniform guidelines for all the Central and State Universities to implement the constitutional provision either on the pattern of the Central Government or the State Government, as the case may be, by amending, if necessary, the relevant provision of the University Grants Commission/University Acts	3.90	75
101.	The recommendation made in the 24th Report that "the High Courts which have not accepted the principle of reservation or have not so far started giving effect to the reservation orders both at the ime of initial recruitment and promotion in the ministerial, State Judicial and Higher Judicial Services, should do so without any further delay" is reiterated. The Union Ministry of Law, Justice and Company Affairs should also take suitable steps immediately to persuade various High Courts and State Governments to fall in line in the matter of reservation in the Judicial Services and Ministerial posts under the High Courts	3.92 3.93	76 76
102.	It is recommended that the question of introducing reservation for Scheduled Castes and Scheduled Tribes in services and posts under the private sector should be reconsidered and reviewed at the highest level and immediate steps to be taken to make statutory provisions for extension of the Government reservation policy to the private sector establishments	3.99	78
103.	It is unfortunate that the reserved vacancies notified to the employment exchanges during 1979 could be filled up only to the extent of 49.2 per cent for Scheduled Castes and 30.3 per cent for Scheduled Tribes. This is despite the fact that a large number of Scheduled Caste and Scheduled Tribe candidates including 6.49 lakhs Scheduled Castes and 1.20 lakhs Scheduled Tribes in the educated groups in various disciplines were on the live registers at the end of 1979. It is felt that prompt action on the part of the Employment Exchanges to nominate Scheduled Caste/Scheduled Tribe candidates against the requisitions received for reserved vacancies and timely issuance of the non-availablity certificates can help in the quicker recruitment action. The Directorate General of Employment and Training should issue instructions to all the Employment Exchanges to clear the requisitions for reserved vacancies received by them within 3 to 4 days and in the event of the non-availability of Scheduled Caste/Scheduled Tribe candidates with them, necessary certificates issued in a week's time	3.100 3.101	78 79

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104.	It was noticed that out of 125 Scheduled Caste candidates who appeared in the I.A.S. etc. examinations, through the All India Services Pre-examination training Centres only 8 were successful. The results are not commensurate with the expenditure being incurred by the Government on these Centres. The Scheme needs to be reviewed in the light of better results shown by the private institutions financed by the Ministry of Home Affairs	3.102	79
105.	According to the information collected from the Directorate of Employment and Training, the special coaching scheme had been introduced in Delhi and Ghaziabad as a pilot project, keeping in view the difficulty being faced by various Ministries/Departments/State Governments/Public Sector Undertakings in filling up the vacancies of clerks/stenographers reserved for Scheduled Castes and Scheduled Tribes. According to an assessment made only about 60 per cent of the trainees succeeded in getting employment in one or the other organisation. It would be necessary to ensure that the Training Centre authorities follow-up the matter to find out the exact number of successful Scheduled Caste/Scheduled Tribe candidates, as in the case of other pre-examination training centres	3.105	80
106.	Ministry of Labour & Employment have issued instructions that all establishments under the control of various Ministries/Departments implementing the instructions regarding apprenticeship training under the Apprenticeship Act, should fill at least 50 per cent of the direct recruitment vacancies from among the trained apprentices. It would be appreciated if that Ministry issued further instructions to the effect that while considering the absorption of the trained apprentices to the extent of 50 per cent, efforts should be made to absorb all the candidates belonging to Scheduled Castes and Scheduled Tribes	3.112 3.113	81 81
107.	Ministry of Home Affairs is once again urged to ensure that information regarding the representation of Scheduled Castes and Scheduled Tribes in the services under various State Governments as on 1st January each year is furnished to the Commissioner for Scheduled Castes and Scheduled Tribes latest by 30th June . .	3.123	83
108.	It is recommended that all State Governments should make concerted efforts including special recruitment drive to clear the backlog. Where there are constraints in regard to the availability of enough vacancies to the extent of the backlog, the State Governments should create, where feasible, additional vacancies to be filled exclusively by Scheduled Castes/Scheduled Tribe candidates	3.124	84
109.	A special reference needs to be made to the recent announcement (February, 1981) by the Chief Minister of Uttar Pradesh wherein he has assured that all vacancies reserved for Scheduled Castes and Scheduled Tribes would be filled by the respective category candidates only and the efforts to select these candidates would continue till those candidates were eventually available for appointment. It is hoped that other State Governments would also take similar steps in order to ensure adequate representation of Scheduled Castes and Scheduled Tribes in their services . .	3.124	84
110.	It is reiterated that in every State/Union Territory there should be a State Level Committee to assess the performance of various Departments in the matter of implementations of Service safeguards. These committees should preferably be under the Chairmanship of the Chief Minister. It should also be ensured that such Committees should meet frequently to check up the progressive representation of Scheduled Castes and Scheduled Tribes in State/Union Territory Services and suggest measures to improve their intake	3.125 3.126	84 84

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111.	In the Report for the year 1978-79 (Para 3.132), a bare minimum requirement of ten inspecting teams each consisting of one Research Officer, two investigators with supporting staff was stressed. But it is unfortunate that the Government have not yet agreed to sanction additional inspecting teams for the purpose. It is hoped that the Government would realise the importance of providing adequate number of inspecting teams for the purposes of investigating into the working of service safeguards in the various organisations spread out throughout the country	3.127	84
111A.	It is inherent in the very nature of the obligations enjoined upon the Commissioner by the Constitution that there will be adequate and prompt response by the authorities concerned in matter of investigations into the Constitutional safeguards. Any indifference shown anywhere in this regard should be viewed seriously	3.133	87
112.	Perhaps no other office, either at the Centre or in the States, can be found to be working as chronically understaffed as the Office of the Commissioner for Scheduled Castes and Scheduled Tribes. This is a case of ever increasing work-load and shrinking strength. It was in this context that the Commissioner suggested in his previous Report that, his administrative control ought to be extended to the Regional Offices in various States so as to enable him to discharge his onerous constitutional obligations with some credibility	3.134	87
		3.134	87
113.	In order to ensure speedy investigation and prompt disposal of representations received from Scheduled Castes and Scheduled Tribe employees, it is absolutely necessary that the present inadequate machinery at the disposal of the Commissioner for Scheduled Caste and Scheduled Tribes is suitably strengthened in order to ensure more speedy disposal of representations connected with various constitutional safeguards .	3.136	87
	CHAPTER 4 — ECONOMIC DEVELOPMENT		
114.	A number of States were not able to formulate optimal Special Component Plans for Scheduled Castes because the bulk of their plan allocations were for sectors which were non-divisible, leaving too little in the divisible sectors from which their special Component Plans had to be drawn, Such States may not be allocated their due share in the allocations of the Special Central Assistance to be made on the effort-based criteria. Some way has, therefore, to be found to solve this problem to enable the States concerned to get a fair share in the allocation of Special Central Assistance on effort-based criteria. A method should therefore, be evolved to earmark funds from the non-divisible sectors for the Special Component Plans. For that purpose programmes/schemes and outlays suitable for the development of Scheduled Castes can be identified in these sectors. The State Governments concerned should adopt this need based approach to earmark proportional outlays from the so-called non-divisible sectors and optimise the special component plans by raising the outlays earmarked to the Special Component Plans in proportion to the Scheduled Castes population in the States concerned	4.20	99
115.	Mere allocation of increased funds for the Special Component Plan by the Government of Bihar is not enough, unless serious efforts are made to implement the various programmes under the Plan and unless it is also ensured that the benefits of the various programmes actually reach the Scheduled Castes beneficiaries in ample measures	4.28	104

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116.	The specific target groups among Scheduled Castes should be identified to the State Governments concerned and the Scheduled Castes families in each target group should be listed for framing meaningful programmes for them in the Special Component plans for Scheduled Castes. It should be ensured that while doing so, no Scheduled Caste family below the poverty line is left out	4.30	104
117.	The Central Ministries concerned should take early action to finalise their Special Component Plans for Scheduled Castes	4.37	106
118.	The commercial Banks should be required to see that credit is advanced to Scheduled Castes persons against sound and viable schemes in the Special Component Plans for those communities. The practice of asking for third party surety should be completely given up in the case of Scheduled Castes beneficiaries and the only security to be insisted upon should be that of the asset created with the credit. A similar approach should also be followed in respect of co-operative institutions dealing with short, medium and long-term credit. Close liaison of banks and co-operatives with the Development Departments and agencies working in the field and Scheduled Castes Development Corporations should be maintained	4.38	106
119.	All the State Governments concerned should take necessary action to ensure that the implementation of various developmental programmes for Scheduled Castes in the Special Component Plans, is paid special attention by the district authorities concerned. For the success of the various developmental programmes for the Scheduled Castes, it is also necessary that the arrangements for concurrent monitoring and evaluation should be made at all levels—the Block, the District, the State and the Centre. In respect of composite schemes, the departments which have been charged with the overall responsibility should be made responsible for monitoring and evaluation as well as for necessary correctional measures	4.39 4.40	107 107
120.	The State Governments concerned which have not so far provided separate budgetary heads for the Special Component Plans for Scheduled Castes should take early action to do so	4.41	107
121.	All the State Governments concerned should ensure that for the implementation of the various developmental schemes for Scheduled Castes, officers with integrity and zeal to work for the welfare of these communities should be posted in the field. They should be suitably compensated for postings at disadvantaged places by paying them adequate special allowances. Frequent transfers of these officers should be avoided and an officer should be allowed to complete a tenure of at least 5 years at a place before his transfer to another place, in order to enable him to make use of the experience gained by him at that place	4.42	107
122.	Various State Governments/Union Territory Administrations should ensure that the proportion of Scheduled Caste and Scheduled Tribe beneficiaries in the various schemes under the Integrated Rural Development Programme, correspond at least to the percentage of Scheduled Caste and Scheduled Tribe population among the target groups. Unless this is done, the Scheduled Caste and Scheduled Tribe persons will not get their due share from various schemes being implemented under the programme	4.49	108

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123.	The action taken by the Government of Haryana to increase the rates of subsidies for various schemes, varying from 35% to 100% in the case of Scheduled Caste cultivators, is commendable. Other State Cultivators, is commendable. Other State Governments/Union Territory Administrations should also take similar action to increase the rates of subsidies, for Scheduled Caste beneficiaries . . .	4.50	109
124.	The Government of West Bengal should ensure that the Scheduled Castes and Scheduled Tribes actually derive benefits from the various schemes under the Integrated Rural Development Programme at least in proportion to the percentage of their population in the target groups	4.52	110
125.	The Scheduled Caste Development Corporations in all the States concerned should follow the example of the Corporation in Gujarat and take up schemes for assisting in the formation of Cooperative Societies of Scheduled Castes, in the case of which the sale of the end-product by an Apex Cooperative Body is assured . . .	4.57 (iv)	112
126.	The Reserve Bank of India should issue necessary instructions to the Commercial Banks in West Bengal to relax their security norms for extending bank finance to the projects sponsored by the West Bengal Scheduled Castes Development and Finance Corporation	4.57 (xiii)	116
127.	The proposal of the Himachal Pradesh Scheduled Castes Development Corporation to increase the limit of margin money assistance available to Scheduled Caste beneficiaries in respect of each economically viable and blankable scheme, from Rs. 6,000 to Rs. 10,000 is commendable. All the other Scheduled Castes Development Corporations and the State Governments concrened should also consider the desirability of taking similar action in the matter	4.58	116
128.	The attitude of the nationalised Banks in Kerala in expressing their inability to give loans to the Scheduled Caste persons, is perhaps not in consonance with the instructions issued by the Reserve Bank of India to the nationalised Banks in this regard. The Reserve Bank of India should look into the matter and instruct the Commercial Banks in Kerala as well as other States concerned to provide necessary credit to the Scheduled Caste/Scheduled Tribe beneficiaries against viable schemes forwarded by State Development Corporations for Scheduled Castes	4.58	116
129.	The Scheduled Castes Development Corporations which have not so far delegated powers to the District Level Officers should do so early in order to avoid delays in the sanction of loans to beneficiaries for different schemes	4.60	118
130.	All the State Governments/Union Territory Administrations concerned should take early action to identify Cooperative Societies having majority of Scheduled Castes members and send proposals for availing assistance for these Cooperatives from the National Cooperative Development Corporation	4.63	119
131.	The State Governments/Union Territory Administrations concerned should take urgent necessary action to implement the recommendations made in the meeting organised by the National Cooperative Development Corporation on 10th September, 1980 at New Delhi to discuss the problems of Scheduled Castes Cooperatives, in order to ensure that the Scheduled Caste Cooperatives are able to secure adequate financial assistance from the N.C.D.C.	4.66	120
132.	A stage has been reached when any half-hearted attempts to eliminate scavenging of dry latrines will not serve any purpose and a time-bound programme should be formulated by the Government of India in this regard to eliminate scavenging completely and not to allow its continuance even in a reduced or attenuated form any more	4.71	123

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133.	The proposals of the U.N.D.P. Global Project to abolish scavenging completely are commendable. The Union Ministry of Works & Housing should look into these and consider the desirability of implementing the same by making necessary provisions for the purpose in the Sixth Plan itself, in order to completely stop the practice of scavenging by hand and carrying night soil as head-loads. It is also desirable that a comprehensive and time-bound programme for providing alternative employment to the scavengers should be initiated on top priority	4.75	124
134.	The Reserve Bank of India should issue necessary instructions to the Commercial Banks in Jammu & Kashmir, Delhi, Sikkim, West Bengal, Andaman & Nicobar Islands, Madhya Pradesh, Karnataka, Kerala, Tamil Nadu, Pondicherry and Goa, Daman & Diu, to raise their advances to the Scheduled Castes and Scheduled Tribes under the Differential Rates of Interest Scheme to a minimum of 40 per cent .	4.78	124
135.	1 per cent of the aggregate advances earmarked to be sanctioned by Commercial Banks under the Differential Rates of Interest Schemes would not serve the needs of the eligible categories, specially the Scheduled Castes and Scheduled Tribes. It is desirable that at least 10% of the total loans advanced by the banks should be given to the persons belonging to these communities to improve their medium and long-term credit requirements. Cooperatives organised for the Scheduled Castes and Scheduled Tribes should also be eligible to get loans under the schemes	4.79	124
136.	The Commercial Banks which have not so far taken necessary action to advance housing loans to Scheduled Castes and Scheduled Tribes beneficiaries at Differential Rate of Interest, may do so now at an early date, as provided in the guidelines issued by the Reserve Bank of India in this regard	4.81	126
137.	All the regional Rural Banks which have not yet started maintaining separate date with regard to the assistance provided by them to the Scheduled Caste and Scheduled Tribe persons as well as to other weaker sections of the population, should do so at an early date	4.83	126
138.	All the State Governments/Union Territory Administrations concerned should ensure that the percentage of Scheduled Caste/Scheduled Tribe entrepreneurs identified and assisted under the scheme of District Industries Centres, are at least in proportion to the population of Scheduled Castes/Scheduled Tribes in the target groups	4.84	127
139.	The National scheme for training of rural youth for self-employment (TRYSEM) appears to have great potentialities for providing training to the Scheduled Caste/ Scheduled Tribe beneficiaries for their self-employment. It is desirable that while selecting beneficiaries under the scheme it should be ensured that the percentage of Scheduled Caste/Scheduled Tribe persons is at least in proportion to the percentage of their population, in the districts concerned	4.86	128
140.	The Commissioner for Scheduled Castes and Scheduled Tribes, during his discussions with the Chief Minister of Bihar in July, 1980, suggested that instead of the existing policy of the State Government to give preference to the Scheduled Caste/Scheduled Tribe Persons in the allotment of Fair Price Shops, suitable reservation to the extent of 14% and 10% should be made for the Scheduled Castes and Scheduled Tribes respectively and that they should be given all possible facilities through the State Scheduled Castes Development Corporation, by advancing them loans at nominal rates of interest and 50% of the new fair price shops opened in the urban areas should be given to the Scheduled Caste/Scheduled Tribe persons, who should also be allotted at least one shop at each of the block headquarters and other villages which were		

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	linked with good communication system, because it was difficult for these persons to run these shops at the existing rates of commission in the rural areas. The State Government should consider the desirability of implementing these suggestions at an early date	4.88	130
141.	All the State Governments/Union Territory Administrations should take necessary steps to ensure that the number of fair price shops/agencies allotted to Scheduled Caste/Scheduled Tribe persons is at least in proportion to their population in the respective State Union Territories and that they are given loans through Scheduled Caste/Scheduled Tribe Development Corporations at nominal rates of interest, in order to encourage them to enter these professions. For the allotment of the fair price shops in the inaccessible tribal areas, the State Governments concerned should ensure that the norm of minimum population coverage is relaxed according to the guidelines issued by the Government of India in this regard	4.89	130
142.	The Union Ministry of Petroleum, Chemicals and Fertilizers should ensure that at least 25% of the fertilizer dealerships are awarded by various fertilizer Companies to Scheduled Caste and Scheduled Tribe persons	4.91	130
143.	While formulating and implementing various legal aid schemes, the Committee for implementing legal aid schemes constituted by the Central Government should specially keep in view the interest of the Scheduled Castes and Scheduled Tribes who form the bulk of the poor people	4.94	131
144.	Specific provisions for free legal aid to the poor Scheduled Caste/Scheduled Tribe persons should be made by the State Governments/Union Territory Administrations who have not so far provided for the same. It is also desirable that a more liberal 'means test' should be prescribed for the Scheduled Caste/Scheduled Tribe beneficiaries in order to cover a larger number of beneficiaries	4.96	134
145.	The Government of Uttar Pradesh should take necessary action to ensure that part of the remuneration for consultancy provided to poor Scheduled Caste persons involved in various types of cases, is paid to the Assistant District Government Councils (Harijan Welfare) appointed by the State Government for this purpose to give them incentive for their work	4.98	134
146.	All the State Governments/Union Territory Administrations who have not yet prescribed adequate fees for lawyers taking up cases in various legal aid schemes, should do so at an early date in order to make the same attractive for the lawyers to come forward to take up cases for Scheduled Caste/Scheduled Tribe persons under the Legal Aid Scheme	4.98	134
147.	Provisions made by some State Governments that no legal aid shall be allowed if litigation is between two Scheduled Castes/Tribe parties do not appear to be logical because even in cases where both the parties happen to be Scheduled Castes/Tribes, one of the parties may belong to the more affluent and influential sections of the community and may be in a position to exploit the other party which may belong to the poor sections among these communities. It is, therefore, desirable that in such cases legal aid should be provided on merits of the case and no rule should be made to debar the poor Scheduled Caste/Scheduled Tribe persons from the provision of the same. Similarly there should be no bar to claim legal aid in cases where one of the parties happens to be a Government Department because Scheduled Caste/Scheduled Tribe persons concerned must get legal aid to represent them in such cases . .	4.99	134

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148.	If more Scheduled Caste/Scheduled Tribe lawyers are available, they may be more willing to come forward to take up cases of free legal advice to the Scheduled Castes/ Schedule Tribes at reasonable charges. It is, therefore, desirable that Scheduled Caste & Scheduled Tribe graduates should be encouraged to go in for studies for LL.B. For that purpose, all the State Governments should make provision for granting study leave to working graduates who want to take up evening LL.B. courses. After such Scheduled Caste/Scheduled Tribe graduates obtain their LL.B. degrees, they should be given grants/loans to set up their legal practice	4.100	134
149.	The Union Ministry of Rural Reconstruction should issue necessary instructions to all the State Governments/Union Territory Administrations to maintain separate statistics for Scheduled Caste/Scheduled Tribe beneficiaries under the National Rural Employment Programme	4.102	135
150.	In spite of some drawbacks in the working of the Employment Guarantee Scheme in Maharashtra, there is no doubt that the scheme is a good attempt aimed at reducing poverty. The State Government should ensure that the households belonging to the weaker sections, specially the Scheduled Castes and Scheduled Tribes are able to derive more benefits from the assets created under the Scheme	4.103(i)	135
151.	The steps taken by the Governments of Maharashtra, Karnataka, Tamil Nadu and Madhya Pradesh in starting schemes for guaranteed employment to the unemployed rural people are commendable. All the other State Governments/Union Territory Administrations should also consider the desirability of introducing similar schemes in their respective States/Union Territories. In order to ensure that the benefits of these schemes are derived by the weaker sections, specially Scheduled Castes and Scheduled Tribes, productive works including rural roads, drinking water supply and sanitation schemes etc., should be taken up to benefit landless labourers as well as marginal and small farmers, a large number of whom belong to these communities, so that vested interests among the big farmers are not allowed to usurp the benefits from these works	4.104	136
152.	All the State Governments/Union Territory Administrations should ensure that benefits from the various components of the Minimum Needs Programme accrue to the Scheduled Castes and Scheduled Tribes, at least in proportion to their population in the target groups, wherever these can be identified. In other cases, areas predominantly inhabited by Scheduled Castes/Scheduled Tribes should be given priority while implementing these programmes. A suitable proforma should also be devised to collect details regarding the benefits derived by Scheduled Castes/Scheduled Tribes from the Programme in order to assess actual benefits accruing to these communities.	4.106	138
	CHAPTER 5 — LAND, AGRICULTURE AND HOUSING PROGRAMMES		
153.	The percentage of surplus land allotted to the Scheduled Castes should be fixed at a level equal to their percentage among the agricultural labourers in a State and a weightage of at least 10% should be given in view of the extreme social disadvantage experienced by them, since times immemorial. In any case, a minimum of 50% of surplus land must be allotted to the persons belonging to these communities by all the State Governments. The desirability of allotting all available surplus land first to the Scheduled Castes/Tribes are making allotment to other categories only after fully meeting the former's requirements, should also be considered by all the State Governments. In order to encourage the State Governments/Union Territory Administrations to allot more surplus land to the Scheduled Castes/Tribes, the Central Government should ensure that the distribution of the Central pool of plan assistance		

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	among various States is made in proportion to the progress in the implementation of the measurers of transfer of land resources to the Scheduled Castes and the development of these lands, in addition to the progress of other measures for the benefit of these communities	5.2	139
154.	The Union Ministry of Rural Reconstruction should collect figures of the amounts of financial assistance actually distributed by various State Governments to the Scheduled Caste and Scheduled Tribe allottees under the scheme of financial assistance to the assignees of surplus land on impositon of ceilings on agricultural holdings, in order to assess the benefits actually derived by these communities from the scheme .	5.3	139
155.	It is reiterated that liberal assistance should be given by all the State Governments to the new Scheduled Caste/Tribe settlers, for reclamation of land, and various agricultural inputs and minor irrigation programmes should be given high priority in the tribal sub-plan areas as well as for the benefit of the agriculturists belonging to the Scheduled Castes. The desirability of forming Cooperative Farming Societies of Scheduled Caste/Tribe landless labourers by providing technical and financial assistance to them should also be considered and research to evolve new varieties of crops suitable to tribal areas should be conducted for improving the economic condition of the Scheduled Tribes. Simultaneously with the distribution of surplus land to the Scheduled Caste/Tribe persons, they should also be given a complete package of all necessary assistance such as irrigation facilities wherever possible, plough bullocks, agricultural inputs and production inputs without loss of any time. Where this assistance is provided as loan, the credit should be provided promptly and at low rate of interest and until the lands start giving economic yield, a moratorium on the recovery of such debts should be imposed	5.5	140
156.	The remaining *bargadars* yet to be recovered under "operation barga.", in Cooch-Bihar District (West Bengal) as well as the rest of the State should be recorded by the State Government early, in order to give a sense of security to the *bargadars* including Scheduled Castes/Scheduled Tribes. In view of the large increase in the number of writ petitions against 'operation barga' in the State, it is reiterated that the State Government shoud take up such cases on behalf of the *bargadars*, in order to help in creating confidence among them that the State Government would help them at all stages of litigation regarding the recording of their rights without their incurring any expenditure on this account	5.6 5.7	140 142
157.	It has been observed that much still remains to be done for the completion of the work for Recording of Rights in respect of the holdings of Scheduled Castes/Tribes in various States/Union Territories. This work should be completed by the State Governments/ Union Territory Administrations concerned according to a time scheduled, in order to ensure that the Scheduled Caste/Scheduled Tribe tenants become the owners of the land they cultivate and also to enable them to take benefit of the various credit schemes for small and marginal farmers. The State Governments should also ensure that the Scheduled Caste/Tribe share croppers are given their right to a fair share of the produce and also the right of purchase of ownership on easy terms	5.8	143
158.	It is reiterated that in the case of Scheduled Tribes, all the State Governments concerned should ensure that the land records reflect a faithful recrod of corporate rights of the community, clans or lineages and individuals over land	5.9	143
159.	It is reiterated that comprehensive surveys should be made by the State Governments concerned in the tribal areas where the problem of alienation of tribal land is known to be acute, in order to assess the exact magnitude of the problem in these states .	5.11	144

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160.	The Government of Kerala should take urgent action to frame necessary rules under the "Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienated Lands), Act, 1975", so that it may be implemented at an early date, in order to check the alienation of tirbal lands and to restore the alienated lands to tribals. The argument of the State Government that part of the tribal land had been acquired by small farmers and middle peasantry and that it had become difficult for the State Government to restore that land to the tribals because this process would render these small and middle peasants, landless and economically weak, does not appear to be logical. The tribal lands illegally alienated by whosoever, big or small, have to be restored to the tribal owners even if it causes hardship to the land grabbers. The State Government should look into the matter and consider the desirability of restoring the alienated land to the tribals early	5.15 5.16	145 145
161.	The Government of Karnataka should consider the desirability of making the "Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain Land) Act, 1978", applicable to 'patta' land of the tribal also . . .	5.17	145
162.	The Government of Rajasthan should consider the desirability of taking necessary action to amend the Rajasthan Tenancy Act in the light of the suggestions made by the Workshop held by the Tribal Research and Training Institute, Udaipur in June, 1988, *inter alia,* to consider the problem of tribal land in the State. The State Government should also make necessary rules under the Act in order to ensure that the alienation of tribal lands is checked and the land already alienated is restored to the tribals promptly	5.18	145
163.	The Government of Tamil Nadu should take early action to enact the proposed lagislation to prevent alienation of both the Government assigned lands and the private patta lands of Scheduled Tribes in non-tribals	5.19	145
164.	All the State Governments concerned should review the legislative provisions in their respective States and consider the desirability of making necessary amendments therein to provide for *suo moto* action by the Collectors/S.D.Os. to start cases for restoration of alienated tribal lands if such a provision does not exist already .	5.20	146
165.	It is reiterated that identification of alienated tribal land and its restoration in areas of high incidence of land alienation should be carried out and special machinery appointed for restoration of land, which should be reviewed regularly by State Governments concerned. To expedite land restoration, the State should become a party in the case of trespass or illegal alienation of tribal land and summary procedures should be adopted for this purpose. Comprehensive studies by expert Agencies should be made to study the Regulations to force for controlling alienation of tribal lands as well as to restore the lands which have gone into the hands of non-tribals. Provisions should also be made in the State Legislations that the sale of a holding belonging to a member of a Scheduled Tribe shall be void unless it is in favour of any person belonging to a Scheduled Tribe and that laws must clearly provide that a plea to this effect can be taken at any stage of the proceedings and by a successor-in-interest	5.21	146
166.	Legislative measures alone to control land alienation and to restore alienated land are not enough to solve the problem unless other measures are also taken to meet the short and long-term credit needs of the tribals. In addition, effective steps should be taken by all the State Governments concerned to promptly meet the immediate credit needs of the Scheduled Tribe persons. For that purpose, the working of the LAMPS which have failed to play the required role, should be reviewed and necessary action taken to streamline their working so that tribals can look forward to these societies as effective alternatives to the money lenders	5.22	147

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167.	Claim petitions, specially those made by Scheduled Caste/Tribe persons in cases of complaints against payment of wages at ratesless than the prescribed minimum wages should be disposed of promptly by all the State Governments, to ensure that non-payment of minimum wages to persons belonging to these communities does not lead to disputes and acts of atrocities on them	5.24	147
168.	Although the enforcement of the Minimum Wages Act will go a long way in ensuring a minimum wage to the Scheduled Caste/Tribe agricultural labourers, such measures alone are not enough for that purpose and these should be supplemented by all the State Governments with action to strengthen their bargaining power. Programmes like the National Rural Employment Programme, Rural Works Programme, Integrated Rural Development Programmes, Employment Guarantee Scheme, etc., should be planned in such a manner that these provide alternative and additional opportunities to the agricultural labourers throughout the year and specially during the harvest season, so as to increase the bargaining power of the agricultural labourers, specially those belonging to the Scheduled Castes/Tribes	5.25	147
169.	The Government of Bihar should take necessary developmental measures in the area around Kajra village of Purnea District, for the welfare of Scheduled Tribe persons. The incident of arson in the village in July, 1980 in which 24 houses belonging to Scheduled Tribes were set on fire, should also be investigated by Senior Officers in order to instil confidence among the tribals	5.26	147
170.	The vested agricultural lands which still remain to be distributed, in Tufanganj Sub-Division of Cooch Behar District in West Bengal, should be allotted by the State Government to the beneficiaries expeditiously. While allotting these lands, the State Government should take into consideration the claims of Scheduled Caste/Tribe landless agricultural labourers who constitute a predominant majority among these target groups and allot a reasonable share of the available vested lands to them . . .	5.27	155
171.	The allotment of land in village Baroshalbari in Tufangnaj Sub-Division, Cooch Behar District of West Bengal, should be regularised by the district authorities after survey of the village at an early date to avoid the possibility of recurrence of the incidents like the one which took place at Tufanganj on 11-4-1980 . . .	5.27	155
172.	While allotting agricultural lands to refugees from Bangla Desh, the Government of West Bengal should also examine the demands of the local Scheduled Castes/Tribes in this regard and ensure that their interests are not sacrificed	5.27	155
173.	The Government of West Bengal should take early action to pay adequate compensation to the persons injured as a result of the incident of police firing at Tufanganj on 11-4-80 as well as the families of the two deceased persons. The State Governments should consider the desirability of ensuring that the compensation to be paid to the families is not less than Rs. 5,000	5.27	155
174.	The Union Ministry of Rural Reconstruction should issue necessary instructions to all the SFDAs to ensure that the benefits under the programmes accrue to the Scheduled Castes/Tribes in proportion to their percentage in the target groups and should in no case be less than 50 per cent	5.29	157
175.	The Union Ministry of Works and Housing should issue necessary guidelines to all the State Governments to maintain separate figures for the allotment of house-sites to Scheduled Caste/Tribe persons in order to assess the benefits derived by the members of these communities from the two Rural Housing Schemes, namely, Rural House-sites-cum-hut-construction for landless workers and village Housing Projects Scheme	5.32	158

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176.	The Housing Boards in various States should make reservations for Scheduled Castes and Scheduled Tribes for the allotment of houses/house-sites, atleast in proportion to their population in the respective States	5.33	158
177.	All the State Governments/Union Territory Administrations should ensure that while implementing various housing schemes, the Scheduled Castes are not segregated in separate colonies but live in mixed colonies alongwith other communities. Whenever any housing scheme is taken up specially for the Scheduled Castes a suitable percentage, say, 10 per cent of the houses, should be earmarked for non-Scheduled Caste communities	5.34	161
178.	The Union Ministry of Works and Housing should take an early decision to increase the percentage of reservations for the allotment of government accommodation to Scheduled Caste and Scheduled Tribe employees	5.35	161
	CHAPTER 6 — EDUCATIONAL DEVELOPMENT		
179.	As already recommended in Commissioner's earlier reports, concerted efforts should be made by the Government/Administrations of the States/UTs, in which the enrolment position of the Scheuuled Castes and Scheduled Tribes at primary and middle stages is not satisfactory, to increase the enrolment of students belonging to these communities, by giving them incentives like pre-Matric stipends, payment of opportunity cost to their parents, free uniforms, books and stationery etc. .	6.8	163
180.	All the State Governments/UT Administrations should take early action to ensure that all the rural habitations predominantly populated by Scheduled Tribes and Scheduled Castes, have primary and middle schools within a walking distance, to enable more Scheduled Caste/Scheduled Tribe students from such habitations to be enrolled in these schools	6.18	165
181.	All the State Governments/UT Administrations should take urgent steps to provide sufficient incentives to the Scheduled Caste/Scheduled Tribe children, to enable them to continue in school and to ensure that wastage of education is reduced to the minimum. It is very important that the parents of the Scheduled Caste/Scheduled Tribe children who are enrolled, are compensated for the loss of the family income, to which these children were contributing by their work, in the form of opportunity cost amounting to at least Rs. 20 P.M. per child. The State Governments should consider the desirability of introducing this incentive at an early date, in addition to providing them incentives like pre-Matric stipends, hostel facilities, free books, uniforms, extra coaching, etc., to ensure that the huge wastage of education among these communities is checked	6.22	166
182.	While implementing the National Adult Education Programme, all the State Govts./ UT Administrations should ensure that the guidelines issued by the Union Ministry of Education to give priority to Scheduled Caste/Scheduled Tribe persons as well as to areas predominantly inhabitated by these communities, should be kept in view while opening Adult Education Centres, so that bulk of Scheduled Caste and Scheduled Tribe adults are benefited by this programme	6.26	167
183.	While implementing the Centrally sponsored Scheme of non-formal education for elementary age-group children, the Governments of Andhra Pradesh, Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal should ensure that the non-enrolled Scheduled Caste/Scheduled Tribe children in the age-group of 9–14 are actually benefited and statistics of their enrolment are also collected	6.29	167

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184.	The Governments/Administrations of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Haryana, Madhya Pradesh, Orissa, Maharashtra, Manipur, West Bengal, Chandigarh, Dadra and Nagar Haveli, Andaman and Nicobar Islands and Pondicherry should take necessary action to step up enrolment of students belonging to Scheduled Caste/Scheduled Tribe communities in high and higher secondary schools by giving them various incentives like universal coverage of pre-Matric stipends, rates of which should be increased taking into consideration the rise in the cost of living, hostel facilities, free books, etc.	6.33 6.34	168 168
185.	All the Kendriya Vidyalayas should relax the minimum standards for the admission of Scheduled Caste/Scheduled Tribe candidates, in accordance with the guidelines issued by the Kendriya Vidyalaya Sangathan that the candidates belonging to these communities, who possess the prescribed minimum qualifications, should be called for interview irrespective of the marks obtained by them in evaluation of applications instead of only a relaxation of 5% marks allowed earlier, in order to ensure that all the reserved seats are actually filled by candidates belonging to these communities. The Kendriya Vidyalaya Sangathan should also keep a strict watch to ensure that the guidelines issued by them are followed by all the Kendriya Vidyalayas.	6.37 6.38	169 169
186.	A separate scheme of merit scholarships for Scheduled Caste and Scheduled Tribe students in residential schools should be introduced by the Government of India, under which there should be no restriction on the number of scholarships to be awarded to these students.	6.39	169
187.	All the State Governments/UT Administrations should hold a talent test at the elementary, middle, high and higher secondary stages of education, to find out talented boys and girls among the Scheduled Caste and Scheduled Tribe students and assist them financially to get admission to public schools. This will ensure that talented students among these communities are available for admission to medical, engineering and other higher courses.	6.40	170
188.	The Union Ministry of Labour and the Governments/Administrations of Himachal Pradesh, Gujarat, Karnataka, Kerala, Manipur, Orissa, Rajasthan, Tamil Nadu, Punjab, Uttar Pradesh, Tripura, Arunachal Pradesh, Pondicherry and Delhi should make serious efforts to go into the causes of decline in the enrolment of Scheduled Caste/Scheduled Tribe trainees in Industrial Training Institutes and take suitable remedial measures by opening more ITIs and vocational guidance centres, to attract more Scheduled Caste/Scheduled Tribe candidates.	6.42	170
189.	The rates of stipends paid by various State Governments to Scheduled Caste/Scheduled Tribe trainees in Industrial Training Institutes should be appreciably increased after taking into consideration the cost of living index to enable Scheduled Caste and Scheduled Tribe students to meet the hostel and other expenses as well as to give them incentive to join these Institutes.	6.43	171
190.	The Union Ministry of Education should consider the desirability of issuing revised guidelines to various State Governments/Universities to reserve 7½% seats for the Scheduled Tribe students in various educational and technical institutions. .	6.46	171

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191.	While in the case of all Central Universities/Institutions, a uniform reservation of 15% and 7½% seats should be made for Scheduled Castes and Scheduled Tribes, respectively, in the case of other educational and technical institutions, revised guidelines should be issued by the Union Ministry of Education to reserve seats for Scheduled Caste/Scheduled Tribe candidates in proportion to their population in the respective States/UTs. In the case of States/UTs like Meghalaya, Nagaland, Mizoram, etc., having predominant populations of Scheduled Tribes and negligible or no population of Scheduled Castes, guidelines in this regard should suggest that although all the seats should not be reserved for the Scheduled Tribes, the State Government/UT Administrations and Universities concerned should ensure that the benefits of various technical and educational institutions are derived mainly by the Scheduled Tribes.	6.47	172
192.	It is regrettable that in spite of the instructions issued by the Union Ministry of Education and the State Governments concerned, some Universities like South Gujarat University (Gujarat), Ravishankar and Vikram Universities (Madhya Pradesh), S.N.D.T. Women's University (Maharashtra), Rajasthan University and Birla Institute of Technology and Science (Rajasthan), Aligarh Muslim University, Allahabad University, Kashi Vidyapeeth, Lucknow University, N. D. University of Agriculture and Technology and Gurukul Kangri (Uttar Pradesh) and Burdwan University (West Bengal), have still not made any reservation of seats for Scheduled Caste/Scheduled Tribe students. The State Governments concerned and the University Grants Commission should look into the matter and take early action to persuade these Universities to make reservation of seats for Scheduled Castes/Scheduled Tribes, in proportion to their populations in the States/Districts concerned.	6.53	173
193.	The State Governments/UT Administrations having sizeable Scheduled Tribe populations should analyse the situation in each of the identified districts with low percentages of enrolment of Scheduled Tribes in under-graduate and post-graduate courses and formulate special programmes for spread of higher education among these communities. Similar steps should also be taken in respect of Scheduled Castes.	6.55	174
194.	The Governments of Himachal Pradesh, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal should consider the desirability of reserving seats for Scheduled Caste and Scheduled Tribe students in medical colleges in proportion to the Scheduled Caste/Scheduled Tribe populations in the respective States. .	6.56	174
195.	The Union Ministry of Education and the University Grants Commission should take necessary action to persuade the Aligarh Muslim University to make the prescribed reservation of seats for Scheduled Caste/Scheduled Tribe students in their medical college.	6.57	175
196.	All the State Governments/UT Administrations should allow a reduction in the minimum marks for admission of Scheduled Caste/Scheduled Tribe candidates to medical colleges, at least to the extent of 10 per cent, as recommended by the Medical Council of India. The State Governments who have not so far allowed the required relaxation to the candidates belonging to these communities in this regard, should take early action to do so now.	6.58	175
197.	The Government of Punjab should take early action to suitably change the criteria for the admission of Scheduled Caste candidates who belong to Punjab against reserved seats, in order to ensure that the candidates belonging to these communities who happen to pass their qualifying examinations from Boards/Universities outside the State, due to pressure of circumstances, are not refused admission in the medical college in the State, on this account.	6.61	176

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198	All the State Governments should ensure that various Universities/Colleges start remedial courses and coaching classes for weak Scheduled Caste/Scheduled Tribe students in medical colleges in order to enable them to pull on well in their studies alongwith general candidates.	6.63	177
199.	The Governments/UT Administrations of Bihar, Karnataka, Punjab, Orissa and Goa, Daman & Diu should take necessary steps to increase the enrolment of Scheduled Caste/Scheduled Tribe students in the under-graduate courses in medical colleges in their respective States.	6.68	178
200.	All the State Governments/UT Administrations should take steps similar to those proposed by the Government of Madhya Pradesh in respect of starting schemes to give special coaching in Science/Maths./Biology to select Scheduled Caste/Scheduled Tribe students at the stage of Higher Secondary/First Year of B.Sc. in selected schools and colleges, before their admission to professional courses, to enable them to improve their educational performance as well as to enable them to complete well in the entrance test for admission to medical and engineering colleges.	6.68	178
201.	The State Governments/UT Administrations concerned who have not yet made the required reservation of seats in post-graduate courses in medical colleges, for Schedueld Caste/Scheduled Tribe candidates, should consider the desirability of doing so at an early date.	6.71	180
202.	The Union Ministry of Health should reconsider their stand and persuade the State Governments/UT Administrations who have not yet made the required reservation of seats as well as relaxation of minimum standards for admission of Scheduled Caste/Scheduled Tribe candidates to post-graduate medical courses, to do so at an early date.	6.73	181
203.	The Central Government and the Governments of Andhra Pradesh, Karnataka, Orissa, Bihar, Rajasthan, Uttar Pradesh and Haryana should take necessary action to increase the enrolment of Scheduled Caste/Scheduled Tribe students to post-graduate courses in medical colleges.	6.77	182
204.	The recent decision of the Government of Gujarat to stop inter-changeability of seats among Scheduled Castes/Scheduled Tribes in the post-graduate medical courses needs a review by the State Government, since the guidelines issued by the Union Ministry of Health provide that such seats reserved for Scheduled Caste and Scheduled Tribe candidates in medical colleges are inter-changeable. . .	6.85	185
205.	The Governments of Himachal Pradesh, Orissa and Punjab should ensure that reservation of seats for Scheduled Caste/Seheduled Tribe candidates in Ayurvedic colleges is made at least in proportion to the percentage of populations of these communities in these States.	6.86	185
206.	The Governments of Maharashtra, Karnataka and Kerala should take necessary steps like relaxation of minimum standards for admission of Scheduled Caste/Scheduled Tribe candidates to Ayurvedic colleges, to ensure that all the seats reserved for these candidates are actually filled by the candidates belonging to these communities.	6.88	187
207.	The Governments of Bihar and Gujarat should ensure that seats are reserved for Scheduled Caste and Scheduled Tribe candidates in post-graduate courses in Ayurvedic Colleges at least in proportion to their population in the respective States. The Governments of Andhra Pradesh, Bihar, Gujarat, Karnataka and		

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	Madhya Pradesh should ensure that all the reserved seats in Ayurvedic Colleges are actually filled by candidates belonging to these communities by giving them relaxation in the minimum standards for admission to these courses. . . .	6.90	188
208.	The Government of Karnataka and the University concerned should take necessary action to persuade Manipal Institute of Technology and M. S. Ramaiah Institute of Technology, Bangalore to make the prescribed reservation of seats for Scheduled Caste and Scheduled Tribe candidates in under-graduate courses and also make necessary relaxation of minimum marks for admission of Scheduled Caste/Scheduled Tribe candidates to these colleges.	6.92	188
209.	The Governments of Andhra Pradesh, Bihar, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh should make concerted efforts to increase the enrolment of Scheduled Caste/Scheduled Tribe students to under-graduate courses in engineering colleges in their respective States by relaxing the minimum standards prescribed for admission to these courses as well as by arranging pre-admission coaching classes for students belonging to these categories.	6.96	189
210.	The Governments of Assam, Andhra Pradesh, Bihar, Gujarat, Haryana, Kerala, Karnataka, Madhya Pradesh, Orissa, Tamil Nadu, Punjab, Uttar Pradesh and West Bengal and the Universities concerned should take necessary action to increase the enrolment of Scheduled Caste/Scheduled Tribe students in post-graduate courses in engineering colleges, by reserving seats for students belonging to these communities, at least in proportion to their populations in the respective States and also by giving them suitable relaxation in minimum standards for admission to these courses.	6.100	190
211.	The Union Ministries of Education and Home Affairs should consider the desirability of starting the proposed special coaching centres for Scheduled Caste/Scheduled Tribe candidates in different parts of the country on the analogy of such centres already started by the Ministry of Home Affairs for engineering services and administrative services examinations, in order to ensure that all the seats reserved for Scheduled Caste and Scheduled Tribe candidates in various IITs are actually filled by them.	6.103	191
212.	If the Scheduled Caste/Scheduled Tribe students are asked to leave their courses after completion of 2 or 3 years in the Indian Institute of Technology, they find themselves lost, because they cannot secure admission to any other engineering college and feel frustrated due to the ruin of their academic careers. It is, therefore felt that if at all a Scheduled Caste/Scheduled Tribe student has to be asked to discontinue his course because of his continuous poor performance, it should be done at the close of the very first year of his course when he has still enough time to secure admission in other colleges or other academic fields. The Union Ministry of Education should look into the matter and frame necessary guidelines for all the Indian Institutes of Technology in this regard to avoid frustration among Scheduled Caste/Scheduled Tribe students.	6.104 6.107	191 192
213.	The Union Ministry of Education should continuously monitor the steps taken by various Indian Institutes of Technology in order to improve the academic performance of the weaker Scheduled Caste/Scheduled Tribe students and ensure that these students are given necessary assistance through such steps.	6.108	192

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214.	The percentage of seats reserved for Scheduled Caste/Scheduled Tribe candidates for post-graduate courses in the Indian Institute of Technology should be increased to 28 and various steps like further lowering the minimum standards prescribed for their admission, should be taken to ensure that all the reserved seats are actually filled by candidates belonging to these communities	6.109	192
215.	The Governments of Bihar, Gujarat, Haryana, Punjab, Rajasthan, Karnataka, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal should take necessary steps to increase the enrolment for Scheduled Caste and Scheduled Tribe candidates to under-graduate courses in Agriculture by allowing relaxation in minimum standards for admission of the candidates belonging to these communities to these courses	6.112	193
216.	The Governments of Bihar, Punjab, Karnataka, Tamil Nadu, Kerala and Uttar Pradesh should consider the desirability of taking special steps to increase the enrolment of Scheduled Caste & Scheduled Tribe candidates to post-graduate courses in agricultural institutions	6.115	194
217.	15% and $7\frac{1}{2}$% of seats in various Agricultural Research Institutes run by the Central and State Governments should be reserved for Scheduled Caste & Scheduled Tribe candidates respectively. While sponsoring candidates for admission to these Institutes, the State Governments concerned should ensure that at least 15% and $7\frac{1}{2}$% of the candidates whose names are sponsored belong to the SCs & STs	6.117	195
218.	While establishing Krishi Vigyan Kendras, the Indian Council of Agricultural Research should give priority to districts having predominantly Scheduled Caste/ Scheduled Tribe populations	6.121	195
219.	The Governments of States with large Scheduled Caste/Scheduled Tribe populations, in which the number of backward classes hotels is still inadequate should take urgent steps to increase the number thereof adequately	6.123	196
220.	The Government of West Bengal should increase the rates of stipends to the inmates of the backward classes hostels. Other State Govts./UT Administrations should also review the rates of such stipends in their respective states and consider the desirability of increasing these adequately, taking into consideration, the rise in the price level	6.125	197
221.	The Governments of Assam, Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal should take early action to increase the number of girls' hostels for Scheduled Castes in order to promote education among them	6.128	198
222.	The Governments/UT Administrations of Bihar, Haryana, Himachal Pradesh, Punjab, Jammu & Kashmir, Chandigarh and Dadra & Nagar Haveli should take early action to reserve a specific percentage of seats for Scheduled Caste/Scheduled Tribe students in all general hostels		
223.	Apart from making reservation of seats for Scheduled Caste & Scheduled Tribe students in general hostels, the State Govts./UT Administrations should also consider the desirability of enhancing the rates of scholarships to such students, so that they are able to participate in all common activities	6.135	199

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224.	The Governments of Bihar, Himachal Pradesh, Jammu & Kashmir, Rajasthan, Uttar Pradesh and West Bengal should take early action to increase the number of ashram schools in their respective States	6.136	200
225.	All the State Governments/UT Administrations having ashram schools in their respective States/UTs should review the curricula in these schools in order to ensure that craft-based education is actually imparted in these schools . . .	6.137	201
226.	All State Govts. should review the existing rates of pre-matric stipends to Scheduled Caste/Scheduled Tribe students in the light of the steep rise in the cost of living and increase the rates of these stipends accordingly. The rates should preferably be linked up with the cost of living index number. The scheme of pre-matric stipends to Scheduled Caste & Scheduled Tribe students should be made an open-ended one like the post-matric scholarship scheme and all the eligible Scheduled Caste & Scheduled Tribe students should be awarded scholarships. All the State Governments/UT Administrations, who have not yet made universal coverage of pre-matric stipends should, therefore, look into the matter and consider the desirability of doing so early	6.139 4.140	201 201
227.	Provision should be made by all State Governments/UT Administrations to pay opportunity cost at the rate of at least Rs. 20 per child sent to school, to the Scheduled Caste & Scheduled Tribe families subject to a means test, specially to the families of leather workers, fishermen, civic sanitation workers, workers engaged in cottage and village industries and other workers in unorganised sector, to compensate them for the loss of income they may have to undergo on account of sending their children to school. Unless this type of a realistic approach is made, efforts made for the promotion of education among Scheduled Caste & Scheduled Tribe children may prove abortive	6.141 6.157	201 206
228.	Children of Scheduled Caste & Scheduled Tribe persons studying in States/UTs, other than those to which they belong, should be awarded pre-matric stipends, by the Governments of their home States, like the post-matric scholarships. All the State Governments/UT Administrations should, therefore, consider the desirability of taking necessary action in this regard	6.142	202
229.	The number of pre-matric scholarships to be awarded to children of those engaged in unclean occupations, like scavenging of dry latrines, tanning and flaying, is too small to cover all the children of these categories. The number of these scholarships should, therefore, be increased suitably to cover more children of these categories	6.145	202
230.	The Government of India should take an early decision to increase the rates of post-matric scholarships adequately for all the courses in order to neutralise the major portion of steeply mounting cost of living. The rates of these scholarships should be linked with the cost of living index number like the rate of Dearness Allowance to Government employees, so that the rates of scholarships are automatically reviewed and increased after every few (say 8) points' increase in the index number. The maximum income limit for the means test, viz., Rs. 750 P.M. should also be suitably raised taking the increase in the price level into consideration. It is felt that the maximum income limit should be raised to at least Rs. 1250 P.M.	6.152	204

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231.	Since the maintenance allowance constitutes the major portion of post-matric scholarships to Scheduled Caste & Scheduled Tribe students, its non-payment to students in full time employment makes the sanction of scholarships to them only nominal and an eye-wash. There is no justification in debarring such students from the payment of the maintenance allowance when the Union Ministry of Home Affairs has agreed in principle to sanction scholarships to them after clubbing their incomes with the incomes of their parents/guardians for the purpose of the means test. As a matter of fact, it is all the more necessary to pay the maintenance allowance in full to such students because they may be the only earning members in their families with a number of dependents on them and may have been compelled to take up employment by the force of pressing family circumstances. The Ministry should, therefore, reconsider the matter and take an early decision to allow the payment of maintenance allowance to full time employed students as well as, subject to the means test already prescribed by the Ministry for such students.	6.153	204
232.	While the action taken by the Union Ministry of Home Affairs in removing the restriction of two children of the same parents for the grant of post-matric scholarships to Scheduled Caste and Scheduled Tribe students, in the case of girl students is welcome, it is felt that there is no justification in continuing the restriction in the case of male students. In this connection, as already pointed out in commissioner's previous report, the Scheduled Caste & Scheduled Tribe persons who have more than 2 children studying in post-matric classes, have to spend a larger amount of money on their education and as a matter of fact are more in need of financial assistance than those who have only two or less number of children studying in these classes. While the necessity of having a small family cannot be questioned, the post-matric scholarship scheme meant for the advancement of higher education among the Scheduled Castes/Scheduled Tribes should not be allowed to be used as a means to achieve the goal of a small family, otherwise it will defeat the very purpose for which the scheme was introduced. The Ministry should, therefore, reconsider the matter and take an early decision, to remove the restriction of award of scholarships to only two children of the same parents/ guardians, in the case of male students also and make all the children eligible for the award of scholarships subject to their fulfilling the prescribed conditions .	6.154	205
233.	All the State Govts./UT Administrations should take urgent steps to implement various suggestions made by the Union Ministry of Home Affairs as well as the Commissioner for Scheduled Castes and Scheduled Tribes, to eliminate delay in the payment of post-matric scholarships, to Scheduled Caste and Scheduled Tribe students	6.156	205
234.	The Union Ministry of Home Affairs and the State Governments/UT Administrations concerned should give wide publicity to the centrally sponsored scheme for the award of post-matric scholarships to the children of non-Scheduled Castes/ Scheduled Tribes engaged in scavenging of dry latrines, tanning and flaying, to enable more students of these categories to take advantage of the scheme. The expenditure under the scheme should not be met from the budget allotment made for post-matric scholarship for Scheduled Castes & Scheduled Tribes, but it should be met from a separate budget head	6.160	206
235.	The scheme of Book-Banks for Scheduled Caste & Scheduled Tribe students in engineering and medical colleges should be expanded to cover all the Degree colleges, to enable deserving Scheduled Caste & Scheduled Tribe students pursuing Science/ Commerce and Arts Degree course also to derive benefits from the Book-Bank facility	6.163	207

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236.	All the State Governments/UT Administrations should give wide publicity to the scheme for the award of National Overseas Scholarships to Scheduled Castes/ Scheduled Tribes etc. through different media like press, radio, T.V., etc., in order to attract more Scheduled Caste & Scheduled Tribe candidates for these scholarships so that no scholarship remains unutilised	6.169	207
	CHAPTER 7 — UNTOUCHABILITY		
237.	Vigorous implementation of the provisions of PCR would go a long way in checking the social exploitation of the persons/belonging to Scheduled Castes. But it is a matter of regret that so far most of the implementing authorities at various levels have not been sufficiently geared up in the task of removing this evil from our society. Greater care also requires to be exercised by the State Govts./UT Admns. in compiling up-to-date statistical information about various types of cases registered under the PCR so that areas requiring concerted efforts could be suitably identical	7.38	219
238.	A careful scrutiny of the judgements delivered by courts in respect of disposal of cases regsitered under the PCR Act can serve as useful basis in undertaking processual reforms for ensuring social justice to the weaker sections	7.41	227
239.	The State Governments/Union Territory Administrations which have not so far introduced the scheme relating to encouragement of inter-caste marriages, should also do so and the State Governments/Union Territory Administrations which have already introduced such schemes should consider the desirability of liberalising the incentives to which inter-caste married couples are entitled. Besides, in each State a cell should be set up to look after the complaints received from inter-caste married couples, so that they may be sheltered against any sort of harassment on or before their marriages. These cells could also be utilised to provide information about benefits which could be achieved by the inter-caste married couples .	7.45	230
240.	The proposal of the Govt. of Andhra Pradesh to construct separate temples in the localities of persons belonging to Scheduled Castes would permanently keep them away from joining the mainstream. Instead the State Govt. should strive to ensure that no discrimination is observed against Scheduled Caste persons at the places of public worship	7.57	237
	CHAPTER 8 — TRIBAL DEVELOPMENT		
241.	In the absence of monitored data from the field level through block, ITDPs, districts and States to the National level it has not been possible to get total picture of the expenditure and physical achievements in the tribal sub-Plan areas. Even the Ministry of Home Affairs have accepted that sound monitoring system has not been built up in the States concerned. In spite of the best efforts very scanty information was made available to the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes. Since the Report of the Working Group on Monitoring and Evaluation, set up by the Planning Commission in 1979 has already been forwarded to the States, it is hoped that monitoring would not be a constraint in the Sixth Plan period and a sound monitoring system would be built up in the light of recommendations made in the Report	8.9	240
242.	In Bihar the working of scheme of tasar culture was not found satisfactory as during 1979-80 a sum of Rs. 26 lakhs was allowed to lapse for want of proper inter-departmental co-ordination. In various other sectors the thrust towards		

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	implementation was weak. The State Government should pay special attention to measures such as overhauling of administrative structure, selection and posting of right persons in tribal areas, reorientation of forest policy, effective working of the LAMPS and intensification of anti-exploitative steps etc.	8.19	243
243.	In Karnataka the tribal population is scattered and LAMPS might have to be organised at the district or taluka headquarters and preferably mobile branches will have to be opened to provide the services at the weekly markets and for that purpose cheaper modes of transport like bullock carts may be used. In the State most of the beneficiary oriented schemes were 100 per cent subsidy schemes. The State Government should ensure that a loan component is built into the schemes so that it may involve the beneficiaries which would enable a tribal family to be on its own after having availed of a scheme for a number of years. . . .	8.21	243
244.	Heavy shortfalls in utilisation of funds was noted in sub-Plan areas during 1976-77, 1977-78, 1978-79 and 1979-80 in Madhya Pradesh. The State Government should tighten all measures so that financial provisions were fully utilised	8.23	243
245.	Shortfalls in utilisation of funds in sub-Plan areas were noted in 1978-79 and 1979-80 in Maharashtra. The State Government should tighten up measures for full utilisation of the allocations. The State Govt. should also prepare a master plan in respect of educational institutions, health institutions, drinking water wells and should also consider planning in favour of beneficiary oriented schemes so that the impact could be felt by the tribal families within a short period of time. .	8.24	244
246.	In Manipur there has been a decline in the flow of funds to tribal sub-Plan out of the State Plan over the past six years. This aspect should be urgently looked into by the State Government and weightage should be given for allocation of funds to the sub-Plan on the basis of the relative backwardness of the area. . . .	8.25	244
247.	In Orissa about 27,000 problem villages in respect of drinking water were identified and out of these 5,500 were located in tribal areas. The State Government should pay urgent attention to these villages..	8.27	244
248.	The tribal sub-Plan area of Rajasthan is reported to be suffering chronically from water shortage. The State Government should ensure that the flow of funds under the water supply schemes is adequate.	8.28	244
249.	Shortfalls in utilisation of funds in sub-Plan areas was noticed during the past three years in Tamil Nadu. The State Government should ensure that there are no shortfalls in future. Forest Labour Co-operative Societies should be organised in the sub-Plan areas in the State on priority basis and the question of lease of items of minor forest produce to Co-operatives free of royalty should be considered.	8.29	244
250.	While evaluating the working of LAMPS the Registrar Co-operative Societies, Tamil Nadu should ensure that it does not merely remain a financial audit but it should cover total evaluation of the scheme.	8.31	245
251.	The Government of Tripura should draw up a detailed scheme of providing gainful employment to educated unemployed. On the economic front there is a good scope for development of cash crops like tea, coffee and rubber. The State Government should prepare an overall profile on land use for planned development. . . .	8.32	245

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252.	The Government of Tripura should prepare a comprehensive sub-Plan document showing development indicators like surface or unsurfaced roads, literacy and enrolment in primary and higher levels, the number of villages having rural water supply and other programmes like rural electrification, coverage of population by PHCs and sub-Centres. The document should also indicate the recent conflict between tribals and non-tribals and it should reflect the efforts required to be made in reducing the exploitation of tribals, elimination of land alienation and indebtedness	8.32	245
253.	The Government of Uttar Pradesh should look into the low pace of expenditure in the sub-Plan areas and should take prompt steps to ensure full utilisation of the funds.	8.33	245
254.	Although three LAMPS have been established in I.T.D.P. Lakhimpur Kheri in U.P. yet the credit was not flowing and family oriented schemes of socio-economic development were being hampered. The State Government should look into this aspect urgently and arrange the flow of credit on personal surety as is being done in other States.	8.33	245
255.	The Government of Uttar Pradesh enacted a law wiping out existing debts a few years back but no alternative source of credit appears to have been provided with the result that the law has not proved effective. The State Government should entrust the survey of indebtedness to an indepedndent body to ascertain the extent of indebtedness still prevailing among the Scheduled Tribes.	8.33	245
256.	A study undertaken in I.T.D.P. Darjeeling, West Bengal revealed that the project report of I.T.D.P. had not been prepared and no Project Officer had been appointed. The work relating to the implementation of the various schemes under the I.T.D.P. was being looked after by the Scheduled Castes and Scheduled Tribes Welfare Officer, Siliguri who was quite junior. The State Government should appoint a senior Officer as the Project Officer for the I.T.D.P. Darjeeling. Early action should also be taken to prepare the project report.	8.38	246
257.	The concept that tribal development is the responsibility of all developmental departments has now been more or less accepted by all the State Governments. Based on the available information, it is observed that project authorities have been constituted in most of the cases but the integration of sectoral programmes at ITDP level and its implementation in a coordinated manner under the direction of the project authorities have not yet been achieved. Adequate support from the financial institutions has been lacking and dedicated personnel have not been posted in the tribal areas. The State Governments/Union Territory Administrations concerned should look into the matter and do the needful to remove these bottlenecks in the implementation of the various tribal development programmes. .	8.39	246
258.	The tribal population comprises 7.5% of the total population in the country and the geographical extent of the tribal areas is even higher, at least 10% of the total outlay in various developmental Ministries should flow to the tribal areas. The percentage might differ from State to State varying with the percentage of tribal population. According to an estimate for the year 1979-80 funds quantified for the tribal sub-Plan areas amounted to about Rs. 75 crores which might be approximately 1% of the total Central Plan budget. Since the Centre has special constitutional responsibility towards the Scheduled Tribes and Scheduled Areas, the Central Ministries have got significant role to play. The concerned Ministries		

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	should complete the desired exercises as early as possible, so that clearcut quantification from Central and Centrally sponsored schemes of the concerned Ministries may be available for the tribal development. As recommended in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1978-79 it is reiterated that Planning Commission should find out the effect of the orders relating to devolution of funds to the State Governments by the Centre in so far as development of tribal areas are concerned.	8.68	252
259.	The Institute of Research Training and Development studies of Scheduled Castes and Scheduled Tribes Kozhikode, Kerala conducted a study on the socio-economic conditions and developmental programmes for Cholanaickans—a primitive tribe in the State. Some very useful recommendations have been made in the study and it is presumed that the State Government of Kerala would take into consideration the recommendations made by the Institute while formulating the developmental programmes for them. The State Government should try in the first instance to regain their confidence and should regulate the minor produce collection and food gathering rights exclusive to them inside their territory, prohibiting the entry of non-tribals, forest labourers, casual visitors and other undesired elements in the Cholanaickans' land. If possible the whole area should be declared as protected area so that they may not disappear from the map of tribal world. The development of this group will have to be family based and the State Government will also have to go cautiously avoiding over administrating the area and also implementing many schemes at a time.	8.79	255
260.	Sensitive officers with specific responsibilities of properly handling and developing the primitive tribes may be considered for appointment by the States concerned and at the same time special regulations may be promulgated to protect the command of these groups over resources in the areas in which they live. . . .	8.81	257
261.	All the liquor shops in the tribal areas should be abolished in the first instance and strict watch should be kept on those having links with liquor trade in the recent past. Prohibition being a State subject, should be strictly enforced by States/ Union Territories concerned as per the guidelines issued by the Ministry of Social Welfare. Educating the tribals about the ill effects of drinking habit should be made a part of the propaganda campaign and in this process involvement of reputed social workers and voluntary organisations should be given preference. . . .	8.85	259
262.	It is reiterated that all forest land developmental programmes should be so imaginatively chalked out so that they directly improve the economy of the tribals living in the forest areas and that their traditional rights and privileges are not encroached upon. The State Governments should ensure that their perspective plans for forestry programmes should form an integral part of the comprehensive plans of the integrated tribal development areas.	8.89	260
263.	There is a great potential if the minor forest produce is properly processed as variety of them are in great demand and can be easily exported provided their collection, grading and marketing are properly organised. It is, therefore, felt that if the full benefit of the collected forest produce is to be given to the tribals, it is necessary that the first processing of all such minor produce is done within the tribal areas in the cooperative sector.	8.90	260
264.	In order to give full benefits of the produce collected by the tribals, the Tribals Development Cooperative Corporations and Forest Development Corporations should play an important role in arranging to produce minor forest produce from		

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	the areas of their operation by offering remunerative prices to the tribals so that they sell their stocks to them.	8.90	260
265.	The social forestry programmes have very important role in rural economy in general and tribal economy in particular. The States concerned should allocate adequate funds for implementing these programmes.	8.92	261
266.	The proposed new forest policy and Sixth Plan document incorporating the role of the social forestry in the economic development of tribals indicates the concern shown in the previous reports of the Commissioner for Scheduled Castes and Scheduled Tribes, National Commission on Agriculture has been taken into consideration. Comprehensive plans inter-woven with forestry oriented schemes where forests are rich, have not yet been prepared in all the States concerned. Such I.T.D.Ps. which have forest-rich regions, forestry oriented developmental programmes should be prepared on priority basis.	8.93	262
267.	All the concerned State Governments should take steps to give heritable and inalienable rights to the tribals living in the forest villages over the land which they cultivate and extend all social and economic developmental programmes and in particular organise the forest based industries in such villages.	8.96	262
268.	There is no single satisfactory answer to the problem of weaning away the shifting cultivators and piece-meal attempts may not produce tangible results. Since the problem is complex in nature and involves socio-religious rites and rituals, any sectoral approach would not solve the problem. Institutes like Forest Research Institute Dehradun, Forest Management Institute Ahmedabad, States Forest Institutes, State Forest Development Corporations, Indian Council of Agricultural Research, Tribal Research Institutes, Universities etc. should be involved in the task of drawing up the detailed projects with special reference to each area and integrated and multi-disciplinary approach should be adopted to tackle the problem. Sizeable funds should be provided by the Central/State Governments for weaning away the tribals from shifting cultivation.	8.110	263
269.	The importance being given to the irrigation in tribal areas gets reflected in the amount earmarked by the various States every year. It is learnt that no funds were released by the Ministry of Irrigation for development of irrigation in tribal areas during the years 1979-80 and 1980-81. The Ministry of Irrigation should specifically earmark funds to be spent in tribal sub-Plan areas for irrigation programmes suiting to the needs of tribal people and paucity of funds should not be a constraint for any ongoing scheme or new scheme.	8.116	266
270.	In the Maharashtra Resettlement of Project Displaced Persons Act, 1976, it is obligatory to provide land in the irrigation command to a family displaced from its own land acquired for an irrigation project. The Governments of Madhya Pradesh and Bihar are reported to have agreed to follow the provisions made in the Maharashtra Act. The other States/Union Territories concerned should take similar steps for rehabilitation of Scheduled Tribe persons displaced due to the construction of irrigation projects within the command area	8.120	267
271.	The State Governments/Union Territory Administrations should identify the pockets as has been done by the Government of Orissa where the prevalence of leprosy is more acute. They should also establish leprosy control Units in each of such identified pockets, having adequate staff and facilities like mobile units. . .	8.127	269

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272.	Along with the establishment of more hospitals and P.H.Cs. in the tribal and rural areas, a net work of sub-centres/dispensaries should also be spread so that the basic medical facilities may be available to the Scheduled Castes and Scheduled Tribes. It should also be ensured that Indian system of medicine is also encouraged in rural areas as that would help in narrowing the gap existing in medical care between the rural and urban areas	8.128	269
273.	The State Governments/Union Territory Administrations should make postings of all the newly recruited doctors in the tribal and rural areas compulsory, at least for 3 years. Only after completion of their term successfully in the tribal/rural areas their names should be considered for further promotion. The doctors who are posted in tribal areas should also be sanctioned additional allowance . .	8.130	269
274.	The community Health workers scheme was well received by the people in the past. Since a large number of workers have already been trained and 2386 primary health centres have also been covered it is suggested that the State Governments/ Union Territory Administrations concerned should ensure that a scheme which is meant for the services of the poor people is not discontinued	8.133	270
275.	As recommended in Commissioner's 1978-79 Report, it is reiterated that all nutritional programmes should be incorporated in the Integrated Tribal Development Projects so that there may be wider coverage of nutritional programmes in tribal areas	8.141	272
276.	Some rural areas suffer from excess of salinity, iron or fluorides or other toxic elements hazardous to health. It was reported that some people in Shibgang basti predominantly inhabited by Scheduled Castes in Unnao District of Uttar Pradesh who had been drawing water from these wells died of disease suspected to have been caused by excess fluoride in water. Some persons were also reported to be suffering with a disease which was causing paralysis to the limbs and slowly bringing the death. Although the district authorities covered the two wells situated in the basti and opened a new well at a distance but it could not solve the problem and the villagers continued taking water from the nearby pond. The State Government should immediately make suitable alternative arrangements for drinking water facilities in the area	8.151	274
277.	As recommended in Commissioner's 1978-79 Report, it is reiterated that protected water supply of drinking water should be provided in tribal areas where it is lacking and the existing sources should be improved. In the identification of problems villages in the tribal areas the units should be hamlet rather than a village. Each State Government/Union Territory Administration concerned should review the existing position with regard to availability of drinking water supply for Scheduled Castes and Scheduled Tribes separately and also from the point of view of social discrimination against Scheduled Castes and accessibility and other factors relating to Scheduled Tribes. The bulk of plan programmes and allocation for drinking water supply both in the State and Central Sectors should be oriented through Component Plan and tribal sub-Plan respectively for these two categories of backward classes	8.152	274
278.	In States like Madhya Pradesh, West Bengal, Orissa, Rajasthan, Bihar, Himachal Pradesh and Manipur tribal pupils are not receiving instruction at the primary stage through their mother tongue. The concerned States/Union Territory Administrations should make efforts to introduce instructions in tribal languages as early as possible	8.162	276

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279.	The National Council of Educational Research and Training in collaboration with the Government of Orissa have prepared a curriculum for Saora students for Classes I to V. It has also been proposed to prepare text-books in Saora language. This is a welcome step. The other State Governments concerned should also seek the help of NCERT in the preparation of curriculums for tribal students within the framework of general objectives and national goals of education . . .	8.166	277
280.	There is no doubt that if education is imparted to the tribal students in the primary classes in their tribal languages/dialects they will be attracted towards education and the high rate of failure in Classes I and II may come down	8.169	277
281.	In come States tribal languages are used as media of instruction beyond Classes I and II. It is felt that many tribal languages may not prove useful in teaching subjects like Arithmetic, Science and Social Studies. It is, therefore, necessary that the State Governments and educated tribal persons should make efforts to develop the tribal languages so that these can be fruitfully used as media of instruction beyond primary stage of education	8.170	278
282.	The propagation of education through tribal languages and dialects would make it easier for the involvement of the tribal people in the development work that is being undertaken on a large and intensive scale in the tribal areas. For the knowledge of the tribal persons engaged in collection of minor forest produce, if bulletins and posters are published in tribal languages and dialects, they may prove more useful in increasing the awareness amongst the tribals about the rates on which they can sell the produce collected by them and the agencies who are prepared to buy them. Protective laws should also be published in tribal languages/dialects so that the tribals know the laws against alienation of their land, their rights in forest and facilities available to them under various developmental programmes. Even in adult education programmes the teaching of tribal languages and dialects may prove more fruitful and useful to the tribals and administration. In the light of the above points the State Governments should accelerate the work regarding the development of tribal languages/dialects and imparting education in these languages to the tribals	8.171	278
283.	The new lines in tribal and backward areas seldom yield the minimum return of 10 per cent on the capital and the lines in these areas are constructed only when there are prospects of industrial activity. In this contest it would be desirable if the Planning Commission comes forward to allocate funds separately for new lines for development of tribal and backward areas. As long as these lines remain unremunerative the General Revenues may subsidise these lines and the subsidy part of it may come from the special fund created for development of tribal and backward areas	8.182	280
284.	In order to give proper orientation to the personnel particularly to the lower level functionaries of Revenue, Forest, Agriculture, Cooperation departments and other non-officials concerned with the welfare of Scheduled Castes and Scheduled Tribes, the TRIs. concerned should organise a comprehensive and realistic training programme	8.193	284
285.	The concerned Department of Scheduled Castes and Scheduled Tribes of the State and the Tribal Research Institute if there is one and other Universities should decide in collaboration with each other the studies to be undertaken on different aspects of socio-economic problems faced by the Scheduled Caste and Scheduled Tribe communities	8.197	285

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286.	In the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1971—73 a suggestion was made that funds should be placed at the disposal of the Commissioner for financing some urgent studies through eminent scholars/institutions. In the budget proposals of this office for the year 1976-77 an amount of Rs. one lakh was proposed for this purpose but was not agreed to by the Government. Under Article 338 of the Constitution, the primary function of the Commissioner for Scheduled Castes and Scheduled Tribes is to investigate into the working of the safeguards provided for the Scheduled Castes/ Scheduled Tribes in the Constitution. The inadequate research staff sanctioned for this office cannot cope up with the studies that Commissioner would like to be conducted all over the country to evaluate the actual working of these constitutional safeguards. Appreciation of this vital function has been lacking on the part of the authorities concerned. It is, therefore, urged that the strength of the research staff in this office should be augmented as well as funds provided in the budget of this office to enable the Commissioner to get certain urgent investigations made into the working of the constitutional safeguards provided for Scheduled Castes and Scheduled Tribes	8.200	285
287.	Desired progress in completing the Bench Mark Surveys by different State Governments and Union Territory Administrations has not been achieved. The State Governments/Union Territory Administrations concerned should gear up their machinery to complete the Bench Mark Surveys so that data emanating from Bench Mark Survey may be utilised for the projections to be made for sub-Plan areas and Project Reports in the Sixth Plan period	8 202	286
288.	Right type of evaluation of policies and programmes is a pre-requisite for adequate and proper planning. Besides the involvement of national level institutes in evaluation programmes the non-official research organisations of repute should also be considered for being entrusted with evaluation of programmes. Before entrusting the programmes of evaluation it should be ensured that TRIs and these organisations are fully equipped to take these assignments. For an overall assessment Plan Evaluation Organisation of the Planning Commission should also be involved	8.207	287
	CHAPTER 9 — DISCONTENTMENT IN TRIBAL AREAS		
289.	An assessment of the tribal welfare work done in the country so far leads one to believe that tribal communities have yet to make considerable leeway to join the mainstream. More strenuous efforts must be made through suitable coordination between official and non-official bodies to accelerate the tempo of development and for better inplementation of protective measures	9.8	289
290.	The demand of the tribals in Tripura that, all their lands which were alienated when the refugee influx began after partition should be restored to them, appears to be quite genuine. The State Government should consider the desirability of including the tribal lands alienated before 1969 also within the purview of the Tripura Land Revenue and Land Reforms (Second Amendment) Act, 1974. The State Government should take necessary action to speed up the process of restoration of tribal lands under the above mentioned Act	9.30 9.31	293 293
291.	The Government of Tripura has a scheme to rehabilitate non-tribals from whom land is taken for restoration to the tribals, under which they are to be absorbed in plantations or given alternative lands. While the alienated tribal lands should be restored expeditiously, to above mentioned scheme needs to be pursued vigorously by the State Government to remove the source of friction between tribals and non-tribals	9.32	293

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292.	The Government of Tripura should take early steps to integrate the scheme for Jhumia resettlement through a nodal authority, in order that the programme is implemented in a coordinated way	9.35	293
293.	The tribal population in Manipur should be gradually diverted from shifting cultivation to permanent cultivation in terraced land on hills as well as to horticulture and forestry. With vast forest land and sparse population, the tribal areas in the State have also great scope for the development of animal husbandry and poultry. Handloom weaving and manufacture of handicrafts also have considerable scope if necessary inputs and marketing of finished products can be assured	9.42	295
294.	Special measures should be urgently taken by the Government of Manipur for the restoration of alienated tribal lands	9.43	295
295.	Various water supply schemes like Rural Water Supply and Accelerated Rural Water Supply scheme etc., should be stepped up by the Government of Manipur to solve the problem of water supply in tribal villages	9.44	295
296.	Unemployment among the educated tribals in Manipur should be removed early by providing to them various avenues of employment	9.45	295
297.	All the districts and Sub-divisional headquarters and other important centres in Manipur should be connected by a net-work of good roads at an early date . .	9.46	295
298.	The implementation of the programmes coming in the purview of the Autonomous District Councils in the Tribal areas of Manipur should be stepped up . . .	9.47	295
299.	Urgent steps should be taken by the Central Government and the Government of Manipur to remove the regional imbalances in the State by accelerating various development programmes in the hill districts in order to defuse the explosive situation existing in the State due to friction between the tribals and the non-tribals .	9.49	295
300.	The programme to cover additional area of land under cultivation during the Sixth Plan period in Mizoram should be implemented efficiently in order to raise the agricultural production in the Union Territory and also to settle the shifting cultivators on settled cultivation	9.53	296
301.	The paper mill and Plywood manufacturing Factory in the large Industries Sector and the Mini Sugar Plant in the village and small scale industries sector should be set up in Mizoram as a time bound programme in order to increase the industrial production as well as to create additional avenues of employment for the tribal youths	9.55	296
302.	The perenial rivers in Mizoram which have potentiality to generate additional power should be urgently tapped to provide the required electricity to the tribal population in the Union Territory for consumption as well as the productive purposes .	9.57	297
303.	The vast reserves of coal, limestone, magnetite and other valuable minerals in Nagaland should be exploited early to establish modern industries in order to create employment opportunities as well as to increase the industrial production in the State	9.66	298
304.	The implementation of the various rural water supply schemes in Nagaland should be stepped up	9.68	298
305.	Employment opportunities in Nagaland should be increased by speedily implementing various development programmes	9.69	298

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306.	The Government of Assam should take early action to check further alienation of tribal lands to non-tribals and to restore the alienated lands to tribals. . . .	9.74	299
307.	Unemployment among the educated tribal youths in Assam creates discontentment among them and should be removed by implementing various development programmes in order to increase employment opportunities.	9.75	300
308.	Problems of settling the shifting cultivators in Meghalaya on settled cultivation needs urgent attention of the State Government. The shifting cultivators should also be provided necessary agricultural inputs and guidance for improvements in the techniques of agriculture.	9.85	301
309.	A net work of good roads connecting all villages in Meghalaya should be urgently completed by the State Government to put a stop to the isolation of the interior tribal areas in the State and also to enable development activities to be carried out in those areas.	9.86	302
310.	The rehabilitation of the economy of the border areas of Meghalaya needs to be stepped up.	9.87	302
311.	More avenues of employment should be created in Meghalaya by developing small scale industries.	9.88	302
312.	The flow of funds from the Nationalised Banks and other financing agencies in Meghalaya for financing medium term and long-term development projects in Agriculture and forest sectors, was quite inadequate. The State Government should pay urgent attention to increase the flow of these funds for such projects. . . .	9.89	302
313.	The Government of Meghalaya should take urgent steps to remove the causes of discontentment among the tribals by accelerating the pace of their economic growth.	9.90	302
314.	Training infrastructure for educated tribal youths in Arunachal Pradesh should be developed, for catering to different vocational needs, to enable them to take up self-employment, so that frustration among them is not misdirected to adopt wrong channels.	9.98	303
315.	The Government of Bihar should take early action to plug the remaining loopholes in the Santhal Parganas Tenancy Act, 1949 and Chhotanagpur Tenancy Act, 1908, to ensure that the tribals are not exploited on this account.	9.111	308
316.	It was surprising that the tribals had taken to the cutting of forest in Singhbhum District of Bihar, which indicated their annoyance of the various developmental measures that were being undertaken by the Government the fruits of which did not reach them.	9.127	312
317.	The tribals can secure jobs as skilled workers in a number of ancillary industries which have developed round big industrial projects in the tribal areas of Bihar, if they are properly trained and helped to set up such units and if potential entrepreneurs amongst them are given seed money, bank finance and other facilities. Attempts made by the concerned Departments of the State Government in this regard need to be activised. The giant industrial enterprises in the State, in the public and private sectors should also be involved in this task by asking them to take up villages in their vicinity for all round development, giving apprenticeship training to the tribals and helping the young men in setting up small units so that the tribals get the feeling that they are equal partners in the industrialisation of their region.	9.131	313

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318.	The stance at dialogue with the leaders of the tribes, rather than excessive repression, should be the governing policy of the Government of Bihar in dealing with any agitation which has its roots in the socio-economic ethoes of the people in the tribal areas. Any extra emphasis on the use of strong-arm methods only helps to further alienate the tribal people. The deployment of the C.R.P. and B.S.F. may appear to curb the manifestations of hostile activities but may not succeed in bringing about a peace effective enough for smooth carriage of developmental process with social justice, unless along side peace making efforts, equally determined efforts are made to attack the socio-economic problems haunting the tribal areas. It might help ease the tension if the police proceeded with caution so that the tribals in the villages were not unduly scared to prevent increasing their distrust in the administration.	9.150	318
319.	A social forestry scheme similar to that introduced by the Government of Gujarat should be drawn up by the Government of Bihar to provide landless tribal persons sustained job opportunities by permanently engaging a family on raising plantation of suitable species under the direct supervision and guidance of Forest Department who would supply the required raw material. In view of the labour put in, each family should be paid a reasonable monthly remuneration till such time as the trees are exploited. At the end of the period a family should be given 20 per cent share in the net profit derived from the sale of trees. This scheme should be discussed with the representatives of tribal people.	9.151	318
320.	Forest Department officials in Bihar, specially petty officials, should be impressed upon to approach the tribals in the State in a friendly manner and try to fully explain the implications of the various forest programmes before starting their implementation. It was only when the right type of psychological climate was created among the tribals and they were convinced that these programmes would be in their interest that they would be prepared to accept them. The authoritarian attitude of the forest officials against the tribals must stop.	9.152	318
321.	Nowhere it is more essential than in the tribal areas of Bihar to involve the representatives of the tribal people to guard their interest from exploitation by money-lenders, contractors, etc. in order to accelerate the pace of development. . . .	9.153	318
322.	Whatever is promised by the Government of Bihar to the tribals in the State, must be faithfully executed and for this purpose the first requisite is the posting of right type of personnel in the tribal areas. Since the emphasis in a welfare State is on development, it is necessary that the stress should be on ensuring adequate stability of the administrative apparatus at the lower level, more so in the tribal areas where the problems are complex and require comparatively longer time to have a grip. It is, therefore, absolutely desirable that the minimum tenure of all administrative and technical heads should be 5 years, in order to enable them to attend to the various developmental programmes. Frequent changes in the administrative replacements in the context of the present stage of our developmental activities harm more the weaker sections, particularly the tribals. Once given a tenure, the officer concerned should be changed in the mid-term only, if he or she is found to be a road-block in the process of development in the area.	9.154	318
323.	A policy decision is necessary to do away with the auction of forest coupes to contractors in Bihar. Allotment of forest coupes should be exclusively given only to forest labourers' cooperative societies. There were some FLCS but either they were dormant or they were not allotted sufficient work. They also do not possess necessary technical expertise for the exploitation of forest coupes. The establishment of FLCS and their revitalisation was urgently called for. If the tribals were assured that the		

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	forest coupes would be allotted to their societies and they would get the prescribed wages, they would come forward willingly to protect the forests. To ensure that this programme was implemented in right earnest, it was imperative that a senior officer similar to the rank of Chief Conservator of Forests should be given exclusive charge to provide technical advice to FLCS and to see that forest officials acted in a manner as would not strangle these societies. The work of organising FLCS should be taken up with speed and the elite among the tribals should be enabled to play a useful role in the management of FLCS. Along with this programme, the collection of minor forest produce by the tribals and its purchase by the LAMPS should also be organised. A coordinated functioning of the two would be desirable and should be supervised by the authority suggested above.	9.155	318
324.	In Maharashtra, the purchase of certain specified minor forest products as well as surplus agricultural produce by the contractors or traders had been banned and the Tribal Development Corporation had come forward in a big way to purchase these commodities and also to provide consumption loans to the tribals. If a similar strategy is followed by the Government of Bihar, it would contribute very much in the elimination of exploitation in the tribal areas of that State.	9.155	318
325.	The administrative and financial short-comings in the working of the LAMPS in Bihar should be immediately identified and tackled. This would require a coordinated approach of all the agencies like the cooperative banks, nationalised banks and other marketing federations with a view to ensuring that sufficient funds were placed at the disposal of the LAMPS for purchase of the commodities which the tribals bring for sale.	9.156	319
326.	A crash programme required for the development of a number of villages in the reserved forest in Singhbhum District of Bihar which had remained outside the ambit of various developmental programmes taken up so far, should be drawn up immediately and a team of officers belonging to various developmental departments in the district should be asked to visit these villages and suggest concrete measures to be taken up for providing drinking water, health and educational facilities to these villages. For this purpose, funds should be placed by the concerned departments at the disposal of the forest department along with necessary personnel so that these programmes could be executed with the needed promptitude. A wide publicity by mobile units of the PRD should precede the inauguration of this programme. . .	9.157	319
327.	Efforts should be made to get the clay mines in the private sector in Singhbhum District of Bihar reopened or in the alternative the tribals rendered unemployed due to their closure, should be provided gainful employment.	9.158	319
328.	The Scheduled Tribe labourers in the tribal areas of Bihar were generally paid wages much less than those prescribed under the Minimum Wages Act. This led to a lot of frustration among the tribals.	9.159	319
329.	The usual explanation that qualified technical Scheduled Tribe persons were not available for filling Groups C & D posts in the four iron ore mines in Singhbhum District of Bihar could be overcome by launching a crash programme to give training to the Scheduled Tribe candidates passing out of I.T.Is. or Polytechnics for absorption in these mines.	9.160	319
330.	The grievances about land alienation and non-payment of compensation in respect of the lands taken for air strip at Noamundi and for collieries, Government projects, irrigation schemes, industries, etc. in the tribal areas of Bihar needs immediate atten-		

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	tion. Remedial steps should be taken for payment of adequate compensation to the land holders. The recent manifestation of disstisfaction among the tribals was noticeable in the obstruction by the tribals to the construction of big irrigation and thermal projects in the Chhotanagpur and Santhal Parganas.	9.161	319
331.	The Government of Bihar should review the existing land laws in the tribal areas of the State and take necessary action to plug the loopholes therein to ensure that there were no bottlenecks in the restoration/actual possession of alienated tribal lands.	9.162	319
332.	After the names of the near kith and kin of the 11 Scheduled tribe persons killed in the firing at Gua in Singhbhum District of Bihar were identified, they should be paid adequate compensation. This gesture on the part of the Government would have a salutary impact on the tribals. In the welfare State, it would be wrong to hold the view that as the tribals attacked the police force, it would not be proper to give financial relief to the bereaved families.	9.163	319
333.	The Medical Department of the Government of Bihar has an important role to play in bridging the present communication gap between the administration and the tribals. Mobile medical teams should visit villages in the tribal areas and render them medical aid. A programme of providing medical aid at all the *hats* in the tribal areas should be started immediately. Young energetic doctors should be sent from neighbouring districts to augment the existing staff so that this programme could make a perceptible infiuence on the tribals.	9.164	319
334.	The Industries Department of the Government of Bihar should intensify the sericulture schemes which can provide supplementary income to the tribals. Basket and rope making can be encouraged by supplying raw material at cheaper rates and making arrangements with the iron ore mines, steel plants and other industries to purchase these products instead of purchasing them from the contractors. This can provide employment to a large number of people.	9.165	319
335.	The Minor Irrigation Department in Singhbhum District of Bihar needs streamlining. A number of schemes taken up by the Department which require completion, should be completed on priority basis to ensure that actual benefits flow to the tribals. The first task of the Department should be to complete the schemes before taking up more Schemes for execution.	9.166	320
336.	Compensation money for deaths caused by rogue elephants in the tribal areas of Bihar should be paid soon after the reports have been verified. All bottle necks causing delay should be removed to ensure prompt payment in such cases. Similarly, there was considerable delay in the payment of compensation for crops damaged by wild animals. These cases were perhaps pending in the Finance Department for a long time. If help was not given immediately, the whole purpose of the State coming forward with a helping hand would be lost. In such matters, the district magistrates should be equipped with adequate powers to evaluate the damage, and to determine the quantum of compensation to ensure prompt payment.	9.167	320
337.	The tribal agitation in Singhbhum District of Bihar had undoubtedly acquired a political overtone by constantly highlighting the demand of a Jharkhand State. The leaders of the movement had taken care to identify various local demands with the need for creating a separate State. It was for consideration whether a time had not come to give a fresh look at the demand for a Jharkhand State comprising 16 districts of Bihar, Madhya Pradesh, Orissa and West Bengal with an area of 1.9 lakh sq. kms.		

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	But any consideration must answer to the all embracing question as to what extent the creation of a separate State would benefit the development of the tribals and could eliminate their exploitation. The tribal people would constitute less than 50 per cent of the population in the contemplated Jharkhand regions. It was, therefore, no wonder that the demand found support now even in a section of non-tribals particularly among the politicians and business-men	9.168	320
338.	It is high time to consider methodology for a co-ordinated development of all the tribal areas of the four State of Bihar, Orissa, West Bengal and Madhya Pradesh. The areas being contiguous and the problems and the stage of development almost similar, it should be possible to devise some institutional frame which could ensure co-ordinated development and increase participation of the people in the development process and ensure peace and better governance in the areas without at the same time impinging upon the respective autonomy of the concerned States. The Union Government had a crucial stake in the Scheduled Areas and development of the people therein and the Governors of the States had special responsibilities towards these areas. Article 339(2) of the Constitution clearly mandates that the executive power of the Union shall extend to the giving of directions to the States for drawing up and execution of schemes essential for the welfare of the Scheduled Tribes. The first Proviso to Article 275(1) provides that the cost of a scheme for promoting the welfare of the Scheduled Tribes in a State or for raising the level of administration of Scheduled Areas will be met out of the Consolidated Fund of India. Some common developmental machinery like the North Eastern Council with necessary modifications should be worked out for the purpose. With the Home Minister as Chairman, the proposed council should include, besides the Governors and Chief Ministers of the concerned States, tribal representatives nominated from among the elected members of the Scheduled Areas and a member of the Planning Commission. The power of the Governor to make regulations for peace and good government of the Scheduled Areas under the fifth Schedule of the Constitution could be exercised in consultation with the proposed council. Similarly, the executive power of the Union Government under Article 339(2) for giving directions in drawing up and execution of schemes essential for the welfare of the Scheduled Tribes, which has not been fully invoked so far, could well be exercised through the machinery of the council	9.168 9.169	320 320
339.	The Large Sized Multi Purpose Societies in the tribal areas of West Bengal should take necessary follow-up action after advancing loans to the beneficiaries and ensure that the amounts of loans are properly utilised by them to create regular incomes for them	9.175	322
340.	The Government of West Bengal should expedite the state for the restoration of alienated tribal lands in order to remove a major cause of discontent among the tribals	9.176	322
341.	The functioning of the West Bengal Tribal Development Co-operative Corporation Ltd., Calcutta should be monitored by the State Government continuously in order to ensure that the Scheduled Tribe beneficiaries actually derive benefits from its various programmes	9.177	322
342.	Various programmes for the uplift of the Scheduled Tribe communities in West Bengal should be accelerated in order to raise their economic status and remove the causes of their exploitation by non-tribals	9.182	323

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343.	The Central and State Governments should consider the desirability of including the land laws and other protective laws enacted on the Scheduled Tribes in Andhra Pradesh in the Ninth Scheduled of the Constitution	9.185	324
344.	The Government of Andhra Pradesh might have issued the order prohibiting the eviction of non-tribals in occupation of Government land in the Scheduled Areas upto 5 acres wet and 10 acres dry, to ensure that taking away small pieces of tribal land occupied by poor non-tribals should not cause any hardship to the latter. But the fact remains that the tribal lands alienated by non-tribals should be restored to the original tribal owners in order to remove a major cause of discontent among the tribals.	9.189	325
345.	Various provisions of the Andhra Pradesh (Scheduled Areas) Money-lenders Regulation and Debt Relief Regulation should be implemented expeditiously by the Government of Andhra Pradesh. An integrated credit-cum-marketing structure should be evolved with the Girijan Cooperative Corporation as its fulcrum to meet all the credit and consumption needs of the tribals and to remove an important cause of discontent among the tribals	9.190	325
346.	Urgent steps should be taken by the Government of Andhra Pradesh to provide sources of safe drinking water in villages and hamlets in the tribal areas which are without the facility of drinking water	9.192	325
347.	The benefit of various development programmes in Andhra Pradesh had not accrued to the tribals to the desired extent and wherever development had taken place, a lion's share of the benefit had been snatched away by the influential non-tribals settled in the tribal areas. This needs to be rectified by the State Government by continuously monitoring the various programmes for the economic development in the tribal areas	9.195	325
348.	The programme of the proposed fruit processing centres in the tribal areas of Orissa should be started early	9.198	326
349.	The implementation of the programme of survey and settlement operations in the tribal areas of Orissa should be completed by the State Government on schedule .	9.199	326
350.	The disposal of the pending cases for the restoration of alienated tribal lands in Orissa should be expedited by the State Govt. Steps should also be taken by the Government to meet the short and long term credit needs of the tribals through various financing institutions like banks, LAMPS etc., so that they are not compelled to approach the money-lenders for such needs	9.199	326
351.	The local tribals in Orissa should be imparted training and skills to enable them to secure jobs in industrial enterprises as well as assisted financially to take up other occupations which arises due to the setting up of these enterprises . . .	9.200	327
352.	Although health facilities in the tribal areas of Gujarat have been augmented, there are still deficits of such facilities which need to be strengthened. There are many houses/huts in tribal areas which need improvement in respect of ventilation, smoke nuisance, etc. keeping in view health, sanitation and good habitation . . .	9.215	329
353.	The Forest Labourers Cooperative Societies in Maharashtra have not been able to materially improve the economic status of the tribals, the potentialities of which exist, by encouraging these societies to undertake other forestry operations and entering in the field of forest-based industries	9.229	332

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354.	Greater care will have to be exercised in ensuring that the tribals in Maharashtra become partners in the process of development and do not remain more unskilled workers in new industries and townships	9.231	332
355.	Provision of communication facilities is the pre-requisite for the development of backward areas as well as the people residing in the tribal areas of Maharashtra. Roads network should be provided, linking all the tribal villages with district head-quarters. Posts, telegraphs and telephone facilities should also be expanded to link these with the growth centres, emerging in tribal areas.	9.234	333
356.	A lot more requires to be done on the part of the Government of Maharashtra as well as the non-official agencies in the State, to improve the conditions of Scheduled Tribe agricultural labourers and to divert them to gainful avenues of employment, if the tribal sections have to be saved from exploitation at the hands of unscrupulous elements, through vigorous implementation of protective legislations . . .	9.236	333
357.	There is considerable scope for the development of fisheries, poultry farming, etc., in Rajasthan to improve the conditions of the tribal population in the State . .	9.243	334
358.	A sizable programme of hygienic drinking water supply through shallow drilling and hand pump installation is required in the tribal areas of Rajasthan, to cope with the large incidence of guinea worm infection	9.250	335
359.	The majority of the tribals in Rajasthan are still lagging behind in development and strenuous efforts are required to be made to improve their lot	9.254	336
360.	There are 12 communities in the Eastern districts of Uttar Pradesh which have characteristics similar to those of Scheduled Tribes. Their population is estimated at about 4 lakhs. They are economically, socially and educationally vulnerable. Special attention to raise their social and economic standards, keeping in view their backwardness, is therefore considered necessary	9.256	336
361.	The Government of Uttar Pradesh as well as non-official agencies in the State should join hands in taking initiative for improving the lot of the bonded labourers and coming to the aid of fallen women belonging to Kolta community of Jaunsar-Bawar area	9.261	337
362.	No doubt the process of tribal development in Uttar Pradesh has been initiated in all earnest. But on account of long isolation of tribal pockets and virtual non-existence of infrastructure facilities, the pace of development has not been adequately accelerated. The inhabitants continue to remain backward due to primitive agriculture and lack of knowledge for proper utilization of available resources. Exploitation of tribal sections continues unabated. Immoral trafficking among women in one particular community of Scheduled Tribes continues to take place. The alienated lands of Tharus and Buxas has not been restored. Much more remains to be done to improve the condition of bonded labourers and for their rehabilitation . . .	9.263	337
363.	The condition of tribals is particularly poor in Pangi and Bharmour areas of Chamba District in Himachal Pradesh. Agricultural land is insufficient and holdings are Small and scattered. The areas are snow-bound and only one crop is grown. There are potentialities for the development of horticulture in these areas. There is also urgent requirement for the establishment of a Research Centre in Lahaul Valley itself for production of foundation seeds because the existing Potato Development Station at Daleng in Lahaul Valley run by the State Department of Agriculture was not in a position to meet the full requirements of Foundation reeds . . .	9.266	338

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364.	In the tribal areas of Himachal Pradesh, no industrial training Institute is functioning and the persons looking for such training have to visit places like Mandi, Solan, Nahan, Simla, etc.	9.270	339
365.	Stagnation and drop outs at the primary level in the tribal areas of Himachal Pradesh have resulted in a considerable wastage of resources.	9.271	339
366.	There is acute shortage of functional and residential buildings in the tribal areas of Himachal Pradesh and this has been considered as a major bottleneck in the economic and social growth of the tribals.	9.273	339
367.	The benefits of most of the welfare programme for Lahaulas, Pangwalas and Kinnauras in Himachal Pradesh are being cornered by comparatively well-to-do sections belonging to these three communities and the comparatively backward amongst them continue to be neglected. There are some sections amongst these communities the members of which suffer from the Stigma of untouchability.	9.274	339
368.	Arrangements should be made to provide raw materials at reasonable cost to the tribals in Himachal Pradesh to enable them to work indoors during winter and to collect the finished products at the end of the season for which the tribals should be suitably remunerated through marketing facilities.	9.275	339
369.	The tribal areas of Himachal Pradesh require greater attention on account of the peculiar topography of the area and historical dimensions of the backwardness existing there since long. Within the tribal areas of the State, Pangi in Chamba District is much more backward and the condition of the tribals there continues to be miserable. The means of communication are rudimentary. On account of special problems in the tribal areas, officers with sympathetic and understanding approach should be posted to work for the welfare of the members of the tribal communities. .	9.277	339
	CHAPTER 10 — ATROCITIES AND HARASSMENT		
370.	Various socio-economic maladies have been causing distress and unrest amongst Scheduled Castes and Scheduled Tribes. Foremost amongst these happen to be lack of proper respect for Scheduled Castes, adoption of exploitative practices by vested interests to deny Scheduled Castes and Scheduled Tribes their normal rights and privileges and resentment of tribal sections over curtailment of their forest rights and dipossession from lands. Resistance on their part leads to atrocities of varying magnitudes and lack of effective law and order machinery and inadequate legal protection aggravate their problems. It is of utmost importance to remove underlying maladies so that Scheduled Castes and Scheduled Tribes can hope for security of life and property and social justice.	10.3	340
371.	Constant watch should be kept on the conditions of migrant tribal workers by administrative authorities. Such workers are totally unorganised and have no means to face their oppressors. Only the Government agencies and dedicated social workers can take up their cause by exposing tyrant employers and assisting the exploited labourers in getting their due.	10.4	340
372.	It is essential that necessary awareness may be brought about amongst misguided sections through publicity media that ameliorative stays are necessary on account of the past neglect of these communities and do not imply discriminatory approach of the Government.	10.5	340

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373.	Some of the State Governments did not supply full information about crimes committed against Scheduled Castes and Scheduled Tribes by other sections of the Society. It is necessary that adequate care should be taken in treating all types of offences against the members of Scheduled Castes and Scheduled Tribes as atrocity cases. They should also standardise and rationalise the mode of collection of atrocity statistics and made requisite arrangements for prompt disposal of such cases. .	10.7	341
374.	It is suggested that the Government of Gujarat and other concerned State Governments should make analysis in respect of high rate of acquittals in cases relating to atrocities on Scheduled Castes and Scheduled Tribes for framing suitable measures to bring the offenders to book.	10.15	345
375.	It is hoped that the passing of 'Disturbed Areas Bill' would enable the Central Government to wield its authority more effectively in checking atrocities on Scheduled Castes and Scheduled Tribes.	10.21	346
376.	It is observed that the Harijan Cell/Special Cells do not have adequate supporting staff at state and Regional levels to enable them to make prompt enquiries into atrocities cases. It should be ensured that the special machinery at district level is also adequately staffed for proper enforcement of the P.C.R. Act and effective and quick disposal of cases of atrocities against Scheduled Castes/Tribes. The Ministry of Home Affairs should provide adequate funds for strengthening the Harijan Cells/ Special Cells at State/District levels.	10 28	349
377.	The role of Harijan Cell in Bihar under the Home Police Department and the D.I.G. Harijan Cell under the I.G. Police should be clearly defined. There is need for better coordination between the working of these two cells. The D.I.G. Harijan Cell should provide expert guidance in the investigation and prosecution of atrocity cases and for that purpose strengthening of the Harijan Cell under the D.I.G. is also necessary to expedite investigation and prosecution in some selectedatrocity cases, analysing the judgements of various courts and to lay down guide-lines to be followed by the district authorities.	10.29	349
378.	It is felt that at least an amount of Rs. 10,000 as compensation should be given in case of death or permanent incapacitation. In case of temporary incapacitation an amount of Rs. 6,000 should be admissible. An amount of Rs. 3,000 should be considered as minimum necessary for loss of house, and for loss of immovable property other than residential houses such as cattle shed, an amount of Rs. 2,000 should be considered adequate. For loss of earning assets like a vehicle, a boat or a bullock, an amount of Rs. 2,000 or the actual cost of replacement, whichever is higher should be given to the victim. For the loss of movable property such as grains, clothes and other household affects, an amount of Rs. 2,000 should be considered enough to cover the loss. In case of loss of irrigation well, electric motor etc. the amount of compensation should be equal to the loss suffered. Most of the State Governments/Union Territory Administrations have not made provisions for giving relief to rape victims. As such victims suffer humiliation for their entire lives an amount of Rs. 7,000 should be made admissible.	10.34	352
379.	Comparatively more incidents of atrocities on Scheduled Castes were reported from Uttar Pradesh, Madhya Pradesh. Bihar, Rajasthan, Gujarat, Orissa, Maharashtra, Karnataka. Tamil Nadu, Punjab, Andhra Pradesh and to some extent in Haryana and Himachal Pradesh. As regards Scheduled Tribes, relatively more incidents of atrocities were reported from the respective States of Rajasthan, Madhya Pradesh, Gujarat, Maharashtra, Orissa, Kerala, Bihar, Karnataka, Andhra Pradesh, Uttar Pradesh, and to some extent from Himachal Pradesh. It would go a long way in checking the		

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	recurrence of such incidents if the State under reference could further make an analysis of the specific pockets therein and concentrate their efforts in these areas through posting of special revenue and police staff so that elements hostile to the interests of the Scheduled Castes and Scheduled Tribes could be kept under check and the persons belonging to the Scheduled Castes and Scheduled Tribes accorded necessary security and protection.	10.42	356
380.	Kafalta incident has brought to the surface the deep seated caste prejudices prevalent in the interior parts of Kumaon Division in Uttar Pradesh. The situation requires stricter vigilance to avoid recurrence of such incidents. These areas have suffered from long neglect in the matter of providing basic infrastructure facilities. Urgent attention requires to be given to the primary task of linking interior places with tehsil towns so that intelligence of sensitive issues containing potentialities of developing into major incidents could be brought to the notice of authorities well in time for taking preventive measures.	10.46	361
381.	The Scheduled Caste persons of Kunwarpur village, P.S. Jethra, Etah District, Uttar Pradesh were in a state of terror and shock. The villagers demanded that unless a police outpost was created in Kunwarpur, they were not likely to continue to stay there because their village had become a kind of eye-sore to the Yadavs. . .	10.48	367

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