



**REPORT OF
THE COMMISSIONER FOR
SCHEDULED CASTES
AND
SCHEDULED TRIBES**

PART II

**1977-78
(APPENDICES)**

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APPENDIX I
(Reference para 2.9)
Number of seats in Lok Sabha/Legislative Assemblies
(Delimitation Order, 1976)

Sl. No. and name of State/Union Territory	Lok Sabha			Legislative Assembly		
	Total	Sch. Castes	Sch. Tribes	Total	Sch. Castes	Sch. Tribes
I	2	3	4	5	6	7
STATES						
1. Andhra Pradesh . . .	42	6	2	294	39	11
2. Assam	14	1	2	126	8	16
3. Bihar	54	8	5	324	46	28
4. Gujarat	26	2	4	182	12	25
5. Haryana	10	2	..	90	17	..
6. Himachal Pradesh . . .	4	1	..	68	15	3
7. Jammu and Kashmir . . .	6	..	..	76@	6	..
8. Karnataka	28	4	..	224	29	2
9. Kerala	20	2	..	140	12	2
10. Madhya Pradesh	40	5	8	320	42	64
11. Maharashtra	48	3	3	288	17	17
12. Manipur	2	..	1	60	1	19
13. Meghalaya	2	..	..	60	..	..
14. Nagaland	1	..	..	60	..	..
15. Orissa	21	3	5	147	22	34
16. Punjab	13	3	..	177	29	..
17. Rajasthan	25	4	3	200	32	24
18. Sikkim	1	..	..	32£	1	..
19. Tamil Nadu	39	7	..	234	42	2
20. Tripura	2	..	1	60	7	17
21. Uttar Pradesh	85	18	..	425	89	1
22. West Bengal	42	8	2	294	59	17
TOTAL	525	77	36	3,821	525	282
UNION TERRITORIES						
23. Andaman & Nicobar Islands	1	..	..	..	..	..
24. Arunachal Pradesh . . .	2	..	..	30	..	..
25. Chandigarh	1	..	..	..	..	..
26. Dadra & Nagar Haveli . .	1	..	1	..	..	..
27. Delhi	7	1	..	56*	9	..
28. Goa, Daman & Diu . . .	2	..	..	30	1	..
29. Lakshadweep	1	..	1	..	..	..
30. Mizoram	1	..	..	30	..	..
31. Pondicherry	1	..	..	30	5	..
TOTAL	17	1	2	176	15	..
GRAND TOTAL	542	78	38	3,997	540	282

NOTE : @Excludes 24 seats for the Pakistan occupied territory.

£Includes 1 seat reserved for Sangha constituency.

NOTE : * Metropolitan Council Constituencies.



APPENDIX II

(Reference para 2.51)

Important points discussed and recommendations made in the meetings of TACs of Madhya Pradesh, Orissa, Rajasthan and West Bengal during 1977-78

1. M.P.T.A.C. Meeting held on 24-5-78

While discussing about the 'Patal Ganga' project and general scheme of tube wells the members proposed to start the scheme of dug-wells also. It was proposed that considering the importance of liquor in the life of tribals and the bad effect of liquor consumption, a gradual change in the rules regarding relaxation in the preparation and storage of liquor in tribal areas may be brought so that full 'Nashabandi' policy may be achieved in course of 5 years. In order to encourage the meritorious tribal-students it had been decided to open four Ideal Higher Secondary schools at Baster, Sihora, Badwani and Jaspur. In the year 1977-78 ten new pre-matric hostels were proposed to be opened. It was recommended that 12 ashram schools in sub-plan areas and 3 ashram schools outside sub-plan areas may be opened. It was also suggested that 'Halba Kosti' tribe should not be recognised as a Scheduled Tribe. It was informed that in 24 districts, village employment promotion schemes had started operating, by which tribals would get 100 days employment at the rate of Rs. 3 per day.

2. Orissa, T.A.C. meeting held on 23-1-78

It was suggested that the rates of pre-matric scholarships for both the boarders and day scholars Scheduled Tribe students reading in ashram schools, Kanya ashrams and High schools be increased. To avoid the delay in payment of scholarships it was suggested that pass-book system operating in the districts of Keonjhar and Mayurbhanj be examined and introduced in other districts. A memorandum was proposed to be prepared containing details of eviction of Adivasis from their lands by Forest Department for consideration of the Council. Cases booked under the Orissa Sch-Areas Transfer of Immoveable property (by Scheduled Tribe) Regulation, 1956 and the Orissa Land Reforms Act, 1960 relating to transfer of tribal lands to non-tribals be disposed of in camp courts as far as possible in areas where there were large number of such cases. Special officers may be appointed where necessary for this purpose. 40 per cent reservations in all educational and technical institutions be provided for the Scheduled Castes and Scheduled Tribes. There should be a complete ban on liquor vending in tribal areas but the tribals should be allowed to brew their traditional drinks.

3. Rajasthan T.A.C. meeting held on 27-2-78

It was recommended that for the welfare of Scheduled Tribes living outside sub-plan areas 27 new blocks be opened covering 5,46,000 tribal population. The Council suggested that under the Special Nutrition Programme, a survey in the remote hilly areas

may be undertaken to include these areas in the programme. To increase the technical ability of the employees of voluntary organisations it was suggested that such institutions should give employment to persons who have done their graduation and post-graduation with sociology. For the recruitment of Scheduled Tribe persons also in general quota it has been suggested that while registering their names with Social Welfare Department, the candidates belonging to these communities should also simultaneously get their names registered in the Employment Exchanges, so that they may be recruited against the general vacancies also.

4. West Bengal T.A.C. meeting held on 27-4-78

The Council suggested that in awarding pre-matric scholarships income limit should be raised from Rs. 300 to Rs. 500 with reference to conducting of the means test. The members desired that the rate of book-grant should be increased considerably, the amount of hostel grant should also be raised to Rs. 80 per month and one failure should not be considered disqualification for the award of book-grants. Regarding award of post-matric scholarships, the members opined that all wards of the same parents or guardians should get the facilities of stipends irrespective of the number. Keeping in view the poor economic conditions of the Scheduled Tribe communities, the members expressed the view that there should be upward revision of the existing rates of maintenance charges. It was also suggested that the rate of stipend for day-scholars should be raised from Rs. 40 to Rs. 60 and for hostellers from Rs. 70 to Rs. 120.

Regarding construction of mud-houses for the poor Scheduled Tribe persons, the Council suggested that mud-houses with asbestos or corrugated iron-sheets-roofing should be constructed for ensuring better utilisation of funds. The Council proposed that the rate of monthly stipend of trainees in TPCs in different crafts should be raised from Rs. 40 to Rs. 80 per month and the amount of lump-sum grants on completion of training be increased from Rs. 300 to Rs. 500 per beneficiary. It was recommended that Scheduled Tribe persons should be issued loans under DRI scheme through the Tribal Development Co-operative Corporation Limited. It was desired that the local Block Development Officer and the Special Officer, Scheduled Castes and Tribes Welfare Department should be authorised to issue caste certificates to avoid inconvenience to Scheduled Caste/Scheduled Tribe people. Some of the members suggested that permission for sale of land by tribals to non-tribals should be accorded on the grounds of marriage ceremony or medical treatment.

APPENDIX III

(Reference Para 3.6)

*Statement showing the percentage of representation of Scheduled Castes/Scheduled Tribes in Railway Services
as on 1st January, 1978*

Class	Permanent/ Temporary	Percentage of Scheduled Caste employees	Percentage of Scheduled Tribe employees
I	2	3	4
Class I	Permanent	6.7	0.9
	Temporary	4.7	0.9
Class II	Permanent	11.1	1.6
	Temporary	10.4	1.7
Class III	Permanent	10.6	1.7
	Temporary	13.4	4.0
Class IV (excluding Safaiwalas)	Permanent	17.4	4.7
	Temporary	20.1	7.9
Class IV (Safaiwalas)	Permanent	87.6	1.4
	Temporary	67.6	2.5
TOTAL .	Permarent	16.9	3.3
	Temporary	19.3	5.9

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APPENDIX IV

(Reference Para 3.26)

Statement showing the representation of Scheduled Castes/Scheduled Tribes in the appointment of District Judges/Additional District Judges/Civil Judges in the various States/Union Territories

Sl. No.	Name of the State/Union Territory	Nomenclature of the Court	Total	Sch. Castes	Sch. Tribes
1	2	3	4	5	6
STATES					
1	Assam	Judicial Service	122	4	5
2	Andhra Pradesh	Distt. Judges	81	4	1
3	Gujarat	(i) Judges, City Civil & Session Courts, Ahmedabad including the Principal Judge	14	..	..
		(ii) District & Session Judges	20	..	..
		(iii) Asstt. Judges	19	..	..
		(iv) Judges, Small Cause Courts (including Chief Judge) Ahmedabad/Baroda/Surat	9	..	..
			+2	..	..
			+2	..	..
		(v) Metropolitan Magistrates(including Chief Metropolitan Magistrate)	14	..	..
		(vi) Civil Judges (Sr. Division]	36	..	..
		(vii) Civil Judges (Jr. Division)	176	5	..

APPENDIX IV—Contd.

1	2	3	4	5	6
4	Haryana	(i) Haryana Superior/Judicial Service	28 (14 working strength)	..	..
		(ii) Haryana Civil Service (JB)	96 (81 working strength)	5	..
5	Himachal Pradesh	District Judges	11	1	..
6	Karnataka	District Judges	52	2	..
7	Kerala	(i) District Judges	16	..	..
		(ii) Selection Gr. District Judges & Additional District Judges	5	1	..
8	Madhya Pradesh	(i) District & Session Judges	52	..	..
		(ii) Asstt. Session Judges	108	..	..
		(iii) Civil Judges	387	35	27
9	Maharashtra	(i) District Judges	32	3	..
		(ii) Asstt. Judges	42	..	..
		(iii) Small Cause Court Judges	5	..	..
		(iv) Civil Judges (Sr. Division)	69	1*	..
		(v) Civil Judges (Jr. Division)	259	31*	3
		(vi) Small Cause Courts (Judges)	28	1	..
		(vii) Bombay Metropolitan Magistrates, Bombay	49	1	1
10	Meghalaya	(i) District & Session Judge	1	..	..
		(ii) Asstt. District & Session Judge	1	..	1
		(iii) Munsiff	1	..	..
11	Nagaland	No separate set up in Nagaland			
12	Punjab	(i) Superior Judicial Service	42	1	..
		(ii) P.C.S. (Jud. Br.)	175	34	..
13	Rajasthan	Rajasthan Judicial Service	N.A.	22	3
14	Tamil Nadu	State Hr. Judicial Service	26	1	..
15	Tripura	District Judges	33	..	2
16	West Bengal	(i) Higher Judicial Services	80	..	..
		(ii) Civil Judicial Services	418	6	..
UNION TERRITORIES					
17	Arunachal Pradesh	No Judges	..	..	..
18	Chandigarh	No Judges	..	..	..
19	Dadra & Nagar Haveli	(i) Civil Judge-cum-Chief Judicial Magistrate	1	..	..
		(ii) Part time District & Session Judge	1	..	..
20	Lakshadweep	No Separate Courts	..	..	..
21	Pondicherry	District Judges	3	..	..
22	Goa, Daman & Diu	No Judges	..	..	..
23	Mizoram	No District Judges	..	..	..

*One Nav Budha.

NOTE : Information from the States of Bihar, Jammu & Kashmir, Manipur, Orissa and Uttar Pradesh and the Union Territory of Delhi is not available.

APPENDIX V

(Reference para 3.62)

Statement showing the number of Scheduled Caste/Scheduled Tribe candidates who underwent training and who were finally selected for appointment to various All India Services during 1977-78 (1977 Examination)

Sl. No.	Name of the Centre	No. of Candidates Trained		No. of Candidates who appeared		No. of candidates finally selected						Sanction Strength	
						IAS		IPS		Allied			
		SC	ST	CS	ST	SC	ST	SC	ST	SC	ST		
1	Scheduled Caste/Scheduled Tribe All India Services Pre-examination Centre, Allahabad.	41	26	36	15 2	@	Nil	Nil	Nil	Nil	Nil	2	80
							Nil	2	1	2	4	2	
2	All India Pre-examination training Centre, Madras	24	2	24			1	1	Nil	Nil	Nil	Nil	60
3	Zonal IAS etc. (Pre-examination) Coaching Centre, Patiala.	38	13	38	13		Nil	Nil	Nil	1 in CS	Nil	Nil	50
4	Rau's IAS Study Circle Connaught Place, New Delhi.	8	6	8	6		2	2	Nil	1*	1	1*	30
5	Administrative Services Pre-entry Coaching Institute for Scheduled Castes & Scheduled Tribes, Jaipur.	19	19	16	15		Nil	Nil	Nil	Nil	Nil	Nil	40
6	All India Pre-examination Training Centre, Shillong.	7	21	7	20		Nil	1 ex-trainee	Nil	2 (1 ex-trainee)	Nil	**4 (3 ex-trainee)	50
				129	71								
1	Pre-examination training Centre for Scheduled Caste/Scheduled Tribe, Moti Lal Nehru Regional Engineering College, Allahabad.	21	—	17	—								40
2	Pre-examination training Centre for Scheduled Caste/Scheduled Tribe, Regional Engineering College, Tiruchirapally.	31	—	22	—		8£	—	—	—	—	—	40

@Figure relates to ex-trainees.

*Common name both for IPS and Allied Services.

**4 Trainees/ex-trainees who qualified for Allied Service includes 2 trainee/ex-trainees who qualified for IPS also.

£These candidates qualified in Engineering Services Examination conducted by the Union Public Service Commission.

APPENDIX VI

(Reference para 3.64)

Statement showing the number of Scheduled Caste/Scheduled Tribe Candidates who applied, appeared and were recommended for Appointment to Posts, Recruitment for which was held through examinations held by the Staff Selection Commission during 1977

Name of the Examination	Applied			Appeared			Recommended for Appointment		
	Total	SC	ST	Total	SC	ST	Total	SC	ST
1	2	3	4	5	6	7	8	9	10
(A) Open Examinations									
Clerks Grade Examination, 77	87,834	13,612 (15.50)	860 (0.98)	54,071	7,968 (14.74)	444 (0.82)	2,219	400 (18.03)	18 (0.81)
Inspectors of Income Tax etc. Examination, 77	72,840	8,099 (11.12)	1,599 (2.14)	47,876	4,535 (9.47)	916 (1.91)	1,087	198 (18.22)	65 (5.98)
Stenographers Ordinary Grade Examination, 77.	5,518	190 (3.44)	22 (0.40)	4,433	131 (2.96)	14 (0.32)	443	4 (0.90)	— (—)
Sub Inspectors (Executive) Delhi Police Examination, 77.	2,509	241 (9.61)	17 (0.68)	1,915	192 (10.03)	15 (0.78)	124	19 (15.32)	6 (4.84)
(B) Limited Departmental Examinations									
Clerks Grade Examination, 1977 (For Group D Staff).	468	140 (29.91)	3 (0.64)	405	118 (29.14)	3 (0.74)	61	20 (32.79)	1 (1.64)
Upper Division Grade Ltd. Dptl. Competitive Exam., 77	867	108 (12.46)	2 (0.23)	648	84 (12.96)	1 (0.15)	71	24 (33.80)	— (—)
Clerks Grade Exam., 77 (Group 'D') for Subordinate Offices.	1,041	200 (19.21)	45 (4.32)	526	106 (20.15)	25 (4.75)	—	—	—
Grade 'C' Stenographers Ltd. Departmental Competitive Examination, 77.	265	6 (2.26)	1 (0.38)	202	3 (1.49)	1 (0.49)	30	1 (3.33)	— (—)
Gr. 'D' Stenographers Ltd. Departmental Competitive Exam. 77	527	30 (5.69)	1 (0.19)	384	19 (4.95)	— (—)	94	1 (1.06)	— (—)
Assistants Grade Ltd. Departmental Competitive Exam. 1977 (Rly. Board).	40	3 (7.50)	— (—)	28	2 (7.14)	— (—)	2	1 (50.00)	— (—)
Upper Division Grade Ltd. Departmental Competitive Exam., 1977 (Rly. Board).	5	—	—	5	—	—	3	—	—

NOTE : Figures in brackets indicate % to total.

APPENDIX VII
(Reference para 3.71)

STATEMENT NO. 1

Statement showing state-wise number of trainees undergoing training in engineering trades and non-engineering trades and Scheduled Caste and Scheduled Tribe Trainees among them under craftsmen training Scheme as on 31-12-1977

Sl. No.	State/Union Territory	Total number of trainees on roll			No. of S.C. trainees on roll in			No. of S.T. trainees on roll in		
		Engi- neering Trades	Non- Eng. Trades	Total	Engg. Trades (includ- ed in Col. 3)	Non- Engg. Trades (includ- ed in Col. 4)	Total (includ- ed in Col. 5)	Engg. Trades (included in Col. 3)	Non- Engg. Trades (included in Col. 4)	Total (includ- ed in Col. 5)
1	2	3	4	5	6	7	8	9	10	11
1	Andhra Pradesh . . .	8,619	268	8,887	1,271	48	1,319	247	14	261
2	Assam . . .	2,302	211	2,513	267	26	293	246	20	266
3	Bihar . . .	12,135	66	12,201	1,413	11	1,424	1,236	14	1,250
4	Gujarat . . .	5,334	97	5,431	448	33	481	213	2	215
5	Haryana . . .	8,555	1,511	10,066	987	157	1,144	..	..	..
6	Himachal Pradesh . . .	1,383	309	1,692	187	40	227	46	13	59
7	J. & K. . . .	739	562	1,301	43	34	77	..	..	..
8	Karnataka . . .	4,892	113	5,005	548	6	554	11	..	11
9	Kerala . . .	7,128	103	7,231	613	8	621	29	..	29
10	Madhya Pradesh . . .	8,083	998	9,081	976	137	1,113	824	48	872
11	Maharashtra . . .	19,722	1,439	21,161	2,435	218	2,653	670	41	711
12	Manipur . . .	362	108	470	4	..	4	97	28	125
13	Meghalaya . . .	49	13	62	..	..	..	36	13	49
14	Nagaland . . .	107	16	123	..	..	..	107	16	123
15	Orissa . . .	3,401	365	3,766	389	32	421	373	28	401
16	Punjab . . .	10,017	1,182	11,199	1,128	170	1,298	5	..	5
17	Rajasthan . . .	3,147	167	3,314	324	19	343	38	6	44
18	Tamil Nadu . . .	11,983	294	12,277	2,193	63	2,256	77	14	91
19	Tripura . . .	420	67	487	71	14	85	45	18	63
20	Uttar Pradesh . . .	21,155	2,646	23,801	2,975	333	3,308	9	5	14
21	West Bengal . . .	8,316	127	8,443	838	18	856	58	7	65
22	Arunachal Pradesh . . .	18	—	18	..	..	..	13	..	13
23	Chandigarh . . .	390	262	652	68	29	97	..	..	..
24	Delhi . . .	4,749	1,447	6,196	591	226	817	6	..	6
25	Goa . . .	320	..	320	1	..	1	..	..	..
26	Mizoram . . .	96	..	96	..	..	..	96	..	96
27	Pondicherry . . .	194	31	225	31	3	34	4	..	4
All India Total . . .		1,43,616	12,402	1,56,018	17,801	1,625	19,426	4,486	287	4,773

STATEMENT No. 2

Statement showing Trade-wise number of seats introduced trainees on roll and number and percentage of Scheduled Caste and Scheduled Tribe Trainees under Craftsmen Training Scheme as on 31-12-1977

Sl. No.	Trade	No. of seats introduced	No. of trainees on roll	No. of S.C. trainees included in Col. 4	Percentage of S.C. trainees to Col. 4	No. of S.T. trainees included in Col. 4	Percentage of S.T. trainees to Col. 4
1	2	3	4	5	6	7	8
ENGINEERING TRADES							
1	Building Constructor	384	284	39	13.2	39	13.2
2	Draughtsman (Civil)	3,349	3,552	392	11.0	55	1.5
3	Draughtsman (Mechanical)	4,030	4,129	400	9.7	74	1.8
4	Electrician	16,291	17,279	1,840	10.6	471	2.7
5	Electroplator	416	340	45	13.2	6	1.8
6	Fitter	25,583	26,191	3,567	13.6	945	3.6
7	Instrument Mechanic	2,441	2,276	182	8.0	37	1.6
8	Machinist	11,967	12,101	1,451	12.0	358	3.0
9	Machinist (Grinder)	2,052	2,003	246	12.3	76	3.8
10	Mechanic Motor Vehicle	8,733	8,783	1,083	12.3	336	3.8
11	Refrigeration & Air Conditioning Mechanic	2,172	2,060	132	6.4	10	0.5
12	Mechanic (Radio & Television)	4,178	3,905	306	7.8	32	0.8
13	Pattern Maker	1,168	879	104	11.8	28	3.2
14	Surveyor	1,795	1,673	171	10.2	52	3.1
15	Turner	1,60,003	16,184	2,097	13.0	493	3.0
16	Watch & Clock Maker	304	262	42	16.0	8	3.1
17	Wireman	10,275	10,189	1,295	12.7	447	4.4
18	Electronics	1,196	1,171	85	17.3	6	0.5
19	Tool & Die Maker	924	926	102	11.0	8	0.9
20	Millwright Mechanic/Maintenance	244	277	21	7.6	1	0.4
21	Farm Mechanic	224	177	18	10.2	4	2.3
22	Blacksmith	2,371	1,736	275	15.8	80	4.5
23	Carpenter	3,824	2,928	549	18.8	90	3.1
24	Mechanic (Diesel)	2,928	3,261	425	13.0	131	4.0
25	Mechanic (Tractor)	2,478	2,493	283	11.4	41	1.6
26	Moulder	3,806	3,761	562	14.9	168	4.5
27	Painter	819	768	122	15.9	8	1.0
28	Plumber	1,305	1,263	171	13.5	44	3.5
29	Sheet Metal Worker	2,862	2,422	333	13.7	76	3.1
30	Upholstry	48	52	8	15.4	—	—
31	Welder (Gas & Electric)	9,790	10,156	1,434	14.1	364	7.4
32	Wireless Operator	146	135	21	15.6	—	—
Total		1,44,106	1,43,616	17,801	12.4	4,486	3.1
NON-ENGINEERING TRADES							
1	Bleaching, Dyeing & Printing	80	90	9	10.0	..	..
2	Hand Weaving of Fancy & Furnishing Fabrics	224	116	26	22.4	8	5.2
3	Hand Weaving of Woolen Fabrics	..	..	..	..	..	..
4	Knitting with Machine	256	229	18	7.9	1	0.4
5	Hand Weaving of Newar, Tape, Durries & Carpets	16	16	1	6.3	..	..
6	Manufacture of House hold utensils	16	11	..	..	..	..
7	Manufacture of Sports Goods (Wood)	16	..	..	..	..	..
8	Manufacture of Sports Goods (Misc.)	..	..	..	..	..	..
9	Manufacture of Foot Wear	64	34	22	64.7	..	..

STATEMENT No. 2—Contd.

1	2	3	4	5	6	7	8
10	Manufacture of Suit-cases and other leather goods	176	82	25	30.5	..	..
11	Manufacture of Sports Goods (Leather)	16	18	..	..	..	..
12	Book Binding	192	134	25	18.7	5	3.7
13	Hand Composing & Proof Reading	668	553	76	13.7	12	2.2
14	Printing Machine Operator	512	436	71	16.3	16	3.7
15	Cutting & Tailoring	2,976	3,235	392	12.1	73	2.3
16	Preservation of Fruits & Vegetables	52	37	4	10.8	1	2.7
17	Embroidery & Needle Work	638	627	37	5.9	7	1.1
18	Weaving of Silk & Woollen Fabrics	..	..	..	..	..	..
19	Cane, Willow & Bamboo Work	16	17	6	35.3	3	17.6
20	Stenography (English)	4,418	4,321	525	12.1	143	3.3
21	Stenography (Hindi)	2,354	2,446	388	15.9	18	0.7
Total		12,690	12,402	1,625	13.1	287	2.3
Grand Total (Engg.+Non-Engg.)		1,56,796	1,56,018	19,426	12.3	4,773	3.1

STATEMENT No. 3

Statement showing State-wise number of ITIs./Centres Functioning, Number of Seats Introduced, Number of Trainees on Roll and Number and Percentage of Scheduled Castes and Scheduled Tribe Trainees under Craftsmen Training Scheme as on 31-12-1977

Sl. No.	State/Union Territory	No. of IT Is/ Centres functioning	No. of seats introduced	No. of trainees on roll	No. of S.C. trainees included in Col. 5	Percentage of S.C. trainees to Col. 5	No. of S.T. trainees included in Col. 5	Percentage of S.T. trainees to Col. 5
1	Andhra Pradesh	21	8,200	8,887	1,319	14.8	261	2.9
2	Assam	8	3,060	2,513	293	11.7	266	10.6
3	Bihar	29	12,368	12,201	1,424	11.7	1,250	10.2
4	Gujarat	18	5,600	5,431	481	8.9	215	4.0
5	Haryana	17	8,012	10,066	1,144	11.4	..	..
6	Himachal Pradesh	7	1,916	1,692	1,227	13.4	59	3.5
7	Jammu & Kashmir	7	1,424	1,301	77	5.9	..	..
8	Karnataka	14	5,288	5,005	554	11.1	11	0.2
9	Kerala	10	7,096	7,231	621	8.6	29	0.4
10	Madhya Pradesh	23	10,216	9,081	1,113	12.3	872	9.6
11	Maharashtra	32	19,952	21,161	2,653	12.5	711	3.4
12	Manipur	1	440	470	4	0.9	125	26.6
13	Meghalaya	1	280	62	..	..	49	79.0
14	Nagaland	1	168	123	..	..	123	100.0
15	Orissa	10	3,848	3,766	421	11.2	401	10.6
16	Punjab	28	11,436	11,199	1,298	11.6	5	0.04
17	Rajasthan	15	3,260	3,314	343	10.4	41	1.3
18	Tamil Nadu	32	12,858	12,277	2,256	18.4	91	0.7
19	Tripura	2	520	487	85	17.5	63	12.9
20	Uttar Pradesh	50	24,214	23,801	3,308	13.9	14	0.1
21	West Bengal	17	9,764	8,443	856	10.1	65	0.8
22	Arunachal Pradesh	1	40	18	..	..	13	72.2
23	Chandigarh	2	768	652	97	14.9	..	..
24	Delhi	7	5,372	6,196	817	13.2	6	0.1
25	Goa	1	328	320	1	0.3	..	..
26	Mizoram	1	152	96	..	..	96	100.0
27	Pondicherry	1	216	225	34	15.1	4	1.8
All India Total		356	1,56,796	1,56,018	19,426	12.3	4,773	3.1

ITIs=Industrial Training Institutes.

APPENDIX VIII
(Reference para 3.72)

STATEMENT No. 1

Implementation of Apprentices Act, 1961—Engagement of Trade Apprentices belonging to the Scheduled Castes, Scheduled Tribes

Position as on 31-12-1977

Sl. No.	Name of the State/Region	Total under-going training	No. of S.C. apprentices	No. of S.T. apprentices
1	Andhra Pradesh	5,409	472	63
2	Assam	1,244	203	119
3	Bihar	5,880	366	306
4	Chandigarh	255	34	2
5	Delhi	4,458	565	6
6	Goa	191	5	..
7	Gujarat	6,901	362	196
8	Haryana	3,901	191	4
9	Himachal Pradesh	626	91	7
10	Jammu & Kashmir	671	10	..
11	Karnataka	7,612	349	59
12	Kerala	6,107	303	14
13	Madhya Pradesh	2,423	283	127
14	Maharashtra	19,866	1,249	333
15	Orissa	2,572	291	254
16	Pondicherry	325	71	..
17	Punjab	2,820	271	19
18	Rajasthan	2,005	137	35
19	Tamil Nadu	9,631	1,519	3
20	Uttar Pradesh	10,731	1,211	..
21	West Bengal	10,687	826	175
22	Meghalaya	60	2	35
23	Tripura	78	15	2
24	Manipur	37	..	4
25	Nagaland	..	..	..

Total State/Private Sector Establishment . 1,04,490 8,831 1,763

CENTRAL SECTOR ESTABLISHMENT

1	Eastern Region	13,104	2,085	1,013
2	Northern Region	11,037	1,799	246
3	Southern Region	16,370	2,450	441
4	Western Region	9,575	1,488	596

Total Central Sector Establishment . 50,086 7,822 2,296

Grand Total . 54,576 16,653 4,059

STATEMENT No. 2

Graduate and Diploma Holder Apprentices
Position as on 31-12-1977

Sl. No.	Name of the State/Region	Apprentices under-going training	Sch. Caste Apprentices	Sch. Tribe Apprentices
1	Andhra Pradesh	593	22	..
2	Assam	81	1	..
3	Bihar	1,030	10	6
4	Chandigarh	8	..	..
5	Delhi	428	16	..
6	Goa	20	..	..
7	Gujarat	1,001	10	3
8	Haryana	303	2	1
9	Himachal Pradesh	23	..	..
10	Jammu & Kashmir	11	..	..
11	Karnataka	576	7	1
12	Kerala	563	2	..
13	Madhya Pradesh	395	8	5
14	Maharashtra	1,624	4	3
15	Orissa	655	12	7
16	Pondicherry	..	..	..
17	Punjab	103	1	..
18	Rajasthan	346	7	1
19	Tamil Nadu	1,795	14	3
20	Uttar Pradesh	1,538	30	4
21	West Bengal	2,113	12	3
22	Meghalaya	..	..	..
23	Tripura	5	..	..
24	Manipur	4	..	..
25	Nagaland	2	..	..

Total State/Private Sector Establishments . 13,217 158 37

APPENDIX IX
(Reference para 3.73)

STATEMENT No. 1

Statement showing the work performed by the Employment Exchanges in respect of Scheduled Castes during the year 1977

Sl. No.	State/Union Territory	Registration made	Placement effected	No. of reserved vacancies notified	No. of reserved vacancies filled	No. on the Live Register at the end of year
1	2	3	4	5	6	7
STATE						
1	Andhra Pradesh	33,504	6,365	6,137	4,159	80,262
2	Assam	7,357	428	120	70	12,445
3	Bihar	42,438	2,710	1,701	713	99,473
4	Gujarat	23,736	1,950	557	280	56,160
5	Haryana	42,947	6,611	5,881	3,731	47,940
6	Himachal Pradesh	9,683	1,413	1,079	648	15,400
7	Jammu & Kashmir	3,426	119	102	66	4,495
8	Karnataka	16,508	2,984	4,795	2,588	49,949
9	Kerala	18,109	1,560	1,643	1,236	61,922
10	Madhya Pradesh	49,948	5,258	4,050	2,252	77,982
11	Maharashtra	65,527	6,344	3,978	1,876	1,59,996
12	Manipur	100	1	35	15	508
13	Meghalaya	28	12	15	10	101
14	Nagaland	10	2	31	3	18
15	Orissa	13,158	1,348	1,227	558	27,700
16	Punjab	16,568	5,892	9,091	4,468	43,581
17	Rajasthan	23,505	2,347	1,809	1,132	35,490
18	Sikkim*	..	..	..	..	..
19	Tamil Nadu	51,465	5,254	4,570	2,804	135,516
20	Tripura	439	55	59	44	3,206
21	U.P.	1,55,508	12,584	4,320	2,182	2,08,396
22	West Bengal	36,956	2,440	1,608	931	1,17,996
UNION TERRITORIES						
1	A. N. Islands	..	..	..	..	..
2	Arunachal Pradesh*	..	..	..	..	..
3	Chandigarh	3,570	387	546	216	546
4	Dadra & Nagar Haveli*	..	..	..	..	..
5	Delhi	22,384	2,767	2,868	1,516	31,119
6	Goa	111	70	168	70	354
7	Lakshadweep	2	..	3	..	6
8	Mizoram	..	..	..	..	..
9	Pondicherry	385	72	205	72	1,873
10	Central Emp. Exge.	..	..	1,371	321	..
All India Total		6,37,372	68,973	57,969	31,961	12,81,881

*No Employment Exchange is functioning.

STATEMENT No. 2

Statement showing the work performed by the Employment Exchanges in respect of Scheduled Tribes during the year 1977

Sl. No.	State/Union Territory	Registration made	Placement effected]	No. of reserved vacancies notified	No. of reserved vacancies filled	No. on the Live Register at the end of the year
1	2	3	4	5	6	7
STATES						
1	Andhra Pradesh	6,569	1,743	2,912	1,297	9,076
2	Assam	8,176	457	158	79	13,770
3	Bihar	36,059	7,337	1,500	488	69,709
4	Gujarat	11,717	1,902	947	334	17,750
5	Haryana	24	6	125	8	26
6	Himachal Pradesh	1,559	314	303	116	2,180
7	Jammu & Kashmir	..	..	..	..	2
8	Karnataka	1,948	329	1,391	300	2,357
9	Kerala	1,590	245	584	200	5,431
10	Madhya Pradesh	30,966	5,365	5,283	2,312	38,532
11	Maharashtra	13,311	1,863	3,938	1,044	26,797
12	Manipur	1,879	32	296	5	14,132
13	Meghalaya	2,809	135	79	77	4,735
14	Nagaland	1,715	177	883	421	2,437
15	Orissa	12,247	1,570	1,585	563	25,912
16	Punjab	..	..	333	..	3
17	Rajasthan	10,354	1,025	1,083	535	15,208
18	Sikkim**	..	..	..	..	..
19	Tamil Nadu	1,763	262	519	135	2,397
20	Tripura	952	147	298	95	4,801
21	Uttar Pradesh	1,010	164	592	76	1,031
22	West Bengal	8,897	2,385	699	200	20,767
UNION TERRITORIES						
1	A. & N. Islands	29	16	7	..	18
2	Arunachal Pradesh**	..	..	..	..	..
3	Chandigarh	92	29	229	42	66
4	Dadra & Nagar Haveli**	..	..	..	..	..
5	Delhi	796	236	1,226	146	1,082
6	Goa	..	..	139	..	2
7	Lakshadweep	724	198	181	198	1,908
8	Mizoram	5,896	321	961	299	7,371
9	Pondicherry	..	..	64	..	4
10	Central Exp. Exchange	..	..	1,112	97	..
All India Total		1,61,082	26,258	27,467	9,087	2,87,504

**No Emp. Exchange is functioning.

STATEMENT No. 3

Statement showing number of Scheduled Caste and Scheduled Tribe job seekers on the Live Register of Employment Exchanges as on 31st December, 1977, Classified by Educational Levels

Sl. No.	Educational Level	Number on Live Register as on 31-12-1977	
		Scheduled Castes	Scheduled Tribes
1	Below Matric (Including illiterates)	7,86,964	1,97,226
2	Matriculates	2,99,963	56,096
3	Persons who passed higher secondary (including Intermediates/Under Graduates)	1,30,391	24,006
4	Graduates (Including Post-graduates) Total	64,563	10,176
	(i) Arts	42,177	6,956
	(ii) Science	7,300	961
	(iii) Commerce	8,463	1,247
	(iv) Engineering	336	54
	(v) Medicine	397	46
	(vi) Agriculture	487	122
	(vii) Law	273	6
	(viii) Education	4,466	622
	(ix) Others	664	162
	Total (Educated—Matric & above)	4,94,917	90,278
	Grand Total	12,81,881	2,87,504

NOTE: 1. The information is collected at half-yearly intervals ending June and December each year.

2. Excludes figures for University Employment Information and Guidance Bureaux except for Delhi and Maharashtra

STATEMENT No. 4

Statement showing the number of job seekers on the live register of Employment Exchanges as on 31st December, 1977 classified by Board Occupational Groups

Sl. No.	Occupational Groups	Number on the Live Register as on 31-12-1978	
		Scheduled Castes	Scheduled Tribes
1	Professional, technical and related workers	42,790	6,884
2	Administrative, Executive and managerial workers	298	53
3	Clerical and related workers	42,398	7,113
4	Sales workers	119	25
5	Service workers	1,56,062	9,256
6	Farmers, Fishermen, Hunters, Loggers and related workers	3,612	669
7	Production and related workers, transport equipment operators and labourers	1,03,751	36,902
8	Work-seekers not classified by occupations:		
	(a) Below Matric including illiterates and others	5,10,366	1,56,188
	(b) Matric and above but below graduates	3,70,780	62,799
	(c) Graduates and above	51,705	7,615
	Total	12,81,881	2,87,504

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APPENDIX X
(Reference para 3.77)

STATEMENT I

Statement showing the number of vacancies proposed for dereservation during the year 1975

Class of post	Direct recruitment			Promotion			Confirmation			Grand Total		
	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total
1	2	3	4	5	6	7	8	9	10	11	12	13
Class I	57	51	108	32	27	59	4	1	5	93	79	172
Class II	82	121	203	667	402	1,069	24	21	45	773	544	1,317
Class III	5,290	1,972	7,262	350	726	1,076	43	44	87	5,683	2,742	8,425
Class IV	2	17	19	2	27	29	1	2	3	5	46	51
All Classes Total	5,431	2,161	7,592	1,051	1,182	2,233	72	68	140	6,554	3,411	9,965

STATEMENT II

Statement showing dereservation of reserved vacancies during the year 1975

I	Class I			Class II			Class III			Class IV		
	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total
	2	3	4	5	6	7	8	9	10	11	12	13
Total No. of vacancies proposed for de reservation	93	79	172	773	544	1,317	5,683	2,742	8,425	5	46	51
1. SC/ST candidates not available	93	79	172	773	544	1,317	5,683	2,742	8,425	5	46	51
2. SC/ST candidates available but not suitable	..	..	..	..	..	..	..	..	..	..	..	..
3. No. for which DOP & AR did not agree	1	..	1	44	29	73	39	46	85	..	..	..
4. No. for which DOP & AR agreed	92	79	171	729	515	1,244	5,644	2,696	8,340	5	46	51
5. Number for which expost facto approval sought	2	..	2	3	2	5	5,041	1,632	6,673	..	..	..

APPENDIX XI
(Reference para 3.86)

Statement showing the representation of Scheduled Castes and Scheduled Tribes in the State Public Service Commissions during the year 1977

Sl. No.	Name of the State Public Service Commission	Total No. of Members including Chairman	Whether the Chariman belongs to SC/ST		No. of members belonging to SC & ST.	
			SC	ST	SC	ST
1	2	3	4	5	6	7
1	Assam P. S. C.	3	..	1	..	..
2	Gujarat P. S. C.	3	1	..	..	1
3	Himachal Pradesh P. S. C.	2	..	..	..	..
4	Jammu & Kashmir P. S. C.	5	..	..	..	..
5	Karnataka P. S. C.	7	1	..	..	..
6	Kerala P. S. C.	7	..	..	1	..
7	Madhya Pradesh P.S.C.	5	..	..	..	1
8	Manipur P. S. C.	3	..	..	..	1
9	Meghalaya P.S. C.	2	..	1	..	1
10	Orissa P. S. C.	3	..	..	..	1
11	Punjab P. S. C.	6	..	..	1	..
12	Tamil Nadu P. S. C.	6	..	..	1	..
13	Tripura P. S. C.	2	..	..	..	..
14	Uttar Pradesh P. S. C.	7	..	..	1	..
Total		61	2	2	4	5

APPENDIX XII
(Reference para 3.90)

STATEMENT NO. I

Statement showing the percentages of reservation prescribed for Scheduled Castes and Scheduled Tribes in the services under various State Governments

Sl. No.	Name of the State	Percentage of population (1971 Census)		Percentages of reservation prescribed for	
		Sch. Castes	Sch. Tribes	Sch. Castes	Sch. Tribes
1	2	3	4	5	6
1	Andhra Pradesh .	13.27	3.81	14	4
2	Assam . . .	6.10	12.84	7	12 (Hills) 10 (Plains)
3	Bihar . . .	14.10	8.75	14+	10 +
4	Gujarat . .	6.84	13.99	7	14
5	Haryana . .	18.88	..	20	..
6	Jammu & Kashmir	8.25	..	8	..
7	Karnataka . .	13.14	0.78	15	3
8	Kerala . . .	8.30	1.26	8	2
9	Madhya Pradesh .	13.09	20.13	15 } 16 }	18 for classes I & II 20 for classes III & IV
10	Maharashtra . .	6.00	5.86	13*	7
11	Manipur . . .	1.53	31.71 for class I & II for class III & IV	15 2	7.5 32
12	Meghalaya . .	0.38	80.48	Not	available
13	Nagaland . . .	..	88.60		
14	Orissa	15.09	23.11 D. R. Prom. Not exceeding	16 15.08	24 23.11
15	Punjab	24.71	{ D. R. Prom. Cl. I & II Prom. Cl. III & IV	25 14 20	
16	Rajasthan . . .	15.82	12.13	16	12
17	Tamil Nadu . .	17.75	0.75	18 (combined for SC/ST)	
18	Tripura	12.39	28.94	13	29
19	Uttar Pradesh .	20.99	0.22 { All Services Cl. III (Clerical) Class IV	18 25 36	2 2 } 5 } [£]
20	West Bengal@	19.89	5.72	15	5

+ **Bihar** :— In order to clear the backlog in the representation of Scheduled Castes & Scheduled Tribes in the services under the Bihar Government, the percentages of reservation have been raised as under :

	Sch. Castes	Sch. Tribes
Class I & II	25%	20%
Class III & IV	30%	20%

* **Maharashtra** :— Reservation for Scheduled Castes includes for Neo-Budhists.

@ **West Bengal** :— Following percentages of reservation have been prescribed in West Bengal:

	S. C.	S. T.
(a) All services except W. Bengal Higher Judicial Service.	15	5
(b) W. Bengal Civil Services (Judicial)	10	5
(c) In services where there is shortfall	25	10

£ **Uttar Pradesh** :— Increased percentages have been provided till the prescribed quotas of reservation (18% for Sch. Castes and 2% for Sch. Tribes) are reached.

STATEMENT No. II

Statement showing the Roster systems adopted by various State Governments for giving effect to the orders for reservation for Scheduled Castes and Scheduled Tribes

Sl. No.	Name of the State Government	Total No. of points in the roster	Points reserved for	
			Scheduled Castes	Scheduled Tribes
1	2	3	4	5
1	Andhra Pradesh	100	2, 16, 22, 27, 41, 47, 52, 62, 66, 72, 77, 87, 91, and 97	8, 33, 58 and 83
2	Assam	40	2, 17, and 32	5, 11, 20, 29 and 38 (Hills) 8, 14, 25 and 35 (Plains)
3	Bihar	50 * 50	1, 8, 15, 22, 29, 36 and 43 * { 1, 5, 7, 11, 15, 17, 21, 25, 27, 31, 35, 37, 41, 45 and 47.	3, 13, 23, 33 and 43. * 3, 9, 13, 19, 23, 29, 33, 39, 43 and 49.
4	Gujarat	100	4, 18, 32, 46, 60, 74 and 88	1, 8, 15, 22, 29, 36, 43, 50, 57, 64, 71, 78, 85 and 92.
5	Haryana	100	4, 8, 14, 18, 24, 28, 34, 38, 42, 50, 54, 58, 64, 68, 74, 78, 84, 88, 92 and 100.	
6	Jammu & Kashmir	50+ 100@	3, 15, 27, 39. 6, 31, 56 and 81.	..
7	Karnataka	100	2, 7, 14, 21, 28, 35, 42, 49, 56, 63, 70, 77, 84, 91 and 98.	33, 66 and 99.
8	Kerala	100	4, 12, 24, 32, 52, 64, 72 and 84.	44 and 92.
9	Madhya Pradesh	40, Class I & II Class III & IV	4, 10, 16, 25, 31, and 38 4, 10, 17, 23, 29, 34, and 37	1, 7, 13, 19, 22, 28, 33, and 36. 1, 6, 11, 16, 21, 26, 31 and 36.
10	Maharashtra	100	1, 9, 17, 25, 33, 41, 49, 57, 65, 73, 81, 89 and 97	2, 16, 30, 44, 58, 72 and 86.
11	Manipur	..	Roster System has been prescribed but information is not available.	
12	Meghalaya	..	Roster System not introduced.	
13	Nagaland	..	Not available	
14	Orissa	100	DR { 3, 8, 18, 23, 28, 33, 43, 48, 53, 58, 68, 73, 78, 83, 93 and 98 Prom: Different roster according to varying percentages	1, 6, 11, 13, 16, 21, 26, 31, 36, 38, 41, 46, 51, 56, 61, 63, 66, 71, 76, 81, 86, 88, 91 and 96.
15	Punjab	100	DR { 1, 5, 9, 13, 17, 21, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 65, 69, 73, 77, 81, 85, 89, 93, and 97. Prom : Class I & II—1, 7, 15, 22, 30, 37, 44, 51, 58, 65, 72, 80, 87, and 94. Prom : Class III & IV—1, 6, 11, 16, 21, 26, 31, 36, 41, 46, 51, 56, 61, 66, 71, 76, 81, 86, 91 and 96.	
16	Rajasthan	40	1, 7, 14, 21, 28 and 35	4, 12, 22, 30, and 39.
17	Tamil Nadu	100	2, 8, 14, 20, 27, 33, 39, 45, 49, 52, 58, 64, 70, 77, 83, 89, 95, and 99. (Combined for SC/ST)	
18	Tripura	100	4, 11, 18, 25, 33, 40, 47, 54, 61, 68, 75, 82 and 89.	1, 6, 9, 13, 16, 20, 23, 27, 30, 35, 38, 42, 45, 49, 52, 56, 59, 63, 66, 70, 73, 77, 80, 84, 87, 91, 93, 96 and 98.

STATEMENT No. II—Concl'd.

1	2	3	4	5
19	Uttar Pradesh	25	1, 7, 13, 19 and 25 (In alternate cycle 25th point to be treated as un-reserved.)	24th point in every alternate cycle i. e. 2nd, 4th, 6th Cycle etc.
20	West Bengal	20	3, 13 and 18.	Point No. 7.

§ In every alternate cycle of 40 points. (M. P.)

+ 50-point roster for direct recruitment and promotion (with reservation) @ 8% (J & K)

@ 100-point roster for promotion (with reservation @ of 4%) (J & K)

* This roster system represents the enhanced percentages of reservation in Class III and IV post (Bihar)

Maharashtra : Reservation for Scheduled Castes includes for Neo-Buddhists.

£ *Uttar Pradesh* : Till such time the prescribed quota of reservation (18% for Scheduled Castes and 2% for Scheduled Tribes) is reached, the Government of Uttar Pradesh have enhanced the percentage of reservation and accordingly revised the rosters as under,

(i) Clerical Services		Percentages	Total No. of posts	Points reserved
(a) Sch. Castes :	. . .	25%	20	1, 6, 11, 16, 20.
(b) Sch. Tribes :	. . .	No change		
(ii) Subordinate Services				
(a) Sch. Castes	. . .	45%	9	1, 4, 7, 8 and 9
(b) Sch. Tribes	. . .	No change		
(iii) Class III Clerical Services				
(a) Sch. Castes	- . .	25%	20	1, 5, 9, 13, and 17
(b) Sch. Tribes	. . .	2%	20	10th Point in 3rd Cycle and 20th Point in 5th Cycle.
(iv) Class IV services				
(a) Sch. Castes	. . .	36%	25	1, 4, 7, 10, 13, 16, 19, 22 and 25
(b) Sch. Tribes	. . .	5%	25	24th point in 2nd & 4th cycles.

STATEMENT No. III

Statement showing the Concessions and Relaxations allowed to Scheduled Castes and Scheduled Tribes by various State Governments in their Services

Sl. No.	Name of the State Govt.	Whether system of grouping of isolated posts and small cadres is followed	Whether of the system rate in-terview for SC/ST exists	Whether SC/ST candidates are judged by relaxed standards	Whether there is a provi-sion of prior ap-proval for dereserva-tion of reserved vacancies	After tion the vacancies are carried for-ward for (No. of year)	Whether the reserved va-cancies are exchangeable between SC & ST in the last year of carry forward	Whether there is reser-va-tion in posts filled by pro-motion	Whether there is provision of reser-va-tion at the stage of confir-mation	Relaxa-tion in upper age limit	Concession in fees prescribed for exam./ Selection to any post
1	2	3	4	5	6	7	8	9	10	11	12
1	Andhra Pradesh .	No	No	Yes	Yes	3 Years	No	No	No.	5 Years	Full Exemption
2	Assam . . .	..	..	..	..	2 Years	..	No@@	..	2 Years	..
3	Bihar . . .	Yes	Yes	Yes	Yes	3 Years	Yes	Yes	..	5 Years	One fourth
4	Gujarat . . .	Yes	Yes	Yes	Yes	3 Recruitment occasions.	Yes	Yes	No	5 Years	One fourth
5	Haryana . . .	..	..	..	..	2 years	No	Yes	..	5 Years	..
6	Jammu & Kashmir . .	..	..	Yes	Yes	Period not indi-cated.	No (No Sch. Tribes).	Yes	Yes	5 Years	One half
7	Karnataka . . .	..	Yes	..	..	2 Recruitment occasions.	..	..	..	5 Years	One fourth
8	Kerala . . .	Yes†	Yes†	Yes	No	3 Years	Yes, exchange-able each time	No	No	5 Years	One fourth
9	Madhya Pradesh	Yes	Yes	Yes	Yes	**Indefinite subject to total res. being restricted to 45%.	No	Yes	No	5 Years	Full exemption.
10	Maharashtra .	Yes	Yes	Yes	*No	5 Years	No	Yes	No	5 Years	One half
11	Manipur . . .	..	..	Yes	Yes	3 Years	Yes	Yes	Yes	5 Years	One fourth
12	Meghalaya . . .	No	No	No	No	One Year	No	No	No	5 Years	One half
13	Nagaland . . .	..	..	..	Information not available						
14	Orissa . . .	..	..	..	Yes	3 Years	Yes, each year	Yes	..	5 Years	One fourth
15	Punjab . . .	No	Yes@	..	Yes	2 Years	No (No Sch. Tribes)	Yes	No	5 Years	One fourth

16	Rajasthan	.	..	Yes, in competitive exam.	Yes	3 Years	..	Yes	..	5 Years	One fourth
17	Tamil Nadu	.	No	Yes	..	No provision	..	No	..	5 Years	Full exemption
18	Tripura	.	..	..	Yes	3 Years	Yes	Yes	..	..	..
19	Uttar Pradesh	.	Yes	Yes	Yes	3 Years	Yes	Yes	Yes	5 Years	One fourth
20	West Bengal	.	No	Yes	..	2 Years in direct Rectt. only.	..	Yes	No	5 Years	One fourth

*(Maharashtra) : Except in posts filled by promotion.

** (Madhya Pradesh) : The carry-forward system not applicable to posts filled by promotion.

† (Kerala) : There is a system of grouping in the case of temporary appointments made through the Emp. Exchange, upto 90 days. For other posts, the question is under consideration of Government.

‡ (Kerala) : Separate interview only in the case of supplementary list which is prepared if adequate number of SC/ST candidates satisfying the usual requirement are not available.

@ (Punjab) : Procedure for Separate interview is generally adopted where there is good response.

@@ (Assam) : Cases of supersession of SC/ST in Class III posts and upwards are placed before the Minister for approval.

STATEMENT No. III—Contd.

Sl. No.	Name of the State Govt.	Whether there is provision for grant of T.A. to SC/ST candidates in the Selection Board/ interviews/ Test	Whether there is provision of nomination of SC/ST Officer in the Selection Board/ Prom. Committee	Whether there is reservation in work established daily-rated posts	Whether SC/ST candidates selected on merit are counted against reserved quota	Whether an Officer is nominated as Liaison Officer responsible for implementation of reservation orders in each deptt.	Whether there is a State-Level committee to review the representation of SC/ST in State Govt. Services	Whether the reservation prescribed for SC/ST in State Govt. Services is applicable in the Services under the following :	Local Bodies	Public Sector Undertakings	Voluntary agencies receiving grants-in-aid	Autonomous bodies/institutions under the control of or receiving grants from Government
1	2	13	14	15	16	17	18	19	20	21	22	
1	Andhra Pradesh	Yes	..	No	No	Yes	..	Yes	Yes	Yes	Yes	Yes
2	Assam	..	..	Yes	..	..	..	..	Yes	Yes	..	..
3	Bihar	Under consideration	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	Gujarat	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	Haryana	Yes	..	Yes	Yes	..	Yes	..	Yes	Yes	..	Yes
6	Jammu & Kashmir	..	..	..	No	Yes	Yes, (Enforcement Board)	..	..	..	..	..
7	Karnataka	..	Yes	..	No	..	..	..	Yes	Yes	Yes	Yes
8	Kerala	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
9	Madhya Pradesh	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
10	Maharashtra	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
11	Manipur	Yes	..	No	..	Yes, Head of Deptt. in each Deptt.	Yes	Yes	..	..	..	Yes
12	Nagaland	..	..	Information not available	..	..	..	..	..	..	..	..

13	Orissa.	.	Yes	..	No	..	Yes, Head of Deptt.	Yes	..	..
14	Punjab	.	Yes	Yes	..	No	Yes	Yes	Yes	Yes
15	Rajasthan	.	Yes	..	..	..	Yes, Head of each Deptt.	Yes	..	Yes
16	Meghalaya	.	No	Yes	No	No	..	Yes	Yes	Yes
17	Tamil Nadu	.	..	..	..	No	..	Yes	..	..
18	Tripura	.	..	..	No*	..	..	Yes**	Yes**	..
19	Uttar Pradesh	.	Yes	Yes	Under consideration.	Under consideration.	Yes	Commr. &/ or SC & ST in UP.	Yes	Yes
20	West Bengal	.	No	..	..	No	..	Yes	Yes	Yes

* (Tripura) : No reservation but all Heads of Deptt. are required to take every care to ensure that SC/ST candidates are appointed to these vacancies in appropriate proportion in deference to the spirit of the principle of reservation and in line with the percentages of reservation prescribed.

** (Tripura) : In direct recruitment only.

APPENDIX XIII
(Reference para 3.114)

Statement showing the Constitution of State-Level Committees in various State Governments during the years 1976-77 and 1977-78 to review the matter regarding representation of Scheduled Castes and Scheduled Tribes in their Services

Sl. No.	Name of the State Govt.	Nature of Committee	Chairman	Whether the Committee met during		Whether the Committee submitted any report during	
				1976-77	1977-78	1976-77	1977-78
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	Legislature Committee for Welfare of SCs & STs.	N.A.	N.A.	N.A.	N.A.	N.A.
2.	Assam	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
3.	Bihar	Planning Committee	Welfare Minister	N.A.	N.A.	N.A.	N.A.
4.	Gujarat	State-Level Committee	Chief Minister	N.A.	N.A.	N.A.	N.A.
5.	Haryana	(1) State-level Cell (2) Vidhan Sabha Committee on welfare of SC & ST.	Chief Minister	N.A.	N.A.	N.A.	N.A.
6.	Himachal Pradesh	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
7.	Jammu & Kashmir	Enforcement Board	N.A.	No	No.	No.	No.
8.	Karnataka	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
9.	Kerala	State-level Review Committee.	Chief Minister	N.A.	N.A.	N.A.	N.A.
10.	Madhya Pradesh	High Level Committee	Chief Minister	No	No	..	..
11.	Maharashtra	State Level Employment Committee.	N.A.	Yes	N.A.	Yes	N.A.
12.	Manipur	Standing Committee	Minister in charge of Tribal Welfare.	N.A.	N.A.	N.A.	N.A.
13.	Meghalaya	Committee on Welfare of SC/ST & Backward Classes of the Meghalaya Legislative Assembly.	Minister in charge of Social Welfare ex-officio chairman.	N.A.	N.A.	No report submitted.	
14.	Nagaland	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
15.	Orissa	Standing Committee	Minister Tribal & Rural welfare.	Yes	N.A.	Yes	N.A.
16.	Punjab	Standing Committee	N.A.	Committee is not required to submit any report			..
17.	Rajasthan	Standing Committee	Minister of Social Welfare.	No	N.A.	No	N.A.
18.	Tamil Nadu	State High Level Committee.	Chief Secretary	Yes	N.A.	Yes	N.A.
19.	Tripura	Committee on Representation of SCs & STs.	Chief Secretary	Yes	N.A.	Yes	N.A.
20.	Uttar Pradesh	State Level Committee	Chief Secretary	Yes	N.A.	Yes	N.A.
21.	West Bengal	(1) Minister's Level Committee. (2) Secretary's Level Committee.	Chief Minister Chief Secretary	N.A. N.A.	N.A. N.A.	N.A. N.A.	N.A. N.A.
Union Territories :							
1.	Andaman & Nicobar.	..	No such Committee	..	..	..	..
2.	Arunachal Pradesh	..	Nil information furnished.	..	..	..	..
3.	Chandigarh	..	Nil information furnished.	..	..	..	..
4.	Dadra & Nagar Haveli.	..	No such Committee	..	..	..	..
5.	Delhi	High Power Committee	Lt. Governor	..	Yes	..	Yes
6.	Goa, Daman & Diu.	Advisory Committee State Level Committee.	Chief Minister Chief Secretary	No.	No Yes	..	.. Yes
7.	Lakshadweep	..	No such Committee	..	..	..	..
8.	Mizoram	No Committee	..	..	..	..	..
9.	Pondicherry	Enforcement Cell	Chief Secretary	N.A.	N.A.	N.A.	N.A.

NOTE : N.A. indicates information is not available.

APPENDIX XIV
(Reference para 3.117)

Statement showing the Representation of Scheduled Castes and Scheduled Tribes in various classes of posts in the services under the State Governments/U.Ts.

Sl. No.	Name of the State Govt. U.Ts.	Class I			Class II							
		Total No. of employees	Sch. Castes	Percentage	Sch. Tribes	Percentage	Total No. of employees	Sch. Castes	Percentage	Sch. Tribes	Percentage	
1	2	3	4	5	6	7	8	9	10	11	12	
1.	Andhra Pradesh	422	16	3.80	2	0.50	3,918	115	3.00	13	0.30	
2.	Assam	..	..	..	..	..	..	..	..	..	..	
3.	Bihar	..	..	..	..	..	..	..	..	..	..	
4.	Gujarat	2,487	37	1.48	8	0.32	6,875	239	3.47	51	0.82	
5.	Haryana	896	31	3.50	..	..	3,549	113	3.20	..	..	
6.	Himachal Pradesh	296	4	1.35	5	1.90	1,101	84	7.63	98	8.90	
7.	Jammu & Kashmir	..	..	..	..	..	..	..	..	..	..	
8.	Karnataka	2,892	135	4.70	13	0.40	8,598	395	4.60	42	0.50	
9.	Kerala	1,326	31	2.34	3	0.23	10,190	383	3.76	18	0.18	
10.	Madhya Pradesh	3,533	53	0.93	9	0.03	19,753	348	1.97	187	0.99	
11.	Maharashtra	4,732	220	4.60	1	1.10	13,094	777	5.90	139	1.40	
12.	Meghalaya	..	..	..	Consolidated information not available							
13.	Manipur	107	1	0.90	5	5.00	612	5	0.80	63	10.00	
14.	Nagaland	94	..	..	54	57.50	381	..	..	185	48.50	
15.	Orissa	1,396	14	1.00	3	0.20	4,738	31	0.60	19	0.40	
16.	Punjab	1,400	101	7.21	..	..	5,792	345	5.96	..	..	
17.	Rajasthan	372	32	8.60	36	9.70	2,009	258	12.30	226	11.30	
18.	Tamilnadu	5,687	208	4.00	..	..	36,926	4,010	10.86	..	..	
19.	Tripura	278	6	2.16	13	4.70	1,327	44	3.31	58	4.35	
20.	Uttar Pradesh	2,858	119	4.10	4	0.14	2,381	422	3.40	15	0.12	
21.	West Bengal	3,397	46	1.35	4	0.12	4,441	89	2.00	16	0.36	
Union Territories :												
1.	Andaman & Nicobar	41	..	..	..	..	86	..	..	..	..	
2.	Andhra Pradesh	288	2	0.69	39	13.14	868	57	6.68	97	11.17	
3.	Chandigarh	159	3	1.90	..	..	456	10	2.10	..	..	
4.	Dadra & Nagar Havel	9	1	11.11	..	..	21	1	4.76	1	4.76	
5.	Delhi	1,195	62	5.19	2	0.10	1,053	95	9.02	3	0.28	
6.	Goa, Daman & Diu	355	4	1.20	3	0.90	626	7	1.10	..	..	
7.	Lakshadweep	11	..	..	..	..	70	..	..	28	40.00	
8.	Mizoram	168	4	2.38	105	62.50	466	32	6.87	342	73.39	
9.	Pondicherry	128	1	0.78	..	..	456	31	6.80	1	0.22	

Name of the State Govt./U.Ts.	Class III				Class IV								As on
	Total No. of employees	Sch. Castes	Percentage	Sch. Tribes	Total No. of employees	Sch. Castes	Percentage	Sch. Tribes	Percentage				
1	2	13	14	15	16	17	18	19	20	21	22	23	
1. Andhra Pradesh	.	78,005	6,257	8.00	691	0.90	21,904	2,634	12.00	361	1.65	1-1-73*	
2. Assam	.	..	Not avail- able	..	..	..	..	..	..	..	..	..	
3. Bihar	.	..	Not avail- able	..	..	..	..	..	..	..	..	..	
4. Gujarat	.	1,09,497	9,587	8.75	3,659	3.34	2,284	1,615	70.70	51	2.23	1-1-75	
5. Haryana	.	1,04,778	8,786	8.40	..	..	26,198	7,300	27.90	..	..	1-1-77	
6. Himachal Pradesh	.	38,249	3,263	8.53	1,022	2.67	11,251	1,722	15.30	578	5.13	1-1-67 £	
7. Jammu & Kashmir	.	..	Not avail- able	..	..	..	..	..	..	..	..	..	
8. Karnataka	.	2,29,702	17,502	7.60	1,863	0.80	56,587	9,727	17.20	1,334	2.40	1-15-75	
9. Kerala	.	1,65,210	11,525	6.97	502	0.30	25,902	3,472	13.40	213	0.82	1-1-77	
10. Madhya Pradesh	.	4,96,357	32,519	7.00	27,794	5.89	98,578	12,141	12.30	7,758	8.00	1-1-77	
11. Maharashtra	.	2,75,667	34,622	12.70	9,798	3.60	75,832	18,726	24.70	5,299	7.00	1-1-78	
12. Meghalaya	.	..	..	..	..	Consolidated information not available	..	..	..	..	..	..	
13. Manipur	.	12,434	168	1.30	3,099	25	7,435	66	1.02	1,569	21.00	1-1-73	
14. Nagaland	.	8,005	30	0.37	5,980	73.80	6,866	48	0.70	5,596	82.90	31-3-67 £	
15. Orissa	.	1,22,658	9,499	7.70	81,332	6.50	49,629	8,867	17.80	5,414	10.90	1-1-71	
16. Punjab	.	1,74,384	21,148	12.13	..	..	38,720	14,570	37.63	..	..	1-1-77	
17. Rajasthan	.	1,004	112	11.20	50	5.00	790	171	21.80	96	12.20	31-3-75+	
18. Tamilnadu	.	2,284	253	11.00	..	..	..	..	..	..	..	31-3-75@	
19. Tripura	.	23,284	1,612	6.92	2,341	10.05	10,084	1,291	12.70	1,995	18.79	31-3-77	
20. Uttar Pradesh	.	1,56,495	13,268	8.40	237	0.15	1,45,241	23,823	16.40	531	0.36	1-1-77	
21. West Bengal	.	1,53,173	4,698	3.07	1,493	0.97	87,443	10,227	11.70	2,525	2.89	31-3-70	
Union Territories :													
1. Andaman & Nicobar	.	3,133	..	..	69	2.20	2,164	..	..	74	3.40	1-1-72	
2. Andhra Pradesh	.	9,287	292	3.03	1,779	19.95	6,279	448	7.10	2,468	6.70	1-1-78	
3. Chandigarh	.	8,943	887	9.90	11	0.12	2,591	686	26.40	14	0.54	1-1-78	
4. Dadra & Nagar Haveli	.	1,091	46	4.21	274	25.11	237	47	19.83	165	69.42	1-1-78	
5. Delhi	.	52,009	3,933	7.56	193	0.30	8,844	2,828	31.97	39	0.44	1-1-78	
6. Goa, Daman & Diu	.	13,163	147	1.10	19	0.01	5,989	165	2.80	8	0.01	1-1-78	
7. Lakshadweep	.	1,080	..	..	572	53.00	628	..	..	459	73.00	1-1-78	
8. Mizoram	.	7,602	142	1.87	6,877	90.46	5,307	215	4.05	4,591	86.50	1-1-78	
9. Pondicherry	.	9,561	638	6.67	6	0.06	4,106	599	14.58	2	0.05	1-1-78	

*Excluding Revenue Deptt. Panchayat Raj. Deptt., H & M A Deptt.

**Shows information for general subordinate services which has been shown under Class III posts.

@Includes information from 96 Deptt. out of total 123. Since there is no separate reservation for SC/ST in Tamil Nadu, break-up is not available.

+Incomplete (83 Deptt. only).

£ Information not made available, reproduced from 1970-71 report.

APPENDIX XV

(Reference para 3.121)

Report of the study on the working of safeguards provided for Scheduled Castes and Scheduled Tribes in services under the Coal India Ltd., Calcutta

The Coal India Ltd., was created in 1975. Prior to that, this Organisation was working under the Coal Mines Authority of India created in 1973, after the nationalisation of the Coal Mines. It was provided in the Nationalisation Act that the entire staff of the Coal Mines in the non-executive categories will be absorbed on transfer basis from various companies in the private sector and direct recruitment will be resorted to after exhausting all those sources. In view of the above agreement there was hardly any recruitment in the above categories. Sizable recruitment was, however, made in the executive categories for which separate rosters had been started by the authorities from 1976 onwards. In certain categories the backlog of reserved vacancies on the basis of the recruitment made during the calendar year 1975 had been calculated and shown as brought-forward in the beginning of 1976. With a view to assessing the implementation of various safeguards provided for Scheduled Castes and Scheduled Tribes, in the Coal India Ltd., a Study Team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator visited that Organisation on 22nd April, 1978. For the purpose of the study, the roster registers, requisitions sent to the Press/Employment Exchange and personal records of some of the Scheduled Caste/Scheduled Tribe officers were studied. During the course of study, discussions were held with the following Officers:—

1. Shri S. D. Chandra, Chief of the Personnel Division,
2. Shri S. K. Mukherjee, Deputy Personnel Manager; and
3. Shri D. P. Moitra, Personnel Officer.

Some of the important observations made during the course of the study have been summarised below :

1. Maintenance of rosters :

As mentioned above, in most of the cases the roster registers have been started from 1976, showing in some cases backlog of unfilled reserved vacancies from 1975. Since there was no recruitment during the last few years in Class III and IV posts at the Head Office, no rosters were started for such categories. Few appointments were, however, made to these categories on compassionate/compelling grounds. As regards the appointments to various Class III and IV categories in the Coal Mines, all recruitments were being made by the respective subsidiary Companies and as such no roster was available in the Coal India Head Office. Rosters had been started in respect of executive posts for which bulk of the recruitments had been made in the recent years from open market under the direct recruitment quota. The scrutiny of the rosters revealed that rosters were on proper form showing the points reserved for Scheduled Castes and Scheduled Tribes and the carryover of unfilled reserved points correctly. There was, however, no indication about the dereservation of unfilled reserved vacancies, before filling the same by general candidates. The entries in the rosters were not attested by any appointing authority nor summary of the reservation prepared at the close of each calendar year, as required under the rules. There was no occasion for lapsing of unfilled reserved points and exchange of reservation between Scheduled Castes and Scheduled Tribes. No inspection of rosters appeared to have been conducted at any stage and as such the question of submission of a report on the inspection of rosters by the Liaison Officer did not arise. In fact, there was no Liaison Officer specifically appointed for the purpose as required under the rules, but the Chief of the Personnel Division was reportedly looking after

the work relating to the implementation of reservation orders at the Headquarters. There are a number of subsidiary Companies in different parts of the country and the respective Liaison Officers are looking after the recruitment for various categories of posts in the Coal Mines for effective implementation of various safeguards provided for Scheduled Castes and Scheduled Tribes in their services, in the subsidiary Companies. It is suggested that a Cell may be created at the Headquarters under the direct control of the Liaison Officer (also to be nominated) who should be made responsible to look after the effective implementation of the reservation orders at the Headquarters and coordination with the different subsidiary Companies. The proposed Cell can depute inspectors/officers to visit the field Units to inspect the rosters and ensure the implementation of reservation orders and guide the concerned officials in the fields. Their reports should form part of the inspection report of the Liaison Officer for the Headquarters Office.

2. Reservation in Promotion :

It was surprising to know that the authorities were not aware of the instructions providing reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion and as such no rosters had been maintained. Though there were very few Scheduled Caste/Scheduled Tribe candidates in the feeder cadres who could be considered for promotion against the reserved vacancies, yet in one case of promotion from Lower Division Clerk to Upper Division Clerk it was noticed that the only Scheduled Caste candidate who was otherwise eligible for promotion was not promoted. The candidate could have been promoted and adjusted against a reserved vacancy if reservation orders had been applied to promotion posts. It will be appreciated if the authorities take immediate steps to see that reservation orders are made applicable from the earliest possible date and the affected Scheduled Caste candidate is given promotion retrospectively with all the consequential benefits.

3. Dereservation :

According to the Government instructions in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates the vacancies reserved for Scheduled Castes and Scheduled Tribes are required to be dereserved with the approval of the Chairman/Managing Director/Board of Directors before appointing general candidates against those vacancies. During the course of study it was noticed that the procedure had not been followed. This needs to be rectified by taking ex-post-facto approval of the competent authority.

4. Departmental Promotion Committees :

The Team was informed that in the Headquarters office, there was no Scheduled Caste/Scheduled Tribe officer in the senior position and hence it could not be possible for the Management to associate Scheduled Caste/Scheduled Tribe officers in those meetings. The existing rules provide that even if suitable Scheduled Caste/Scheduled Tribe officers are not available in an organisation, efforts should be made to locate such officers from the Government offices/Departments/Undertakings located near the place and such officers should be associated in the Departmental Promotion Committee/Selection Board meetings to ensure that justice is not denied to Scheduled Caste/Scheduled Tribe candidates and the existing facilities/concessions are provided to the Scheduled Caste/Scheduled Tribe candidates. The Management is requested to prepare a panel of Scheduled Caste/Scheduled Tribe officers belonging to other Ministries/Departments and associate such officers in the Departmental Promotion Committee/Selection Board meetings.

5. Press Advertisements, Requisitions:—

During the years 1975-78, few posts were advertised exclusively for the Scheduled Caste/Scheduled Tribe candidates. However, in most cases it was observed that in the requisitions sent to Employment Exchange and Press actual number of posts reserved for Scheduled Caste and Scheduled Tribe candidates were not indicated. Actual nature of concessions/relaxations to be given to Scheduled Caste/Scheduled Tribe candidates was also not indicated clearly. Unless actual number of vacancies reserved for Scheduled Caste and Scheduled Tribe persons are indicated and the concessions/relaxations are made known to the prospective candidates the response will be less and the purpose of giving publicity will be lost. It was also observed that the copies of requisitions/vacancy circulars were not being forwarded to the recognised Scheduled Caste/Scheduled Tribe Associations which should have been done. It is suggested that the Press Advertisements indicating actual number of vacancies reserved for Scheduled Caste/Scheduled Tribe candidates, nature of relaxation/concession given should be published in such English and Regional news papers

which have wide circulation in the areas having maximum tribal and Scheduled Caste population. The areas which have large tribal concentration are Nagaland, Mizoram, Assam, Meghalaya, Manipur, Tripura, Bihar, Orissa, Madhya Pradesh, Rajasthan, West Bengal and Gujarat.

6. Training, Annual Report :

It was observed that under various training schemes (Management Trainees, Executive Trainees) the representation of Scheduled Caste and Scheduled Tribe persons was very poor, to be precise, it was practically nil. From the records made available to the Team it was found that no Scheduled Tribe candidate was selected under the Management Training programme. It is suggested that more sincere efforts should be made to locate such candidates and train them suitably.

The Management was requested to include a para in the Annual Report of the Company giving statistical information about the representation of Scheduled Caste/Scheduled Tribe employees in the organisation, steps taken by the Organisation to improve the same and steps proposed to be taken in future.

APPENDIX XVI

(Reference para 3.121)

Study into the working of service safe-guards provided for Scheduled Castes and Scheduled Tribes in the service under the Food Corporation of India (Headquarters) New Delhi

In order to assess the working of service safe-guards and the maintenance of rosters and other records relating to Scheduled Caste and Scheduled Tribe employees in the Food Corporation of India, a study was undertaken by a Team of this organisation some time in September 1971. The findings of the Study Team were also discussed at higher level with the officers of the Food Corporation of India in March, 1972. The report of the Study Team was incorporated in the Annual Report of the Commissioner for the year 1970-71 in Appendix XXVIII. The observations made by the Study Team at that time after examining the rosters and other records in 1971 were that: (i) rosters were not maintained on the prescribed form, (ii) there was no indication about the date from which the rosters were maintained, (iii) the dates of appointments were not shown against the names of persons, (iv) the carry-forward of unfilled reserved vacancies was not shown correctly, (v) the rosters were not revised after enhancement of percentages of reservation, (vi) there were gaps in the rosters, (vii) grouping of posts done in the Corporation was not proper, (viii) the procedure for dereservation of reserved vacancies was not followed and perhaps even not properly understood by the authorities concerned, (ix) in the advertisements the exact number of vacancies reserved for Scheduled Castes and Scheduled Tribes were not indicated.

The Parliamentary Committee on the Welfare of the Scheduled Castes and Scheduled Tribes also took up the question of implementation of reservation orders for Scheduled Castes and Scheduled Tribes in the Food Corporation of India and took the evidence of their representatives on 7th, 8th and 9th February, 1978. During the course of discussions, the Parliamentary Committee desired that a detailed study of rosters may be undertaken by the Study Team of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes. The Study Team consisting of S/Shri R. D. Ahear, Assistant Commissioner for Scheduled Castes and Scheduled Tribes, B. M. Masand, Research Officer, Waryam Singh, Investigator and Miss Bina Raj, Investigator undertook the study on 14th and 15th

of February, 1978 and had discussions with the following officers:—

1. Shri M. K. Garg — Personnel Manager
2. Shri K. S. Gupta — Joint Manager (Estt.)
3. Shri Murari Lal — Deputy Manager (E.II)
4. Shri N. S. Vohra — Deputy Manager (EP)
5. Shri K. K. Subramanyam — Sr. Asstt. Manager (RP)
6. Shri V. P. Sharma — Assistant Manager (E. II)
7. Shri P.K. Saxena — Assistant Manager (E.I)
8. Shri Gurmangat Singh — Assistant Manager (L.Cell)
9. Shri R.P.Bhatnagar — Assistant Manager (EP)

The present study has also revealed that there was no substantial change in the maintenance of rosters and other records. The important observations of the Team are given in the following paragraphs:—

Grouping of posts.—According to the Government of India instructions grouping of posts for the purpose of reservation orders has to be resorted to only in the case of isolated posts and small cadres. Small cadre has also been defined as the cadre having a sanctioned strength of less than 20 posts, which are filled by direct recruitment only. In the posts filled by promotion, this grouping is not to be done at all and rosters are to be maintained separately for each post and cadre to which orders of reservation are applicable. In the Brochure of the Food Corporation of India dated 9th March, 1970, Class I posts (Category I) were broadly divided into two groups. Later on, in the revised Brochure dated 15th February, 1975 they were divided into 4 groups. Subsequently on 15th November, 1976 on revision of the scales of pay as per recommendations of the Pay Commission, the Category I posts were divided into the following 4 groups,

- Group-I : Post in the scale of Rs. 1200-1700 and above.
- Group-II : Post in the scale of Rs. 1100-1600.
- Group-III : Post in the scale of Rs. 700-1300 in the General Administration cadre.
- Group-IV : Post in the scale of Rs. 700-1300 in other cadres.

The posts in category II and III have been divided into 4 groups—(a) General Administration cadre, (b) Godown cadre, (c) Technical cadre, and (d) Movement, Engineering and other cadres. For Category IV posts there is a single group consisting of all posts.

It was learnt that there were a number of cadres in each group in each category which have a strength of 20 posts or more which have been grouped for the purpose of recruitment and promotions. In spite of similar observation made by the study team in 1971, the grouping system was being continued on the same lines. It is suggested that while the rosters maintained upto 1977 may be retained in the present form, rosters for recruitment from 1st January, 1978 may be maintained for each post/cadre having 20 or more posts. While doing so, the carry-forward of vacancies in the present combined rosters may be suitably distributed in the relevant new rosters. However, there is no objection to the grouping of isolated posts and small cadres in accordance with the instructions contained in Chapter VI of the Brochure on reservation for Scheduled Castes and Scheduled Tribes in services issued by the Department of Personnel and Administrative Reforms. In regard to posts filled by promotion, the orders of grouping are not applicable and rosters should be maintained separately for each post where reservation orders are applicable.

Dereservation of reserved vacancies.—Even after the observation made by the team in 1971, the procedure for dereservation of reserved vacancies was not followed at all by the Food Corporation of India. On this point there was a doubt in the mind of the authorities that if the vacancies were dereserved and filled by the general candidates, then such reserved vacancies could not be carried-forward. The position was explained to them that after following the prescribed procedure, the vacancies can be got dereserved from the competent authority. Thereafter the reserved vacancies are carried forward, though not physically but notionally, and when some more vacancies arise in the next recruitment, those would be added to the current reservation in that year. Previously the brought-forward vacancies and current reserved vacancies had to be limited to 50 per cent of the total vacancies occurring in the subsequent year. According to the latest orders issued by the Government of India vide O.M. No. 16/3/73-Estt.(SCT), dated 27th December, 1977, this limit of 50 per cent can now be exceeded subject to the condition that representation of the reserved communities in the post or cadre is still less than the prescribed percentages of reservation. There was another doubt that the vacancies were not to be dereserved and those were to be kept vacant for being filled up subsequently, and therefore, no dereservation was required to be made. The thinking in the Food Corporation of India was that in case there were ten vacancies out of which two were reserved for Scheduled Castes and one reserved for Scheduled Tribes, they would fill only the seven general vacancies and would keep the remaining 3 reserved vacancies unfilled owing to non-availability of reserved category candidates. When those seven vacancies were reflected on the roster they might fall on say points 1 to 7. If roster at Annexure II of the Ministry of Home Affairs Office Memorandum dated 2nd April, 1970 was followed there would still be 2 vacancies reserved for Scheduled Castes and one reserved for Scheduled Tribes and the

appointment of general candidates against all the seven vacancies would mean appointment against reserved vacancies as well; thus involving dereservation of those vacancies. It was further explained to the officers that in the case of Public Sector Undertakings dereservation procedure was simpler as the vacancies could be got dereserved from the Managing Director in the case of Category III and IV posts and from the Board of Directors in the case of Category I & II posts. During the course of discussions the authorities concerned agreed to follow the procedure for dereservation in future and it is earnestly hoped that all the prescribed steps would be taken in future to fill up reserved vacancies.

Liaison Officers and Special Cells under them.—The present Liaison Officer looking after the work relating to the representation of Scheduled Castes and Scheduled Tribes was nominated for this purpose in August 1977. It was learnt that neither the previous Liaison Officer nor the present one has submitted any report of the inspection of rosters as is required in accordance with para 51(iv) of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes. It is hoped that a copy of the report of Liaison Officer for the year 1977 would be furnished for information of the Commissioner for Scheduled Castes and Scheduled Tribes as soon as it is submitted by him. It was learnt that in the Head office there was a Cell consisting of Assistant Manager, Assistant Grade I, Assistant Grade II and a Typist exclusively for the work relating to reservation for Scheduled Castes and Scheduled Tribes directly under the Liaison Officer. As regards Zones and Regions under the Food Corporation of India, it was stated that there were no such Cells but some staff was looking after that work in addition to other duties. At the Head Office, the Cell was also dealing with complaints from the Scheduled Castes and Scheduled Tribes employees, but no separate Register was maintained indicating details of the complaints etc. The authorities have promised to maintain such registers and agreed to include also the suggestions made to them by the Team.

Annual Report.—According to the orders issued by the Government of India, Annual Report of a Ministry/Department or an Organisation should contain statistical information regarding representations of Scheduled Castes and Scheduled Tribes in their services as well as the activities of the Special Cell set up under the Liaison Officer. A copy of the Food Corporation of India Annual Report for the year 1975-76 was given to the study team but that did not indicate such statistics. Assistant Manager concerned, however, gave a copy of the paragraph which he had submitted for inclusion in the Annual Report for the year 1976-77 which contains information regarding representation of Scheduled Castes and Scheduled Tribes in each category of post in the Food Corporation of India. In fact this paragraph should also contain a note regarding the activities of the Cell as well as the Statement regarding the receipt and disposal of complaints. From a copy of the statement of complaints relating to non-observation of reservation orders during the last three years furnished to the Parliamentary Committee, it is noticed that a total of 63 complaints were received pertaining to recruitment, confirmation, promotion, seniority matters, etc., out of which 42 had been disposed of. It is, however, interesting to note that only one third of the complaints disposed off i.e. 14, were found genuine. While it is to be appreciated that grievances of all those 14 complaints have been considered sympathetically, the fact that the double the number were not found genuine, is rather intriguing. In another statement of complaints pertaining to cases of harassment, transfers, payment of arrears, retrenchment/termination of service, etc., it is noticed that a total number of 42 complaints were received during the last two years. Out of those 21 had been disposed of (8 found genuine and grievances

removed and 13 not found genuine). In both the above statements 42 complaints (21 in each case) were still pending and were under consideration. It is suggested that the complaints relating to grievances of Scheduled Castes and Scheduled Tribes should be dealt with due sympathy and expeditiously. Their disposal should be included in a suitable paragraph in the Annual Report of the Food Corporation of India.

Nomination of Scheduled Caste/Scheduled Tribe Officers on the Selection Boards/Departmental Promotion Committees.—According to the information made available to the team, during the year 1976 and 1977, 12 meetings of the Selection Board were convened to consider the direct recruitment against reserved as well as unreserved vacancies in categories I and II posts but a representative of Scheduled Castes or Scheduled Tribes was not associated. Similarly in the corresponding period, 23 meetings of the Departmental Promotion Committees were held to consider reserved as well as unreserved vacancies and the representative of Scheduled Caste/Scheduled Tribe was not associated in any one of them. No meetings of the Selection Board or Departmental Promotion Committees were convened exclusively to consider the cases of Scheduled Caste/Scheduled Tribe candidates. As regards the Selection Board meetings for the Category III and IV posts information was made available only for the year 1977 which indicates that out of the 14 meetings held to consider reserved as well as unreserved vacancies, Scheduled Caste/Scheduled Tribe officers were associated in 7 meetings only. It is suggested that Food Corporation of India should endeavour to associate Scheduled Caste/Scheduled Tribe Officers in such meetings of the Selection Boards and Departmental Promotion Committees and where an officer of appropriate rank is not available in any one Zone of the Corporation, efforts should be made to invite such a member from other Zones or even from the Ministry of Agriculture and Irrigation or other Ministries, in order to ensure that interests of Scheduled Castes and Scheduled Tribes are watched properly.

Training Programmes.—Government of India have issued orders that more and more opportunities should be afforded to Class I officers belonging to the Scheduled Castes and Scheduled Tribes for institutional training or training outside including the training abroad and for deputing them to attend conference, seminars and symposia. The idea is that with the experience of participation in these programmes the officers belonging to Scheduled Castes and Scheduled Tribes would be able to gain more knowledge equipping them to shoulder higher responsibilities in Class I post filled by promotion by the method of selection within which there is at present no element of reservation. According to information made available to the team for the last two years (1976-77 and 1977-78), 9 candidates were trained within the Department (5 Scheduled Castes and 4 Scheduled Tribes), another 9 were sent for training outside the Food Corporation of India (all Scheduled Castes) and 3 were deputed to attend Conferences/Seminars etc., (1 Scheduled Caste and 2 Scheduled Tribes). It is to be appreciated that the Food Corporation of India has taken care of this aspect of training of Scheduled Castes and Scheduled Tribes officers but the availability of total number of persons including the general candidates who were given the training in each corresponding course would have given a clearer picture.

Policy regarding transfers.—It was learnt that the posts in category I were transferable on All India basis and in Category II and III the employees were transferable within a Zone. In Category IV the employees were transferable within the Region. It was stated that on promotion an officer has necessarily to go to other Zones. This policy is relaxable in case of lady employees, handicapped persons and on extreme medical grounds. While these exceptions are quite

genuine, the cases of affected employees belonging to Scheduled Castes/Scheduled Tribes deserve sympathy in the matter of transfers. About one such case which was discussed during the course of meeting of the Parliamentary Committee it was emphasised that the policy regarding transfers on promotion needed a review so as to bring within its ambit the deserving cases of employees belonging to Scheduled Castes and Scheduled Tribes.

Apprenticeship Training.—The scheme of training under Apprenticeship Act was started in the Food Corporation of India for the first time in September/October 1977. Under this scheme two courses, one for Clerks (General) and other for Book-Keeping and Accounts were started, with 30 seats in each course. In each course four seats were reserved for Scheduled Castes and two for Scheduled Tribes. However, according to the information made available to the team, there were in all 24 trainees in the Clerk (General) course and only 10 trainees in Book-Keeping and Accounts, with five and two Scheduled Caste trainees respectively. There was no candidate belonging to Scheduled Tribe in either of these two courses. In this connection copies of the advertisements issued by the Indian Petrochemicals Corporation Ltd., Baroda are enclosed which clearly provide that the trainees after satisfactory completion by the training would be absorbed in that Corporation itself. The Indian Petrochemicals Corporation Ltd. is also a Government of India undertaking. If that Corporation can make a provision of absorption of persons trained under the Apprenticeship Act, it should be possible for the Food Corporation as well to make similar provision. They may, therefore, explore the possibility of ensuring that the Scheduled Caste/Scheduled Tribe persons trained by them are absorbed in the Food Corporation itself particularly in view of the shortfall in the representation of these communities.

Special Recruitment.—It was learnt that the Food Corporation of India launched a special recruitment drive during the year 1976. Final results of the special recruitment were, however, not forthcoming even after the lapse of 14 years. It was stated that this information was being collected from the Zones/Regions for supplying to the Parliamentary Committee and as soon as the same was available, it would be supplied to the office of the Commissioner for Scheduled Castes and Scheduled Tribes.

Special Scheme for Sweepers & Scavengers.—When the team enquired about the statistics of Class IV posts filled and the number out of these posts filled, from amongst Sweepers, Farashes and Chowkidars already working in the Corporation, it was stated that the authorities were not aware of any such orders. Their attention was drawn to the Department of Personnel and Administrative Reforms Office Memorandum dated 16th January, 1976 according to which 25 per cent of the posts in Peons Cadre are to be reserved for being filled by transfer from Sweepers, Farashes and Chowkidars who have put in a minimum of 5 years service possessing necessary elementary literacy standard. A copy of the Department of Personnel and Administrative Reforms Office Memorandum referred above is enclosed for their guidance and necessary action. An intention behind the issue of the Office Memorandum in question is to ensure that the Sweepers etc., who are engaged on unclean occupation are diverted to other Class IV posts having further promotional avenues.

Maintenance of Rosters.—The Headquarters office of the Food Corporation of India was responsible for recruitment to Class I and II posts at All India level and ministerial staff at headquarters. All promotions except to Class I posts are being controlled by the Zonal Offices along with the recruitment of other staff under them. Though the Food Corporation had been established as early as in 1965, the reservation orders

had been made applicable from 1970 onwards only and the rosters started from then onwards. Insofar as direct recruitment is concerned, all the posts in category I had been grouped and four rosters were maintained taking into account the pay-scales and duties involved. One single roster had been prepared for each of the Class II, III and IV posts combining all the posts under respective categories.

It was noticed that while the rosters in respect of Class I and II posts had been maintained on proper form, the rosters in respect of Class III and IV posts were only in the form of a list of candidates appointed from time to time. No carry over/brought forward had been shown. In fact the proper form had not been adopted for the purpose. The authorities were advised to follow the prescribed form as indicated in Appendix VI of the Brochure so that the carry-forward and brought-forward from year to year can be shown properly therein. As regards the filling of reserved points, it was observed that in the event of non-availability of Scheduled Castes/Scheduled Tribes candidates, such points had been left blank to be filled up in future recruitment. In fact, no gaps are to be left in the roster and in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates after taking necessary steps to fill up the reserved vacancies as laid down in the Brochure, the posts can be filled by general candidate after dereserving the same and carried over to the next three recruitment years. The authorities were advised to recast the rosters in accordance with the Government instructions and prepare the summaries at the end of the year showing carry over/brought forward which was lacking in majority of the rosters. A form for showing such a summary/abstract at the end of each year was given to the concerned officer.

According to the Government instructions each entry in the roster has to be signed by the appointing authority to ensure its correctness whereas, in the Food Corporation rosters had been signed only at the end of the page. During the course of the study, it was also noticed that a number of reserved points which could not be filled by Scheduled Caste/Scheduled Tribe candidates from 1970 onwards, had been shown as carried over without following the procedure regarding dereservation. The exchange rule, which enables the appointing authorities to exchange the vacancies between Scheduled Castes and Scheduled Tribes in the third year of carry-forward, had also not been applied in a number of cases. At least the

points reserved for Scheduled Tribes which could not be filled in early seventies for want of Scheduled Tribe candidates, could have been filled by Scheduled Caste candidates in recent years. This needs review at the earliest.

As regards reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion, two rosters had been maintained for promotion by selection from Class II posts to the lowest rung of Class I with effect from July 1974 when orders regarding reservation were made applicable in this category. All other promotions where reservation orders apply are being looked after by the Zonal Offices. Apart from the common defects pointed out in the foregoing paragraphs, it was noticed from the promotion roster that not a single Scheduled Caste/Scheduled Tribe was available for promotion from Assistant Manager to Senior Assistant Manager/Deputy Manager against the vacancies reserved for them, out of 15 promotions made so far. In the case of similar posts in the general administrative cadre, where 31 promotions had been made since 1974, not a single Scheduled Tribe was available for promotion against three vacancies reserved for them. There was also no indication in this roster whether any more Scheduled Castes were available for promotion against the unfilled Scheduled Tribe vacancies in terms of exchange rules during the same year which is applicable in the case of promotion to Category II and upto the lowest rung of Category I posts filled by promotion by the method of selection.

Advertisements/Requisitions for employment.—During the course of discussion, it was revealed that the Food Corporation of India is sending advertisements for employment to such of the papers as are approved by the Directorate of Advertising and Visual Publicity. The list of papers supplied to the Team included only important papers having either all-India circulation or at regional level. Some of the advertisements issued by the Food Corporation of India either for recruitment exclusively for Scheduled Castes and Scheduled Tribes or combined together with general vacancies indicated that reservation aspect along with admissibility of various concessions/relaxations had normally been indicated therein. It was impressed upon the authorities that advertisements calling for applications for reserved vacancies especially for Scheduled Tribes should also be sent to such of the regional papers as are having circulation in the areas having trial concentration.



APPENDIX XVII

(Reference para 3.121)

Study of service safeguards provided for Scheduled Castes and Scheduled Tribes employees working in the Garden Reach Ship-builders and Engineers' Ltd., Calcutta, in April, 1978

The Garden Reach Factory which was initially set up under private sector was taken over by the Government of India sometime in 1960-61 and formed into a public sector undertaking under the control of Ministry of Defence. Initially, majority of the staff at workman's level was recruited from the local population who happened to be Muslims and there were very few Scheduled Castes and Scheduled Tribes on the rolls. Even after the nationalisation, no specific measures appear to have been taken by the authorities to induct Scheduled Caste/Scheduled Tribe personnel at various levels. It was only in 1973 that the authorities started maintaining rosters of reservation in direct recruitment posts although the Government directive had been issued during 1970-71 to apply reservation to the posts and services under the factory.

In order to assess the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes

in services under the Garden Reach Factory, a Team consisting of Dr. Biswajit Sen, Research Officer and Shri Warvam Singh, Investigator visited the factory on 29th April, 1978 and studied the roster registers, requisitions sent to the Employment Exchange, employment notices sent to the Press, etc. During the course of the study, the Team met the following Officers and had detailed discussion about various problems regarding the improvement of intake of Scheduled Caste/Scheduled Tribe employees:

1. Commodor A. K. Sarkar, Managing Director,
2. Shri A. Banerjee, Secretary.
3. Shri S. Dutta, Personnel Manager (Liaison Officer).
4. Shri S. N. Bhattacharjee, Chief Welfare Officer.
5. Shri S. Sanval, Administrative Officer.
6. Shri S. R. Chowdhury, Personnel Officer.

Some of the important observations made during the course of the study, are as follows:

1. *Representation of Scheduled Castes and Scheduled Tribes:*

As mentioned earlier, due to late implementation of reservation orders in that Organisation, the representation of Scheduled Castes and Scheduled Tribes did not improve to the desired extent, which will be evident from the following Table:—

Representation of Scheduled Castes and Scheduled Tribes as on 1-1-1977

	Total	Sch. Caste (%)	Sch. Tribe
Class I .	515	10(2.0)	5(1.0)
Class II .	267	7(2.6)	2(0.7)
Class III .	8,043	959(11.9)	135(1.6)

The low representation of Scheduled Castes/Scheduled Tribes in Class I and Class II categories posts has been attributed to the fact that they have to compete with the private sector in the industry and as such had to take the best candidates available in the market. As regards the workman's category, it was perhaps due to the policy of the Management to give employment to the sons of the retiring employees which restricted the direct recruitment to the minimum possible. Although there was rapid increase in the workman's category due to expansion and increase in the activities of the factory during the last five years or so, the intake of Scheduled Castes and Scheduled Tribes did not improve for the reason mentioned above. Since, for the present, the recruitment position has reached the saturation point and there is hardly any scope of direct recruitment it is suggested that whatever vacancies become available (including those available in promotion categories) should be thrown open to the Scheduled Caste/Scheduled Tribe candidates to clear the backlog at least from the date of the implementation of the "directive". The policy of appointing sons of the retiring persons and to take the best candidates from the market may be desirable from the factory point of view, but it can't circumvent the constitutional provisions relating to the intake of Scheduled Caste/Scheduled Tribe persons in accordance with the reservation orders. Such a step is against the interests of Scheduled Castes and Scheduled Tribes and should be reviewed. All the reserved vacancies to be filled through internal circulars should be filled from open market in case Scheduled Caste/Scheduled Tribe candidates are not available from within the Factory. Otherwise the representation of Scheduled Caste/Scheduled Tribe candidates will continue to remain poor.

2. *Reservation in promotion:*

Although orders regarding reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion were issued as far back as in 1972 by the Government and thereafter directive issued to all the public sector units, the Management in the Garden Reach Factory has not implemented the above instructions. The authorities should, therefore, take immediate steps to apply reservation orders to all the posts retrospectively and ensure that the Government directive is not violated.

3. *Reservation Rosters:*

It appeared from the roster registers that the same had been recasted recently on the basis of 100 point regional roster, allowing 20 per cent to the Scheduled Tribes. Though the rosters were prepared on prescribed proforma, they were not in the running form. For example, if recruitment in a year stops at point 6

of a cycle, recruitment in the following year will begin from point 7. The authorities were accordingly advised to rectify the shortcomings.

4. *Dereservation:*

It was noticed that whatever Scheduled Caste/Scheduled Tribe employees were available in each cadre had been shown against the reserved points and the remaining reserved points were shown as carried over to next year without getting those posts formally dereserved by the competent authority before filling the same by general candidates. In fact the authorities were under the impression that dereservation was involved only in the third year of carry-forward, before letting those reserved points to lapse. The authorities were advised to follow the correct procedure which provided that during each recruitment year if sufficient number of Scheduled Castes and Scheduled Tribes are not available to fill up all the vacancies reserved for them the remaining reserved points have to be dereserved, after taking the approval of the competent authority, before filling the same by general category candidates. The authorities were advised to review all cases, and wherever necessary take remedial measures.

5. *Carry-forward of Reservations and lapsing:*

According to the existing procedure if sufficient number of Scheduled Caste and Scheduled Tribe candidates fit for appointment/promotion against reserved vacancies, are not forthcoming such vacancies can be dereserved, but the posts have to be carried forward to the subsequent three years. In the third year of carry-forward the vacancies can lapse after applying the exchange principle between the Scheduled Caste and Scheduled Tribe vacancies. The study of rosters, however, revealed that in several cases, the unfilled reserved vacancies had been shown as lapsed and never shown in the beginning of the next recruitment as required to be shown in Cols. 1 and 2 of the roster. The authorities were advised to follow the rules.

6. *Recruitment of Security Watchers:*

It was reported by the authorities that 100 per cent vacancies are filled by the appointment of ex-servicemen for resettlement of ex-servicemen and whatever candidates are nominated by the Defence authorities are appointed. In this connection, it may be pointed out that reservation orders apply to such posts and while communicating the vacancies to the concerned authorities, the number of vacancies reserved for Scheduled Castes and Scheduled Tribes on the basis of the points of the roster, are also required to be communicated to them. In the event of the Defence authorities' inability to nominate Scheduled Caste/Scheduled Tribe candidates from one region, efforts should be made to recruit Scheduled Caste/Scheduled Tribe ex-servicemen from other regions or even from the open market. It is, therefore, suggested that backlog of reserved vacancies in the cadre of Security Watchers should be calculated and adjusted against future vacancies.

7. *Departmental Promotion Committees/Services Selection Board Meetings:*

The Team was told that in the Factory during the years 1976 and 1977 total number of Interview Committees set up were 67 and 35 respectively and in those meetings no Scheduled Caste/Scheduled Tribe officer was associated. During the said period total number of 52 and 23 Promotion Boards were constituted for Class III posts and no Scheduled Caste/Scheduled Tribe officer was associated in such meetings. The reason for not associating such officers was due to fact that in the senior positions the representation of Scheduled Caste/Scheduled Tribe persons was negligible. The authorities are advised to associate suitable Scheduled Caste/Scheduled Tribe officers in the Interview Committees/Promotion Boards wherein the

Scheduled Caste/Scheduled Tribe candidates would be considered for appointment/promotion, from other Undertakings/Ministries, Departments located in near-by places. Such a step is necessary to create confidence among Scheduled Caste/Tribe candidates and that would be in accordance with the rules framed by the Government of India.

8. *Liaison Officer :*

The Personnel Manager was nominated as Liaison Officer and his reports for the years 1975, 1976 and 1977 were found in order. Since there were about 11,000 employees in the Organisation and there were about 1,500 employees belonging to Scheduled Caste/Tribe communities, it is felt that there is strong justification for creating a Special Cell under the direct supervision of the Liaison Officer. The Cell can be constituted with at least 2 officials who would exclusively deal with the problems of Scheduled Caste/Scheduled Tribe employees so that they can be held responsible for proper implementation of Government orders on reservation etc. and it would reduce the work load of the Welfare Department which has to look after the welfare of large number of employees.

9. *Press Advertisements/Requisitions :*

In the Undertaking, most of the vacancies are filled by the employees of the concerned Department/shop,

failing which from within the Organisation through "internal circulars", and lastly from the open market through Press Advertisements. It was observed that in the internal circulars reservation of posts, concessions/relaxations etc., were not high-lighted. The requisitions sent to the Employment Exchange did not indicate the nature of relaxation in experience given to Scheduled Castes and Scheduled Tribe candidates which should be indicated therein. The Press advertisements released during 1977 did not indicate clearly the exact number of vacancies reserved for Scheduled Castes and Scheduled Tribes candidates. The advertisements in addition to exact number of reserved vacancies should also indicate clearly the nature of relaxations in qualifications and experience and the provision of payment of Travelling Allowance to Scheduled Caste/Scheduled Tribe candidates attending test/interviews by the shortest rail/bus route. The advertisements particularly for Scheduled Tribes should be released in such regional newspapers (both in English and local language) which have wide circulation in the States/Union Territories having maximum tribal concentration. That would reduce the communication gap and help in getting response from Scheduled Tribe candidates whose representation is very poor in the Undertaking. The idea of using All India Radio and the Employment News should also be considered to give publicity to the vacant posts meant for Scheduled Caste/Scheduled Tribe persons.

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APPENDIX XVIII

(Reference para 3.121)

Report of the Study conducted into the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes in services in the Durgapur Steel Plant, Durgapur

In order to watch the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes in services under the Durgapur Steel Plant, a study team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator, was deputed to visit the Plant on 19th and 20th April, 1978. For the purpose of the study, roster registers, requisitions sent to the Employment Exchange/Press, in-plant employment circulars, and personal records of some of the Scheduled Caste/Tribe employees of the organisation were examined and the following officers were contacted:

1. Shri P. K. Paul, Managing Director.
2. Shri S. K. Seal, Deputy Personnel Manager.
3. Shri J. N. Chaudhury, Chief Personnel Officer.
4. Shri R. N. Chakravorty, Personnel Officer (Recruitment).

The important observations made during the course of the study have been discussed in the following paragraphs:—

1. *Rosters and intake of Scheduled Castes and Scheduled Tribes :*

The Durgapur Steel Plant was set up in the fifties and bulk of the recruitment was completed in 1964. The rosters for recruitment at various levels had been maintained from 1971 onwards, when the Government issued directive to implement the Government policy on reservation for Scheduled Castes and Scheduled Tribes in services/posts filled by direct recruitment. The Durgapur Steel Plant authorities delayed the effective implementation till March, 1976, when after prolonged negotiation between the employees union and the Management an agreement had been reached. From the available records, it appeared that the rosters and other relevant records were got pre-

pared from the back date, i.e. from 1971. It was unfortunate that the Management took nearly five years to sort out the things with the Labour Union before implementing the directive which resulted in denying due share of Service interests of the Scheduled Caste/Scheduled Tribe candidates. Inspection of rosters for various categories of posts in direct recruitment as well as in promotions revealed that separate registers in the prescribed form have been maintained showing correctly the backlog of vacancies. A detailed inspection report on the maintenance of rosters for the year 1977 was submitted by the Chief Personnel Manager as Liaison Officer, but in a number of cases it was observed that the entries were not signed by any authority. Detailed summary has, however, been prepared in each case at the close of the year. No indication was available in the roster registers about application of the exchange rule and the dereservation of vacancies.

2. *Recruitment and Promotions :*

The efforts made by the Management after 1976 helped to some extent in improving the representation of Scheduled Castes and Scheduled Tribes in the organisation, but the accumulated backlog reduced marginally. The table below will indicate the representation of Scheduled Castes and Scheduled Tribes in services under the Durga Steel Plant as on 1-1-1978.

Group of Post	Total strength	Number of Scheduled Castes	Number of Scheduled Tribes
A	1,956	43(2.19%)	2 (negligible)
B	1,659	22(1.32%)	..
C	27,441	2894(10.56%)	368(1.37)

According to the recruitment policy for non-executive posts in the Durga Steel Plant only 50% of the available vacancies in the level of Operative Grade III, and 40% of the available vacancies in the level of Skilled Workers Grade III and Unskilled Workers are required to be filled by Direct recruitment. In no other category direct recruitment is permissible and all other posts are being filled either by promotion or by the employees of the organisation through in-plant circulars. In this connection, it may be important to mention that since the employment position of the plant has crossed saturation point, there is hardly any chance of recruitment at the intake-level. Moreover, due to under-representation of Scheduled Castes and Scheduled Tribes at the feeder level in various disciplines the Management, even with best intention will not be able to fill up all the vacancies reserved for Scheduled Castes and Scheduled Tribes in promotion categories. From the table below, it would be seen that the large number of the departmental promotions, were made during the financial year 1977-78 in various Groups (Classes) of posts, and huge number of reserved vacancies were dereserved during that period due to non-availability of eligible/suitable candidates:

Group of post	Total promotions made	Promotees belonging to		Unfilled reserved vacancies dereserved	
		SCs.	STs.	SCs.	STs.
A .	43	..	..	29	7
B .	26	..	..	18	7
C .	534	3	23	87	49

It is therefore, felt that unless fresh avenues are opened for Scheduled Castes and Scheduled Tribes, there is little scope to wipe out the huge backlog. The only alternative left with the authorities is to stop recruitment from within the factory against in-plant circulars and resort to the open recruitment to the extent that the reserved vacancies are adequately filled by the Scheduled Caste/Scheduled Tribe candidates who are available in the market. In this connection the following measures are also suggested:—

- (i) no Apprentices have been taken in the plant since 1977, and all the Apprentices taken in 1976 were absorbed. The authorities can resume the intake of Apprentices from Scheduled Caste/Scheduled Tribe communities only and absorb them after successful completion of Apprenticeship against the backlog of reserved vacancies which will help to reduce the shortfall at the lower levels; and
- (ii) at the executive level where the problem of the availability of Scheduled Castes and Scheduled Tribes is acute, the shortfall can be wiped out by inducting the fresh engineering graduates from Scheduled Castes and Scheduled Tribes as "Engineering Trainees", who could be trained and absorbed against the backlog of reserved vacancies.

3. Dereservation :

Since the proper implementation of reservation orders had been started only from 1976, the question of observing the procedure of dereservation before filling the reserved vacancies by non-Scheduled Caste/Scheduled Tribe candidates in the event of non-availability of Scheduled Caste/Tribe candidates did not rise. In some rosters, prepared from 1971 onwards, the available Scheduled Caste/Tribe candidates had been shown against some of the reserved points and the remaining points were simply shown as carried over to the next recruitment years. In fact the procedure of dereservation of unfilled reserved vacancies was complied

with by the authorities only after 1976. It was reported by the authorities that from 1976 onwards no reserved vacancy has been allowed to be filled by general candidate without dereserving the same with the approval of Managing Director. It was, however, observed during the course of study that there was no indication about dereservation in the roster registers.

In this connection it may be stated that from 1976 onwards after application of reservation orders in the factory, direct recruitment has been completely banned even against the direct recruitment quota of vacancies in industrial establishment. All the recruitment from then onwards have been restricted to the employees of the Plant. In the event of non-availability of Scheduled Castes and Scheduled Tribes from within the factory to fill up vacancies reserved for them, a large number of vacancies are being dereserved. It is, therefore, strongly recommended that no dereservation should be allowed till all such efforts, as prescribed by the Government are exhausted, both for direct recruitment quota as well as promotion quota.

4. Lapsing of reservation :

Since the effective implementation of the Government directive on reservation, started sometime in March, 1976 instead of 1971, from which date the rosters have been maintained and unfilled reserved vacancies shown as carried over to next recruitment years without making necessary efforts, such vacancies from 1971 to 1976 should not be treated as lapsed after having been carried over to the third recruitment year. It was observed that during the 1976 recruitment year, a number of unfilled reserved vacancies from earlier years had been shown as lapsed in the third year of carry-forward. It is, therefore, recommended that for the purpose of the lapsing of the unfilled vacancies, 1976 should be treated as the first recruitment year (when actual efforts were made to locate suitable Scheduled Caste/Scheduled Tribe candidates for filling up vacancies reserved for them). Such lapsing may be resorted to after following the procedure of dereservation at each occasion of recruitment and the exchange principle in the third year of carry-forward. The vacancies reserved for Scheduled Tribes for which candidates are not easily available should be filled by Scheduled Caste candidates in the third year of carry-forward under the exchange rules.

5. Liaison Officer/Special Cell :

The Chief Personnel Officer was nominated as Liaison Officer in 1976. The report of the Liaison Officer for the year 1977 was critical and informative. In the Durgapur Steel Plant there were about 31,000 employees and promotions were being made by the respective departments/shops and it was difficult for the Liaison Officer the check himself and sign the rosters and hence 6 P.Os., 9 A.P.Os. have been authorised to look after the aspect and help the Liaison Officer.

A cell has been set up since 1975 to look after the work of the Scheduled Caste/Scheduled Tribe employees and the Team was told that one A.P.O. and 4/5 Junior officials were exclusively looking after this job. It was also informed that the cell was also dealing with compilation of the statistical information since that was linked with the statistics of Scheduled Caste/Scheduled Tribe employees. One P.O. was controlling the activities of the cell in addition to his normal duties. All the dereservation proposals come to the cell which are scrutinised in the cell and then processed for raising objection and sending to the higher authorities for approval. The Team was also informed that supersession cases, and the representation of Scheduled Caste/Scheduled Tribe employees were also being scrutinised and processed in the cell. The cell was found busy in getting the caste certificates verified by the concerned authorities, since most of

the certificates were not in order. About 800 such cases were being dealt in the section. It is felt that till the basic statistics regarding Scheduled Caste/Scheduled Tribe employees are finally collected, collated and the papers are made up-to-date including the work relating to verification of caste certificates, 2/3 additional staff should be provided to the cell and after completion of the work the additional staff can be withdrawn. The Team was shown the Registers maintained for proper disposal of the representations received from the Scheduled Caste/Scheduled Tribe employees, but it was observed that the Registers were not being maintained properly. It is suggested that the registers should be made up-to-date and few basic information like date of receipt of the representation, file number, date on which action taken on the representation, nature of action taken on it and final disposal of the case, should be clearly indicated in the Registers.

6. Grievances of the Scheduled Caste/Tribe employees:

The representatives of the Scheduled Caste/Scheduled Tribe and Backward Classes Employees Council met the Team on 19th and 20th April, 1978 at Durgapur and informed the Team about their grievances. The Team informed them that individual complaints should be either handed over to the Team or sent to the Commissioner's office for necessary follow-up actions, because the visit of the Team was for a short period and the purpose of the visit was to find out the nature and extent of protection given to the Scheduled Caste/Scheduled Tribe employees and whether the existing rules/orders of the Government were being followed satisfactorily or not. The Team met the Managing Director and other Senior officials and discussed the following issues alongwith other general issues. The main issues and the opinion of the Management thereon are as follows:—

- (i) The Team observed that in 1976 no recruitment was made under Graduate Apprentices and in 1977, 13 Apprentices were recruited and none belonged to Scheduled Caste/Tribe community. The Management was told that in some categories people were available within the organisation but due to lack of adequate training in specific trades/jobs they were not eligible for promotion/absorption in higher grades. Moreover, since 1969 all technical training for operational jobs were stopped which affected the interests of the Scheduled Caste/Scheduled Tribe employees. The authorities informed the Team

that a training scheme for the Scheduled Caste/Scheduled Tribe employees was under active consideration of the Management. It is strongly felt that the scheme should be immediately be implemented. The Management was also requested to introduce other schemes to make the Scheduled Caste/Scheduled Tribe employees eligible for promotion and the vacuum created by them should be filled by fresh recruits in the unskilled grade. In the intake points if suitable Caste/Scheduled Tribe candidates are not available the apprentices Act should be absorbed as was done in the year 1976.

- (ii) Regarding reservation of per cent quarters for Scheduled Caste/Tribe employees the Team was told that the Management initiated action but the Steel Authority of India did not agree in favour of reservation in accommodation. It is felt that Steel Authority should reconsider the issue and alternatively they should consider desirability of granting House Building loans to the Scheduled Caste/Tribe employees.
- (iii) The Management informed the Team that there were several Associations and Unions and it was not possible for them, to provide office accommodation to all those organisations and it was also not possible to keep the organisations in the mailing list for sending vacancy circulars, requisitions etc. The Team suggested that in the Notice Boards such Circulars should be displayed properly and vacancy circulars and other important programmes for Scheduled Caste/Tribe employees should also be issued in local language so that the semi-literate persons are well informed; and
- (iv) Regarding dereservation of posts reserved for Scheduled Caste/Tribe persons and supersession of Scheduled Caste/Tribe persons the Team was told that the Managing Director was personally reviewing such cases before final decisions are taken. The Team was informed that all cases of supersessions were due to adverse reports earned by the concerned employees. Since there is no effective check/method to conclude that a report was biased or not it is difficult to comment on the issue. However, it is felt that a review committee may be formed to review cases of supersession since the Managing Director has to look so many important jobs relating to production and management of such a huge organisation.

APPENDIX XIX

(Reference para 3.121)

Study into the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the services of Hindustan Aeronautics Limited, Bangalore Complex—16th and 17th January, 1978

Government of India took over the erstwhile Hindustan Aircrafts Ltd., in June, 1942 and later amalgamated it with Aeronautics India Ltd., in October, 1964 and the resultant company was re-named as Hindustan Aeronautics Limited which enjoys a unique position of being the sole agency for development and manufacture of India's aircraft industry. The Bangalore Complex which employs around 20,000 employees has seven Divisions besides the Head Office. These Divisions are: Aircraft Division, Overhaul Division, Services Division, Helicopter Division, Design Bureau, Engine Division and Foundry and Forge Division.

2. Orders regarding reservation for Scheduled Castes/Scheduled Tribes in the service of Hindustan

Aeronautics Limited were enforced with effect from 21-1-1970. As the Bangalore Complex had large number of employees the Team undertook the study in only three Divisions namely, the Aircrafts Division, the Services Division and the Engine Division and met the following Officers during the course of study:—

1. Shri B. K. Misra, Deputy Chief of Personnel, who is also the Liaison Officer in the Head Office;
2. Shri P. K. Mukundan, Chief Administrative Manager, who is also the Liaison Officer for the Bangalore Complex;
3. Shri V. L. Patil, Senior Administrative Manager and Liaison Officer for the Engine Division;

4. Shri J. S. Ramaswami, Administrative Manager of the Aircrafts Division ;
5. Shri Y. J. Deshpandey, Administrative Manager, Services Division ; and
6. Shri Gururaja Rao, Personnel Officer (Head Office), who acted as the co-ordinating authority for the Study Team.

I. GROUPING OF POSTS:

3. The main task force of the Hindustan Aeronautics Limited was divided into various Groups/Grades such as—

Group—A in the scale of Rs. 220—290	Class IV mostly non-technical.
Group—B in the scale of Rs. 230—329	Class III both technical and non-technical.
Group—C in the scale of Rs. 265—410	Do.
Group—D in the scale of Rs. 295—505	Do.
Group—E in the scale of Rs. 330—670	Do.
Grade I in the scale of Rs. 600—900	Class II
Grade II in the scale of Rs. 750—1150	Class II
Grade III in the scale of Rs. 950—1550	Class I
Grade IV and above scale Rs. 1350—1700 And above . .	Class I

All the Groups and Grades consisted of number of posts, both technical and non-technical posts but rosters were maintained for the Group/Grade as a whole even though each post within the Group/Grade had a substantial sanctioned strength, in most cases of more than 20 posts. The only common factor in various posts was the common scale of pay. According to Government orders separate rosters are to be maintained for each post/cadre having a sanctioned strength of more than 20 posts. It was also noticed that grouping was done in the case of promotional posts also whereas the Government instructions are very specific that promotional posts are not to be grouped for the purpose of reservation orders and separate rosters are to be maintained for each post to which the scheme of reservation is applicable, irrespective of the number of posts.

II. TOTAL REPRESENTATION OF SCHEDULED CASTES/SCHEDULED TRIBES:

4. The figures regarding representation of Scheduled Castes and Scheduled Tribes as on 1-1-1978 in the

services of the Hindustan Aeronautics Limited as a whole and in the Divisions studied by the team are given in Annexure I. It would be seen from the figures given therein that the representation of Scheduled Tribes in Class I and II (Group A) is negligible and in Class II (Group B) it is around 4 per cent (except in the Engine Division where it is 10 per cent). There is an urgent need for increasing the intake of Scheduled Castes and Scheduled Tribes particularly in Class I and II (Groups A and B) posts. For this purpose, it is suggested that wide publicity should be given in national newspapers published from various important cities particularly in the States of Madhya Pradesh, Orissa, Gujarat and Rajasthan, where there is concentration of Scheduled Tribes. If necessary, vacancies may be notified in the States of Meghalaya and Nagaland which are predominantly tribal areas. Persons applying from remote areas should invariably be paid T.A. for appearing before interviews/tests and may also be offered residential accommodation facility.

III. RECRUITMENT POSITION DURING THE YEARS 1975, 1976 AND 1977:

5. Position in regard to posts filled by direct recruitment and promotion during the years 1975, 1976 and 1977 can be seen in Annexure II and III. While the recruitment position in respect of Scheduled Castes in all classes in Hindustan Aeronautics Limited as a whole was satisfactory in the case of Scheduled Tribes it was not upto the mark. Position in respect of promotions made in these years was also not satisfactory. According to information furnished by the Aircraft Division, the reservation orders for promotions posts filled by Selection method came into effect from 1-12-1975. This was perhaps the main reason for low representation of Scheduled Castes/Scheduled Tribes in higher posts. Another reason was that most of the posts were being filled by promotion. Seventy five per cent of vacancies in the grades of Rs. 265-410 and above upto Rs. 600-900 and 50 per cent of the posts upto the grades of Rs. 1350-1700 were filled by promotion only.

IV. CONFIRMATION:

6. Reservation for Scheduled Castes and Scheduled Tribes at the stage of confirmation as provided by the Government is not of much value, as confirmation is not subject to availability of permanent vacancies. Employees are confirmed as soon as the probationary period is completed satisfactorily.

V. TRAINING:

7. As per instructions of the Government of India for affording greater opportunities to Class I Officers belonging to Scheduled Castes and Scheduled Tribes for institutional and other training, the Engine and Aircraft Divisions of Hindustan Aeronautics Limited furnished the following information for the years 1975, 1976 and 1977:—

Division	Number trained Departmentally			Number trained in outside Institutions			Number sent abroad for training			Number deputed to attend semi- nars/conferences etc.		
	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST
1	2	3	4	5	6	7	8	9	10	11	12	13
Aircraft Division	92	6	..	112	6	..	6	..	..	44	3	..
Engine Division	38	4	1	7	1	..	15	..	..	41	1	..

VI. MANAGEMENT/DESIGN TRAINEES:

**VII. NOMINATION OF SCHEDULED CASTES/
SCHEDULED TRIBES AS MEMBERS OF DE-
PARTMENTAL PROMOTION COMMITTEE/
SELECTION BOARDS:**

VIII. PROMOTIONAL AVENUES/DIVERSION FOR SWEEPERS ETC. :

IX. ADVERTISEMENTS:

X. INSPECTION REPORTS OF LIAISON OFFICERS:

XI. SPECIAL AD-HOC RECRUITMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES:

XII. DEPUTATION:

14. Although there is no reservation in posts filled by deputation, instructions exist that Ministries/Departments of the Government of India, while taking and sending persons on deputation or transfer should keep the interests of Scheduled Caste/Scheduled Tribe employees in view and endeavour to see that a fair proportion of such posts are filled by employees belonging to Scheduled Castes/Scheduled Tribes. But the information in the following table would indicate that no regard was shown to the Government instructions on this subject:—

Division	Persons appointed on deputation during the year											
	1975			1976			1977			Grand Total		
	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST
Hindustan Aeronautics Ltd. (All Complexes)	15	..	..	16	..	..	12	..	..	43	..	..
Engine Division	3	..	..	2	..	..	..	..	..	5	..	..
Aircraft Division	..	..	..	..	..	..	..	..	..	1	..	..

XIII. DERESERVATION ON ROSTERS:

15. Prior to 1973 the rosters were being maintained centrally for all Hindustan Aeronautics Limited Divisions located in Bangalore by the Services Division. From 1973 onwards, each Division was required to maintain its own separate rosters.

Following are the observations of the Team in respect of rosters maintained by the Divisions studied by the Team:—

(i) *Engine Division:*

- (a) In the roster for Group 'C' several posts having more than 100 employees were grouped together and a single roster was maintained for those posts. It was suggested to the Management that in direct recruitment, if the number of posts in any cadre was more than 20, independent rosters should be maintained for such posts. All the points in the rosters were earmarked correctly but entries in the roster against some of the points were found blank with the remarks that action had not been taken due to the restriction of recruitment. The position was explained to the concerned officers that according to the instructions contained in Appendix V of the Brochure, no point in the roster should be left blank and the person appointed next had to be shown against this point.
- (b) In the promotion roster several posts were grouped together although the scales were varying in nature and the posts were in different disciplines and the channels of promotion were also different. In the promotion roster maintained for Group 'B' posts, some reserved points were kept blank and in the remarks column there was no indication about proposal for de-reservation of the reserved vacancies. This needs correction.
- (c) On the scrutiny of the personal files of various Scheduled Caste and Scheduled Tribe employees, it was found that in some cases the Tehsildar, Bangalore, had issued the Caste Certificates although the employees belonged to different districts and in many cases remarks were entered on the certificates form saying that the certificates have been issued on the certificate issued by M.L.As. or other authorities who were not authorised to certify the caste of a person. Some certificates were even issued by Revenue Officer, Corporation of the City of Bangalore and the names of the sub-Castes were not mentioned. The authorities concerned were advised to review all such cases in which certificates had not been issued by competent authorities and forward such certificates to District Magistrates or District Collectors of the area concerned for necessary verification.

(ii) *Aircraft Division:*

- (a) In the Aircraft Division in Group 'A' the posts of Helpers and Messengers were grouped for direct recruitment although staff strength in each category of posts was more than 20. The rosters were maintained from 1976 only as it was stated that prior to that year, i.e. from 1973 the Services Division of Hindustan Aeronautics Limited was maintaining the rosters centralised for all the Divisions. There was no recruitment in the years 1973, 1974 and 1975, as there was a ban on recruitment. Point No. 4 reserved for Scheduled Tribes was treated as un-reserved after obtaining approval for de-

reservation of the same. However, a Scheduled Caste candidate was appointed against that post. Point Nos. 20, 21, 24, 25 and 26 though un-reserved were also found blank without any remarks about the recruitment action being in progress. Point No. 31 reserved for Scheduled Tribe was also found blank. In the abstract at the end of the year 1976 one vacancy reserved for Scheduled Tribe was shown as de-reserved but after de-reservation the vacancy was not shown as carried forward.

- (b) A number of posts had been grouped together in Group 'C' for the purpose of reservation which included Project Man, Mechanic 'A', Fitter General 'A', Clerk 'A' (Accounts) and Inspector 'B' (Manufacturing Inspection) etc. Like other rosters this roster was maintained from 1973 onward. Point No. 4 reserved for Scheduled Tribe was left blank. In the remarks column, it was stated that the post was transferred to the Service Division. The position was explained to the officers in regard to instruction No. 4 of Appendix V in the Brochure. The Points No. 8 (un-reserved), No. 9 (Scheduled Caste), and No. 11 (un-reserved), were also shown as blank.
- (c) The posts in the promotion roster with different grades were grouped together for the purpose of reservation orders which was not in accordance with rules. The roster for promotion was maintained from 1976 only as it was learnt that orders regarding the reservations in posts filled by promotion were received by the Division from the Head Office in December, 1975.
- (d) During 1977 a large number of posts were de-reserved with the approval of the competent authorities but in the relevant rosters no mention was made to that effect. During the discussion with officials the Team was informed that till September, 1977, in case of non-availability of Scheduled Caste and Scheduled Tribe candidates, de-reservation used to be sought but afterwards the Management decided that before giving approval to de-reservation proposals, attempts will have to be made to locate suitable Scheduled Caste and Scheduled Tribe candidates from other Divisions and if the Scheduled Caste/Scheduled Tribe candidates were not available in any Division of one Complex, they will approach other Complex of Hindustan Aeronautics Limited. Thereafter advertisements will be sent to the press exclusively for the Scheduled Caste and Scheduled Tribe candidates, and after exhausting all the sources, de-reservation will be allowed.
- (e) In the advertisements earlier to 1977 no mention about allowing travelling allowance to Scheduled Caste and Scheduled Tribe candidates was indicated but in the recent advertisements such a provision was being made.

(iii) *Services Division:*

This Division was maintaining the rosters in a centralised manner for all Divisions upto 1973. The Team inspected the reports, various statements, rosters etc., to study the extent of service safeguards provided for Scheduled Caste and Scheduled Tribe employees in the Hindustan Aeronautics Limited (Services Division). The following are the main observations:—

- (a) In the inspection report for the year 1976 the defects observed were indicated in a summary form.

- (g) The roster for Group 'A' consisting of the posts of Helper, Watch Boy, Aya, Sweeper/Scavenger, Messenger, etc., pertaining to the recruitment in the years 1970 and 1971 showed entries against point Nos. 4, 30, 11 only. It was stated that these posts pertained to the previous years, the recruitment action of which had extended to the years 1970 and 1971. The officers concerned were advised to show entries in the rosters in a continuous form and whenever a vacancy could not be filled at a particular time the next man appointed should be shown against the unreserved point with a suitable note for adjustment of vacancies. There was no recruitment in the years 1972, 1973 and 1974. The vacancies reserved for Scheduled Castes and Scheduled Tribes including those brought forward from previous years, as shown in the abstract given at the end of the year, were fully utilised. In the subsequent years i.e. 1976 and 1977 almost all the vacancies were utilised by appointment of Scheduled Caste and Scheduled Tribe candidates. In the year 1977, vacancy at Point No. 63 reserved for Scheduled Tribe candidate was shown as blank. It was stated that the recruitment action was still in progress.
- (h) In the roster for Group 'D' posts consisting of Comptometer Operator-A, Draftsman-A, Senior Clerks, Project Men 'A' and Store Keeper, etc., in the earlier years 1970 and 1972 the points were not continuous as pointed out in the case of Group 'A' posts above. From the year 1973, the recruitment was shown against continuous points.
- (i) In the roster for Group 'E' posts similar discrepancies as in the case of Group 'A' were observed. The points were left blank in the rosters and persons appointed in later years were shown in the previous years.

ANNEXURE I

Statement showing the representation of Scheduled Castes and Scheduled Tribes in the Services of Hindustan Aeronautics Ltd., as on 1-1-1977/1-1-1978

Division.	Class I (Group A) Percentage		Class II (Group B) Percentage		Class III (Group C) Percentage		Class IV (Group D) (excluding Sweepers) Percentage	
	S.C.	S.T.	S.C.	S.T.	S.C.	S.T.	S.C.	S.T.
1	2	3	4	5	6	7	8	9
Hindustan Aeronautics Limited (all Complexes as on 1-1-77)	1.78	..	4.13	0.48	10.31	1.46	24.84	3.36
Engine Division in Bangalore Complex (as on 1-1-78)	3.4	1.1	4.8	10.0	9.9	10.0	26.2	4.2
Aircraft Division in Bangalore Complex (as on 1-1-78)	6.6	..	4.3	0.4	12.0	0.14	25.0	2.2
Services Division in Bangalore Complex	Information not furnished							

ANNEXURE II

Statement showing the recruitment position in Hindustan Aeronautics Limited during the years 1975, 1976 and 1977

Division		Class I (Group A)			Class II (Group B)			Class III (Group C)			Class IV (Excluding Sweepers) (Group D)		
		Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST
I		2	3	4	5	6	7	8	9	10	11	12	13
HAL (All Complexes)	{ 1975	124	91	3	69	7	3	1,479	234	111	175	46	19
	{ 1976	44	7	..	301	41	10	742	141	30	205	47	13
	{ 1977	Not available											
Engine Division (Bangalore Complex)	{ 1975	6	..	..	10	..	1	47	10	10	..	..	..
	{ 1976	..	..	..	10	2	2	14	3	..	18	4	..
	{ 1977	..	..	..	22	4	1	23	4	3	26	4	6
Total (All Grades/Groups*)													
Aircraft Division (Bangalore Complex)	{ 1975				38	7	2						
	{ 1976				43	10	2						
	{ 1977				50	7	2						
Services Division (Bangalore Complex)		Information not furnished by the Division											

*Separate information not furnished.

ANNEXURE III

Statement showing the promotions made in Hindustan Aeronautics Limited during the years 1975, 1976 and 1977

Division	(a) Seniority-cum-fitness												
	Class I			Class II			Class III			Class IV			
	Total	SC	ST	Total	SC	ST	Total	SC	ST	Total	SC	ST	
I	2	3	4	5	6	7	8	9	10	11	12	13	
Hindustan Aeronautics Ltd. (All Complexes).	{ 1974	240	1	..	296	1	..	3,071	241	40	..	..	..
	{ 1975	298	1	..	255	5	..	1,900	172	22	..	..	..
	{ 1976	83	1	..	277	14	3	2,258	337	65	..	..	..
Engine Division . . .	{ 1975	..	..	..	12	..	..	129	8	..	..	..	..
	{ 1976	..	..	..	8	1	..	61	..	1	..	..	..
	{ 1977	..	..	..	8	2	..	120	17	4	..	..	..
Aircraft Division (Combined for all the 3 year)		..	..	..	20	3	1	104	14	2	61	7	1
Services Division . . .		Information not furnished											
(b) Selection													
Engine Division . . .	{ 1975	2	..	..	17	..	..	119	10	..	..	..	..
	{ 1976	2	..	..	17	2	..	39	7	1	..	..	..
	{ 1977	5	1	1	15	2	..	159	21	4	..	..	..
Aircraft Division . . .	{ 1975	..	..	..	..	..	..	..	..	..	..	..	..
	{ 1976	1	..	..	14	3	..	89	18	2	..	..	..
	{ 1977	26	3	..	18	..	..	173	29	1	..	..	..

APPENDIX XX

(Reference para 3.21)

Study into the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in Hindustan Aeronautics Limited, Kanpur

The Study Team consisting of Dr. Biswajit Sen and Shri B. M. Masand, Research Officers, visited the Kanpur Division of the Hindustan Aeronautics Ltd. on 15th and 16th March, 1978. The Team met Shri Jagannath Bhandari, the General Manager, Shri A. K. Verma, Senior Personnel Manager, Shri M. L. Dixit, Personnel Officer and other officers and had detailed discussions regarding various aspects of service safeguards provided for Scheduled Caste/Scheduled Tribe employees in that Organisation. The concerned officials extended full co-operation which enabled the Team to make an objective study.

It was learnt that the Kanpur Division of the Hindustan Aeronautics Ltd. was set up sometime in 1964 but the reservation orders to posts filled by direct recruitment were implemented from 21st March, 1970 after the receipt of Presidential directive from the Ministry of Defence. Recruitment made after 21st March, 1970 was shown in the rosters but as a result of a recommendation for gradual reduction in the Establishment of this Division made by the Manpower Planning Committee, further recruitment was stopped in 1971. The Manpower Planning Committee had even recommended the upper limit of the total strength of the Division from time to time, which at present stood at 3,400

While the decision of the Manpower Planning Committee for enforcing the ban on further recruitment is not questioned, it was observed that recruitment action on most of the unreserved points had been completed in time during the year 1970 but the action for recruitment against a number of reserved vacancies continued for a long time. In some group 'B' and 'C' posts, it was noticed that the recruitment action against the reserved vacancies took unduly long time. By the time the selection of reserved category candidate was finalised the orders regarding ban were received in the Division and the axe ultimately fell on the reserved points as a result of the ban on recruitment.

The Deputy Chief of Personnel, Hindustan Aeronautics Limited, Bangalore in his inspection report for the year 1975 and circular dated 29th October, 1977 had also referred to this delay. He had stated that only those vacancies that are required to be filled up are entered in the roster and there cannot be a case where filling up of the reserved vacancies alone will lead to the ceiling limits being exceeded. He had even alleged that no action was being taken by the Division to fill the reserved vacancies that had been entered in the roster during the earlier years and were still remaining unfilled. This point needs to be investigated and responsibility should be fixed for the delay which resulted in the lapse of mostly the reserved vacancies, as a result of the ceiling limits imposed on staff strength in the Kanpur Division.

The present actual strength of the employees in the Kanpur Division (as on 1-1-1978) was 3,355 against the ceiling limit of 3,400 even though the sanctioned strength was 3,734. It is rather sad that there is only one Scheduled Tribe employee in the whole organisation working against a Class III post. It is true that this Division is situated in Uttar Pradesh region where the percentage of Scheduled Tribe population is only 0.22 but Hindustan Aeronautics Limited being a Government of India undertaking, has to take special measures to increase the intake of Scheduled Tribes in their services by giving wider publicity to the posts reserved for Scheduled Tribes in the States and regions having concentration of Scheduled Tribes and providing them some incentives so that Scheduled Tribe persons coming from remote tribal areas are encouraged to shed their immobility.

The representation of Scheduled Castes also in Hindustan Aeronautics Limited Kanpur Division is extremely poor in Class I and II posts. There is only one such person in Class I posts and only two in Class II posts. Even in Class III posts the representation of Scheduled Castes is just about 5 per cent which reflects upon the poor efforts made by the Management even in earlier years.

The Team, therefore, strongly recommends that following steps should be taken immediately by the Management to undo the injustice already done to the Scheduled Caste and Scheduled Tribe communities in the matter of recruitment in that Division:—

- (i) The embargo on induction of personnel imposed by the Manpower Planning Committee should be relaxed in favour of Scheduled Caste and Scheduled Tribe candidates to the extent of clearance of backlog in various grades. This is being done in the State Trading Corporation of India, which is also a Government of India Undertaking under the Ministry of Commerce;
- (ii) All future vacancies in the direct recruitment as well as promotion should be exclusively reserved for Scheduled Caste and Scheduled Tribe candidates and when they do not become available, after following the prescribed procedure, the vacancies may be thrown open to the general candidates. This is now possible in view of the instructions issued by the Government of India in their O.M. No. 16/3/73-Estt(SCT), dated 27th December, 1977 a copy of which was given to the Management. Similar measures have been taken by Bharat Electronics Ltd., a sister Organisation under the Ministry of Defence. This was also suggested by the Deputy Chief of Personnel in item (ix) of his Circular letter dated 29-10-1977;
- (iii) While making promotions, if it is found that Scheduled Caste and Scheduled Tribe candidates fulfilling the educational qualifications are available but they do not possess the requisite in-line experience such persons should be provided with necessary in-line training. Till such time such persons acquire the necessary experience, such vacancies should not be filled;
- (iv) According to the instructions issued by the Head Office, cases of Scheduled Caste and Scheduled Tribe persons who fail to make the grade either in written test or interview, are to be reviewed by the Management. The Management could provide only two such cases in which a concession was given. The Study Team, however, found that the case of a Scheduled Caste employee was not considered sympathetically when he was short of just 2 marks in the assessment at interview. The employee concerned was not only deprived of promotion but was even superseded by his juniors belonging to other castes. The Management should be more lenient in such cases with a view to ensure that the vacancies reserved for these communities are fully utilised. In case of supersessions, the cases should be reported to the appropriate authority, as per rules;
- (v) Where Scheduled Caste/Scheduled Tribe persons possessing the requisite qualifications are not available in the feeder cadre, the quota reserved for them in promotion posts will obviously not be available to them. In such cases, a certain portion of vacancies may be thrown open to direct recruitment so that Scheduled Caste/Scheduled Tribe candidates from open

market can avail those chances for selection against the reserved vacancies

Grouping of posts :

From the list of posts grouped together for the purpose of reservation orders, it is observed that the posts belonging to different disciplines have been grouped together. Even the posts of sweeper/scavengers have been included in Group 'A' in which mostly the persons belonging to Scheduled Castes are available. This system of grouping acts against the interests of Scheduled Castes and Scheduled Tribes for the reason that when they are not available for manning skilled and semi-skilled posts, their entry is confined to a certain lower grades only. It is suggested that in the posts filled by direct recruitment this system of grouping of posts for the purpose of reservation orders should be resorted to only in the case of isolated posts and small cadre of less than 20 posts. Where any cadre has a strength of more than 20, there is justification for maintenance of a separate roster for such a post. When separate rosters are maintained in this manner, there would be no scope of manipulation to divert the persons belonging to Scheduled Castes/Scheduled Tribes to some particular posts where the chances of promotion to higher grades may be limited. The splitting of posts into technical and non-technical also may not be of much advantage because in the non-technical trades also widely different trades have been combined. For example, in Group 'C' a Mobile Crane Operator or a Tractor Driver has nothing in common with Staff Nurse or Assistant Store Keeper or a Telephone Operator. Similarly in Grade I the posts of Personnel Assistant, Assistant Engineer (in different disciplines), Assistant Security Officer, Assistant Training Officer etc., have different job requirements to perform.

In view of what has been stated above and in order to ensure full quota of reserved posts to Scheduled Castes and Scheduled Tribes in each discipline, the Team makes the following suggestions:—

- (i) The post of Sweepers/Scavengers should be excluded from Group 'A'.
- (ii) For other posts in Group 'A' and for that matter in other Groups as well, separate rosters should be maintained for cadres which have a strength of 20 or more posts.
- (iii) Even after the rosters are maintained separately for each posts having more than 20 posts, the system of rotation of Scheduled Caste/Scheduled Tribe persons in different disciplines as per instructions of Head Office should be continued in order to afford enough chance to Scheduled Caste and Scheduled Tribe persons to get adequate share in all disciplines having the same basic educational qualifications. For this purpose after their initial appointment they should be rotated in different trades/disciplines to enable them to acquire necessary experience.

Liaison Officer :

Shri A. K. Verma, Senior Administrative Manager was nominated as the local Liaison Officer for Kanpur Division, but the inspection of rosters was done by Shri B. K. Misra, Deputy Chief of Personnel, H.A.L., Bangalore. The reports of the Liaison Officer for the periods 1974 and 1975 were critical and in his report for the year 1975 very useful suggestions and comments were made by him. It appears that no sincere effort was made to remove the inadequacies in the implementation of the reservation rules/orders mentioned by the Liaison Officer. It is felt that the purpose of submission of reports by the Liaison Officer is defeated unless proper follow-up action is taken on such reports. It is strongly felt that the Liaison Officer should insist upon the follow-up action on his earlier reports before undertaking the next inspection and mention of such action taken should find a place in his next report.

There is no special cell in the Kanpur Division of H.A.L. to look after the work relating to the representation of Scheduled Castes and Scheduled Tribes. No separate register is also being maintained for registering the complaints received from the Scheduled Caste/Scheduled Tribe employees. Even with the present reduced strength of the Division (3,400) there is justification for setting up of a Special Cell for attending exclusively to the work relating to representation of Scheduled Castes and Scheduled Tribes. Such a cell can be made responsible for maintenance of necessary statistics besides exercising vigilance on the performance of the recruiting authorities in the matter of representation of Scheduled Castes and Scheduled Tribes and attending to grievances of Scheduled Caste/Scheduled Tribe employees.

Promotion Policy :

The team was given to understand that in promotions in H.A.L., Kanpur Division in the case of posts in Grade I and below the qualifying standard was relaxable by 10 per cent in the case of Scheduled Caste/Scheduled Tribe employees. Promotion in Grade II and above was on the basis of merit as decided by the members of the Departmental Promotion Committee. Promotions to Grade IV and above were, however, transferred to Head Office some time in 1973.

It was surprising to note that reservation orders for Scheduled Castes and Scheduled Tribes in promotion to Grade I and below were made applicable with effect from 1-12-1975 and to those in Grade II and Grade III with effect from 1-10-1976, although the orders were issued by the Government of India as early as 27-11-1972 in the case of promotions on the basis of seniority subject to fitness and on 20-7-1974 in the case of promotions on the basis of selection. It is, therefore, necessary to calculate the backlog in the promotion posts with effect from the earlier dates by applying reservation to vacancies which occurred after these dates and make available such vacancies to Scheduled Castes and Scheduled Tribes in future, keeping in view the instructions of the Government of India vide O.M. dated 27-12-1977.

In the Head Office Circular dated 29-10-77 it was pointed out that reserved vacancies entered in the direct recruitment roster had subsequently been converted as promotion vacancies entered in the direct recruitment roster had subsequently been converted as promotion vacancies. The Liaison Officer (Deputy Chief of Personnel) had opined that once a vacancy is entered in a particular roster, it should be processed as per the requirements of that roster. This was noticed during the course of study of rosters also. For example in the Group 'C' roster for direct recruitment, points at S Nos. 5 and 7 filled during the year 1974 were shown as filled by promotion. It was explained by the Management that due to ban on outside recruitment, internal candidates having proficiency in Stenography were appointed. Such appointments should not be treated as promotions because the cadre from which the persons were appointed did not form the feeder cadre for promotion to the post of Stenographer as per Recruitment Rules. The persons so appointed should be treated as direct recruits and their names should be entered in the direct recruitment roster instead of keeping the points blank and showing them as filled by promotion.

Dereservation of Reserved Vacancies :

Scrutiny of the files relating to dereservation of vacancies indicated that while the dereservation procedure was followed detailed circumstances leading to the dereservation of the reserved vacancies such as the steps taken to attract Scheduled Caste/Scheduled Tribe candidates, the number of available Scheduled Caste/Scheduled Tribe candidates and the reasons why they could not be selected etc., were not explained to

the competent authority. In this connection attention of the Management is invited to the proforma prescribed in the Department of Personnel and Administrative Reforms O.M. No. 28/14/74-Estt(SCT), dated 12th July, 1976. It was observed that exchange of reservation between Scheduled Castes and Scheduled Tribes was not made in respect of lapsing of certain vacancies and prescribed procedure was not followed. This flaw was also highlighted in the Liaison Officers Report for the year 1975. It is suggested that the principle of exchange of reserved vacancies between Scheduled Castes and Scheduled Tribes should invariably be followed before allowing the vacancies to lapse.

According to the instructions issued by the Government of India, the unutilised reserved vacancies which are carried forward to the subsequent recruitment years should be utilised earlier whenever reserved category candidates become available in the next year. In fact in the actual procedure, the brought forward vacancies of the previous year should be interpolated in the roster against the unreserved points out of the available vacancies in the next year. If this is done, it would give an idea of the total reservation (current and brought forward) available in that year. After adjusting the available Scheduled Caste/Scheduled Tribe candidates against the earlier reserved vacancies, the later i.e. current vacancies may be carried forward after following the procedure for dereservation. It must be noted that dereservation is to be sought both for current reservation and the earlier reserved vacancies still remaining unfilled for want of adequate number of Scheduled Caste/Scheduled Tribe candidates.

It was provided in the Head Office Circular No. HAL/PO/26(17)-A/Vol. I/17767, dated 30-9-1977 that if suitable Scheduled Caste/Scheduled Tribe employees are not available for promotion against reserved vacancies in Grade I to III, within a Division, such vacancies should be notified to all Divisions/Offices of the Company inviting applications from eligible Scheduled Caste/Scheduled Tribe candidates and only when suitable Scheduled Caste/Scheduled Tribe employees are not available, should the proposals for dereservation of such vacancies be referred to the Head Office. In this connection, a file pertaining to the recent selection to the post of Personnel Officer (Grade II) was seen and it was found that all the Divisions furnished a non-availability certificate. In some Divisions the Scheduled Caste/Scheduled Tribe candidates in Grade I were not available at all and in some others, no Scheduled Caste/Scheduled Tribe candidate applied for the post in response to the circular. It may be pointed out in this connection that there being very little induction through direct recruitment in Grade I and above, there is a very little chance of Scheduled Caste/Scheduled Tribe candidates becoming available in other Divisions. It is in the lower posts in Class III i.e. Groups A to E in which there was large scale induction, earlier to the present embargo on outside recruitment, and therefore, more Scheduled Caste/Scheduled Tribe persons could be available in these posts. It is, therefore, suggested that the orders referred to in Head Office Circular dated 30-9-1977 may also be made applicable to posts filled by promotion in Groups B to E as well.

Rosters :

Examination of rosters revealed the following irregularities/discrepancies:—

- (i) The rosters were maintained Grade-wise and Group-wise and not Post-wise, even though some posts had a strength of more than 20 to justify an independent roster in accordance with rules.
- (ii) A large number of points in the roster were found lying blank although the Liaison Officer

in his inspection reports for the years 1974, 1975 and 1976 had stated that no point was left blank.

The points in the roster could not be left blank for years together even if the action is said to be in progress. If for any reason the post is abolished or transferred to Head Office or Liaison Office, by the time selection is finalised, such points may be shown as filled by the next person and where necessary, approval of the competent authority may be obtained for dereserving the post if it happened to fall on a reserved point.

- (iii) Carry-forward position of unfilled reserved vacancies was not indicated in the rosters particularly in the earlier years. Abstracts of the appointments made and vacancies filled and carried forward were shown only after 1975 onwards but the abstracts for the year 1977 had not been prepared.
- (iv) The practice of utilising the earlier vacancies first was not followed.
- (v) Rosters for promotion posts were maintained combined for various disciplines/trades which is not in order. According to instructions issued by the Government of India, rosters for promotional posts are to be maintained separately for each post.

Apprenticeship Training Scheme :

Under the provisions of the Apprentices Act, 1961 and rules made thereunder, the H.A.L. Kanpur Division is required to train a total of 209 apprentices in technical trades : 49 in commercial trades (Book keeping, Store keepers and Clerks), 12 Graduate apprentices and 31 Technicians (Diploma Holders) Apprentices. There is a provision of reserving 20 per cent seats in all these categories for Scheduled Castes and 5 per cent for Scheduled Tribes. Following information was furnished to the team in regard to the apprentices engaged during February, 1978.

Trade	Total	Sch. Castes	Sch. Tribes
Technical Trades	202(209)	32(about 40)	2(about 10)
Commercial Trades	40(49)	5(8)	..(2)
Graduates	3(12)	..	..
Technicians (Diploma Holders)	28(31)	4(about 6)	..

NOTE.—Figures in brackets indicate the authorised strength under column 2 and the number required to be reserved for Scheduled Castes and Scheduled Tribes respectively in columns 3 and 4, as per the prescribed percentages of reservation of seats.

It would be seen that there were in all 41 apprentices belonging to Scheduled Castes and only two belonging to Scheduled Tribes as against 53 Scheduled Castes and one Scheduled Tribe candidates imparted training during the year 1977. It was also learnt that from 1-1-1975 to 28-2-1978 a total of 804 apprentices were trained out of whom 110 belonged to Scheduled Castes and only 3 to Scheduled Tribes.

Outstanding Features :

As part of the Management's efforts to promote the interests of the weaker section of employees, 26 employees working in the lowest categories as Sweepers,

Scavengers, Helpers and Messengers had been promoted during the last two years. Out of these, 8 belonged to the Scheduled Castes. The case of a scavenger who was promoted to the post of Clerk was given wide publicity in the news papers to boost up the morale of the employees belonging to weaker communities.

The Management has undertaken a scheme under which employees working in Group 'A' were offered training facilities in typewriting and shorthand. The amount incurred by the employees in private commercial institutes was reimbursed to them to the extent of Rs. 10/- per month for 6 months for typewriting and Rs. 20/- per month for 12 months for stenography. According to the information made available to the Study Team, this scheme was started on 1-12-1976. However, only four persons availed of the benefit under this scheme in 1977 of whom only one belonged to Scheduled Caste. None of those trained has been promoted to a higher grade so far. It seems there being a ban on outside recruitment, the Management devised a good scheme under which some of the low paid employees could be trained in typewriting and shorthand to fill the vacancies in the posts of Clerk-cum-typists and Stenographers but the scheme has not made much headway. If the Management find that the persons belonging to Scheduled Castes and Scheduled Tribes need more guidance and training, they should not hesitate to increase the duration of the training for them in order to ensure that quota reserved for them is duly utilised.

Departmental Promotion Committee/Selection Board Meetings :

It was heartening to note from the statistics that during the past three years the Management of H.A.L. Kanpur Division had invariably associated a member belonging to Scheduled Castes in all the meetings of the D.P.Cs./Selection Boards held to consider Scheduled Caste/Scheduled Tribe candidates for appointment/promotion in the Division. However, it was noticed that a large number of meetings were held in which Scheduled Caste members were not associated, presumably because only general candidates were considered in those meetings. It is difficult to conceive that when there is a huge backlog in the representation of Scheduled Caste and Scheduled Tribe, there could hardly be any occasion on which a vacancy may not be reserved for Scheduled Castes or Scheduled Tribes, if the rules regarding interpolation of the brought-forward reserved vacancies and procedure for dereservation are followed in each year of recruitment/promotion.

Advertisements/Requisitions to Employment Exchanges :

The interests of the Scheduled Caste/Scheduled Tribe persons were not much protected in the past while sending requisitions to the Employment Exchange/Press. Till 1975, in most of the requisitions the actual number of reserved vacancies, exact nature

of relaxations permissible to Scheduled Caste/Scheduled Tribe candidates were not highlighted. In 1976 the requisitions were, however, more informative. It is recommended that while sending requisitions, it must be ensured that actual vacancies reserved for Scheduled Caste or Scheduled Tribe, relaxation of age, educational qualification and experience, the payment of travelling expenditure by shortest rail/bus route etc., are clearly mentioned. If the local/regional Employment Exchange fail to sponsor candidates, the Central Employment Exchange should be approached and finally the advertisements should be released to such regional/local papers (both English and Regional language) which have wide circulation in the areas having maximum concentration of Scheduled Tribe and Scheduled Caste population. Some incentives like the residential accommodation to Scheduled Tribes coming from remote tribal areas can also be thought about. The present list of papers Indian Express, Hindu, Hindustan Times, Statesman, Times of India, National Herald, Nav Bharat Times, Daily Jagran was not exhaustive.

Scheduled Caste/Tribe Certificates :

Several Caste certificates were scrutinised to ensure that such certificates have been issued by the competent authorities to the genuine persons and the interests of the Scheduled Caste/Scheduled Tribe persons were being safeguarded by the authorities. In the case of one Scheduled Caste employee (Clerk) it was observed that the certificate was issued by the Assistant Collector, Kanpur on behalf of the District Magistrate, Kanpur saying that the candidate belonged to Allahabad district. Another Scheduled Caste employee (Master Technician) produced a certificate issued by the Gram Pradhan in the year 1971 stating that the candidate belonged to Pasi community of Gonda district. One Scheduled Caste employee working in Group 'B' grade claimed that he belonged to 'Hela' community and he was asked to submit his caste certificate, but from his personal file it was observed that till the visit of the Team he had not submitted the same. Another Scheduled Caste employee working in the same grade, produced a certificate which was issued by the Assistant District Magistrate, Kanpur in the year 1976 stating that the certificate was issued on the recommendation of a local M.L.A. One Scheduled Caste employee working as Assistant Engineer produced a certificate from a local M.L.A. in the year 1970 indicating that he belonged to Pasi community. One Scheduled Tribe employee working as highly skilled technician produced a certificate from the District Welfare Officer, Monghyr district, Bihar in the year 1972 stating that he belonged to Gond community which was recognised as Scheduled Tribe in Bihar. It is suggested that the employees who have not submitted Caste certificates in proper forms may be asked to produce the same or their cases may be referred to the concerned District Officials for verification, by the Management and copies of the verification reports may be placed in the personal files of the concerned officials for keeping the records up-to-date.

APPENDIX XXI

(Reference para 3.121)

Study into the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the Services of the Minerals and Metals Trading Corporation of India—16th, 17th May, 1978

The Minerals and Metals Trading Corporation of India originally a part of the State Trading Corporation of India became a separate entity on 1st October, 1963. As in the case of other undertakings, this company got the Presidential directive for introduction of reservation for Scheduled Castes and Scheduled Tribes

in its services in January, 1970. Rosters for direct recruitment posts were therefore maintained from 1-1-1970. Orders regarding reservation in posts filled by promotion on the basis of seniority subject to fitness were issued by the Government of India in November, 1972 and were introduced in the company

with utmost expedition with effect from 1-4-1973. (In many other undertakings these were introduced in 1975 or 1976).

A Team consisting of Shri B. M. Masand, Research Officer and Miss Bina Rai, Investigator who conducted the study, met Shri H. R. Chaturvedy, Sr. General Manager, Shri S. Kumar, Jt. Divisional Manager and other officials. The team got full co-operation from the management in getting all the necessary information. Relevant records and files wherever necessary were made available without any reservation. All this helped the team to make an objective study, the findings of which are presented in the following paragraphs:—

Representation as on 1-1-1978:

In spite of the great enthusiasm shown by the management in the matter of ensuring due share of reservation to the members of Scheduled Castes and Scheduled Tribes, the team was at a loss to understand the reasons for the very low percentages of actual representation of Scheduled Caste/Scheduled Tribe in their services as on 1-1-1978. Out of 95 Group A, (Class I) Officers, only one belongs to Scheduled Caste; out of 158 Group B (Class II) Officers only six belong to Scheduled Castes and one to Scheduled Tribe. The position in respect of even Group C (Class III) posts is no better either, as out of a total of 453 employees only 19 belong to Scheduled Castes and two to Scheduled Tribes. The three Scheduled Tribe employees in this company (one in Group B and two in Group C) were appointed in the year 1977.

Recruitment position in the last three years was also not very satisfactory. Even in Group 'C' posts, the full quota reserved for Scheduled Castes and Scheduled Tribes could not be filled by appointment of Scheduled Caste/Scheduled Tribe candidates. Out of the 54 vacancies in Group C, 8 were reserved for Scheduled Castes and 5 for Scheduled Tribe candidates but only 4 Scheduled Caste and 2 Scheduled Tribe candidates could be appointed. In promotions made during the years 1975 to 1977, it is noticed that the quota reserved for Scheduled Castes and Scheduled Tribes was not fully utilised apparently due to non-availability of eligible Scheduled Caste/Scheduled Tribe candidates in the feeder cadres.

It was, however, given to understand that in so far as backlog in Group C posts was concerned, particularly in the posts of Assistants and Junior Assistants, it was due to the non-availability of vacancies in view of the ban on creation of new posts. In this connection, it may be stated that in the State Trading Corporation of India this problem was solved by the Management by exempting the backlog in reserved vacancies from the purview of the ban orders. It is suggested that M.M.T.C. should also adopt the same policy. It was understood that a panel of Scheduled Caste/Scheduled Tribe candidates for the posts of Assistants and Junior Assistants is already available and it should be possible to make appointments straight away out of that panel.

As regards the backlog in the Managerial cadres (Executive-11 and Accounts-6) the team was given to understand that the backlog in the direct recruitment quota was mostly in senior positions for which the Scheduled Caste/Scheduled Tribe candidates possessing higher qualifications were not forthcoming. Thus this backlog will continue to persist and might eventually lapse, unless enough Scheduled Caste/Scheduled Tribe candidates are inducted in the lower executive levels where they are available in large numbers. Such persons even if appointed now shall become eligible to occupy senior positions in the coming 3 to 6 years.

Grouping of posts:

According to the information made available to the team, isolated posts filled by direct recruitment in

each Class had been grouped with similar other posts in the same class keeping in view the instructions contained in the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services.

Liaison Officer and Special Cell:

Present Liaison Officer (Shri S. Kumar, Joint Divisional Manager) who is looking after the representation of Scheduled Castes and Scheduled Tribes in the MMTC of India took charge of this work in November, 1977. After taking over, he has visited a number of regional offices of the Corporation and inspected the rosters in those offices. Copies of his inspection reports were supplied to the team. It appeared from the inspection report for the year 1976 in respect of Headquarters, that prior to that the rosters were not inspected at all and as such the report for the year 1976 covered the period from 1970 to 1976. This clearly shows that the subject of ensuring adequate representations of Scheduled Castes and Scheduled Tribes in various categories of posts under the Corporation did not receive serious attention till 1976 which factor is responsible for accumulation of a heavy backlog in the actual representation of Scheduled Castes and Scheduled Tribes in various categories of posts. It is, therefore, suggested that the Management should make special efforts to ensure adequate representation of Scheduled Castes and Scheduled Tribes not only in the Headquarters but also in the regions. The Liaison Officer should also render guidance to the concerned officers in the regions by periodic visits and otherwise, on the basis of his experience. If necessary, the Special Cell, at present headed by an Office Manager with just one Assistant should be strengthened to cope with the increased work in connection with the submission of statistics and special recruitment drive to clear the backlog. It is also interesting to note that the Annual Report of the Company for the year 1976-77 made a reference to the appointments made during the year and the number of Scheduled Caste/Scheduled Tribe persons among them. It was suggested to the Management to ensure in future that a more detailed picture of the representation of Scheduled Castes and Scheduled Tribes in the Corporation in various categories of posts, efforts made during the year including any special recruitment drives, and the improvement brought about at the end of the year should be included in the annual report. Various activities of the Special Cell under the Liaison Officer may also be highlighted in the annual report. As regards complaints made by the employees belonging to Scheduled Castes and Scheduled Tribes, it was learnt that these were at present dealt with in a common file but the Management agreed to maintain a separate register in regard to complaints indicating the nature of grievance and its final disposal.

Rosters:

In the case of posts filled by direct recruitment the rosters were maintained from the year 1970 onwards and in the case of posts filled by promotion on the basis of seniority subject to fitness, these were maintained with effect from 1973. While the rosters were, by and large, maintained correctly, following minor discrepancies were noticed which need rectification:—

- (a) In Group 'C' posts, recruitment to which is made primarily through the Employment Exchange, roster as prescribed in Annexure II to the Department of Personnel and Administrative Reforms O.M., dated 22-4-1970 is required to be followed. In the case of organisations, functioning in the Union Territory of Delhi also, that model roster is to be followed. It was, however, noticed that except in the case of Grade I posts of Peons, Farashs, Sweepers etc., the roster as prescribed in Annexure I was followed which is not correct. For this purpose, it is suggested that the difference in the reserved vacancies according to the model roster

in Annexure II should be calculated and added to the existing backlog and the rosters in future may be prepared and maintained on the correct model i.e., Annexure II to the Department of Personnel and Administrative Reforms O. M., dated 22-4-1970.

- (b) In some of the rosters, Scheduled Caste persons appointed in excess over the quota reserved for them in a particular year were shown as carried-forward and adjusted in future years. For example in the case of roster for the posts in Grade I, one Scheduled Caste appointed in excess in 1970 was adjusted against the reserved (SC) vacancy in 1971. Similarly one vacancy of 1975 and two vacancies of 1976 reserved for Scheduled Castes were adjusted with the surplus Scheduled Caste candidates appointed in the years 1972 and 1973. If Scheduled Caste candidates were available in surplus in the earlier years, they could have become available in the year 1976 as well, when two vacancies were reserved for Scheduled Castes. It seems that no effort was made to recruit Scheduled Caste candidates obviously because of the surplus appointments made in the earlier years. The position was explained to the Joint Divisional Manager who appreciated that the provision of carry-forward of reserved vacancies was applicable to the shortfall and not the excess reserved category candidates who could be shown against the unreserved points in the roster. He promised to keep this in mind in future.
- (c) Principle of exchange of vacancies between Scheduled Castes and Scheduled Tribes in the third recruitment year of carry-forward was not followed at all. In fact vacancies were being carried forward indefinitely. The correct position was explained to the officers concerned.
- (d) It was noticed that while the earlier reserved vacancies were being utilised first, the note of adjustment against the corresponding reserved points was not being shown against them in the remarks column.
- (e) An abstract indicating the appointments made during a year, vacancies reserved for Scheduled Castes and Scheduled Tribes (including those brought forward from previous years), the number of Scheduled Castes and Scheduled Tribes appointed, the number of vacancies carried forward to the next year should be maintained at the end of each year. The abstract should also indicate the year-wise breakup of the vacancies carried-forward. This would indicate the age of the oldest reserved vacancies so that if the same is in the last year of carry-forward, it can be allowed to be exchanged with the available candidates from the other category.
- (f) Entries in the rosters were not signed by the appointing authority or any officer authorised for the purpose. The rosters were, however, inspected by the Liaison Officer recently. It is suggested that each entry should be signed immediately after appointment is made.

Advertisements/Requisitions to Employment Exchange :

In some of the earlier advertisements, it was mentioned that reservation for Scheduled Castes and Scheduled Tribes would be provided "as per rules". Even in an advertisement issued in 1976, separate reservation for Scheduled Castes and Scheduled Tribes was not indicated. In the advertisements issued in 1977, however, the total number of available vacancies and the number reserved for Scheduled Castes and Scheduled Tribes was being indicated. It was also observed that provision of relaxation in experience in favour of Scheduled Castes/Scheduled Tribes, was not being

mentioned in the advertisements. Requirement regarding payment of travelling allowance to Scheduled Caste/Scheduled Tribe candidates was also not being mentioned in the earlier advertisements but in the recent (1977) advertisements, there was a mention about it in respect of all candidates called for interview. It was also learnt that vacancies were not being notified to the All India Radio. The Management is advised to ensure that all these requirements are invariably kept in view in the advertisements.

It was learnt that advertisements were inserted in the Hindustan Times, Delhi, The Hindu, Madras, Amrita Bazar Patrika, Calcutta, Nav Bharat Times, Delhi/Bombay. The Statesman, Delhi and the Employment News. As the representation of Scheduled Tribes in the MMTC is negligible, it is suggested that the vacancies reserved for Scheduled Tribes should be advertised in the national and regional newspapers and language editions of the Employment News having large circulation in areas having concentration of Scheduled Tribes population. The tribals who generally lack mobility may be offered incentives such as residential accommodation etc., to attract more and more of them even from remote tribal areas. This may also be resorted to in the case of vacancies reserved for Scheduled Castes if for any particular post the response has not been adequate.

Dereservation :

It was sad to note that the procedure regarding obtaining prior approval of the competent authority for dereservation of reserved vacancies was not being followed at all. It is true that now there being a ban on creation of new posts, only reserved vacancies are likely to be filled if the Management agree to lift the ban to the extent of backlog of reserved vacancies. In that case the general candidates cannot be appointed against the backlog of reserved vacancies. Thus the occasion for dereservation should not arise. But it is suggested that in future whenever it becomes absolutely necessary to appoint general candidates against the reserved vacancies, the procedure of dereservation with necessary explanation necessitating such dereservation must be followed.

Association of Scheduled Caste/Scheduled Tribe Member in the meetings of the Departmental Promotion Committees/Selection Boards :

It was learnt that junior posts are mostly filled on the basis of test and there is no interview except for the post of Office Manager (Law). According to information made available to the Team, only two meetings of the Jr. D.P.C. were held during the years 1975-1977 to consider both reserved and unreserved vacancies, but Scheduled Caste/Scheduled Tribe member was not associated with any of these meetings. Similarly, 6 meetings of the Sr. D.P.C. were held in 1975, 5 in 1976 and 3 in 1977 but in these meetings also no Scheduled Caste/Scheduled Tribe member was associated. As on 1-1-1978, there was only Scheduled Caste Officer in Group A (Class I) and 6 Officers belonging to Scheduled Castes and one belonging to Scheduled Tribe in Group 'B' who can be associated with the D.P.Cs./Selection Boards. In the event of non-availability of an Officer of an appropriate rank for associating with any D.P.C./Selection Board, Scheduled Caste/Scheduled Tribe Officers from other Undertakings under the Ministry of Commerce or from the Ministry itself may be associated. Such a step is necessary to inspire confidence among the Scheduled Caste/Scheduled Tribe candidates being interviewed and to ensure that interviews were held in accordance with the rules.

Training :

According to Government instructions, Class I Officers belonging to Scheduled Castes/Scheduled

Tribes are to be afforded opportunities for training within the organisation and outside in order to improve their chances for selection to higher posts. According to information supplied to the Team, out of the five Class I officers trained departmentally, in the year 1975-76, one belonged to Scheduled Caste. However, out of the 208 Class I officers sent for training in the outside institutions, one Scheduled Caste officer was sent on each of the two occasions, one in 1975-76 and again in 1977-78. During the three-year period

from 1975-76 to 1977-78, six officers were sent for training abroad and 55 officers were deputed for attending seminars/conferences etc., but not a single officer belonging to Scheduled Caste was given such an opportunity. It is hoped that the Management would give more attention to this aspect of training not only for Class I officers belonging to Scheduled Castes/Scheduled Tribes but also to Class II and Class III employees to enable them gain more experience and confidence to shoulder higher responsibilities.

APPENDIX XXII

(Reference Para 3.121)

Report of the study on the working of safeguards provided for Scheduled Castes and Scheduled Tribes in services under the Calcutta Port Trust—April, 1978

In order to assess the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes in services under the Calcutta Port Trust, a team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator visited that organisation on 27th and 28th April, 1978 and had detailed discussion with the following officers:

1. Dr. S. K. Das,
Chief Medical Officer,
Medical and Health Department.
2. Shri B. R. Chatterjee,
Chief Mechanical Engineer,
CME Office.
3. Major S. N. Banerjee,
Officer on Special Duty,
CME Office.
4. Shri K. K. Das,
Controller of Stores,
Stores Department.
5. Shri R. C. Ghosh,
Deputy Chief Engineer,
Civil Engineering Department.
6. Shri A. P. Sen,
Deputy Manager Traffic,
Traffic Department.
7. Shri R. L. Sinha,
Deputy Land Manager,
Land Department.
8. Capt. D. K. Dutta,
Deputy Director,
Marine Department.
9. Shri N. Ray,
Senior Accounts Officer,
Audit and Accounts Department.
10. Shri S. B. Das,
Assistant Secretary,
Secretary's Office.

Calcutta Port Trust (CPT), established in 1870, is one of the biggest and oldest organisations in Calcutta employing several thousand persons. There are 13 Departments in the CPT and each Department is maintaining the rosters in respect of recruitments to various categories of posts under them. For the purpose of the study, 8 Departments were selected and their roster registers, requisitions sent to the Employment Exchange, advertisements of the vacancies sent to the press etc., were examined. Since in each Department, there were different sections which were making recruitments for its own staff, the study had to be restricted to few sections only. The Departments covered by the study were Marine Department, Law Department, Traffic Department, Stores Department, Chief Medical Officers' Department, Chief Mechanical Engineers' Department, and Accounts Department. Some of the

important observations made by the team were as follows:

1. Reservation Rosters and Dereservation :

The authorities had maintained rosters from 1970, when the directive had come from the Central Government, but effective implementation started with the passing of a resolution by the Board of Trustees on 3rd October, 1975. The authorities reported that there was trouble with the labour unions over the implementation of reservation orders and as such, things were delayed for over 5-6 years. The claims of the Scheduled Castes/Scheduled Tribes who could have occupied the reserved posts if implementation was ensured in time, thus were ignored. To give proper effect to the reservations prescribed, every appointing authority is required to treat vacancies as reserved or unreserved according to the model roster each of 40/100 points as prescribed by the Government. Actual number of vacancies to be reserved for Scheduled Castes and Scheduled Tribes in any recruitment is to be determined on the basis of the points in the roster including the reservation brought forward from the previous year. In the CPT, the rosters had been prepared from back date showing whatever Scheduled Caste/Scheduled Tribe employees happened to be in service during that period and as such the rosters could not be treated as effective instrument for ensuring representation of Scheduled Caste/Scheduled Tribe employees.

During the course of study it appeared that comprehensive instructions were issued by the Secretary's office in 1976 to various implementing authorities. Rosters for promotion posts had, however, been started from 1975 onwards. Brought forward/carry over of unfilled reservations had been shown correctly.

As regards dereservation, it was reported by the authorities that Secretary's office issued instructions on 20th November, 1976 that no reserved vacancy should be dereserved normally and if dereservation is inescapable in the interest of work, the matter should be referred to the Administration for necessary approval. As in the case of proposals of dereservation from Central Government offices, the appointing authorities in the CPT have also to submit proposals of dereservation on prescribed proforma giving full details about the efforts made etc. From the instructions issued by the authorities on 20th November, 1976, it appeared that there may be hardly any case of dereservation if those instructions, as summarised below, are earnestly implemented:—

- (i) If suitable Scheduled Caste/Scheduled Tribe candidates are not available from open market to fill up direct recruitment reserved vacancies, departmental candidate might be promoted against those vacancies.

- (ii) Similarly, in the event of non-availability of candidates from within, direct recruitment may be resorted to.
- (iii) If there is no element of direct recruitment where Scheduled Caste/Scheduled Tribe candidates are not available for promotion, direct recruitment may be made to a lower category and after they have been given intensive in-service training, may be considered for higher post.
- (iv) To enable the low ranking Scheduled Caste/Scheduled Tribe candidates eligible for promotion, the zone of consideration may be extended to three grades below granting due relaxation in educational qualifications.

In spite of the above instructions allowing the recruiting authorities to use discretionary powers in the matter of recruitment/promotion of Scheduled Castes/Scheduled Tribes against reserved vacancies, there were several instances where reserved points had to be carried over for want of Scheduled Caste/Scheduled Tribe candidates. In the case of recruitment to the post of Assistant Superintendent (Shipping)/Jr. Assistant Superintendent (Transport) during 1977, out of 11 posts filled 3 posts had been reserved—2 for Scheduled Castes and one for Scheduled Tribe (Scheduled Tribe brought forward from 1976) but no Scheduled Tribe candidate was available to occupy the reserved post. It was reported by the authorities that the post had been dereserved through the competent authority, but there was no indication in the roster registers to this effect. Similarly in the case of recruitment to the posts of L.D.Cs. and Cook in the same Department, one post each reserved for Scheduled Castes during 1977 and 1978 respectively, had been filled by general candidates without obtaining prior approval of the Chairman to dereserve the posts. It was strange to note that Scheduled Caste candidates were not available even for these lower categories. In the case of promotion posts also (Shunting Master and Yard Clerk in the Traffic Department and U.D.C. in Stores Department) procedure regarding dereservation during the years 1977 and 1978 was not followed. The authorities in the Traffic and Audit and Accounts Departments were not clear about the procedure regarding dereservation. They had the wrong notion that dereservation was involved only in the third year of carry-forward. In fact the procedure regarding dereservation has to be complied with on each occasion (year) of recruitment when a general candidate is to be appointed against a reserved point in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates, and not after carrying over the unfilled reserved vacancies for three years. It is, therefore, suggested that all such cases need to be reviewed and *ex-post facto* approval of the competent authority is required to be taken to regularise the action.

Department-wise examination of records revealed the following defects in the maintenance of rosters:—

(1) *Marine Department :*

Rosters though on proper forms were in the shape of loose sheets and the officials were advised to maintain the same in the form of registers at this is a permanent record and required frequent consultation. At the end of the calendar year an abstract of the reservation is required to be shown which was not done. Each entry in the roster has to be attested by the appointing authority. In the remarks column a note should be kept about the dereservation and lapsing of vacancies.

(2) *Civil Engineering Department :*

The entries in the roster registers had not been properly signed or attested by the competent authority. Majority of the rosters were started from 1972 instead of 1970 without showing the backlog. There was no

indication in the roster registers about the dereservations made in respect of reserved posts for which no Scheduled Caste/Scheduled Tribe candidates were available. A Scheduled Caste appointed in excess in the grade of L.D.C. during 1973 had been shown as adjusted against a point reserved for Scheduled Castes in 1974 which was not correct. Scheduled Castes and Scheduled Tribes appointed in excess in one year cannot be adjusted against the future reservation. One Scheduled Caste point therefore is required to be shown as carried-over in 1974 and should be added to future reservation.

(3) *Land Department :*

There was hardly any recruitment/promotion from 1976 onwards. Carry-over from earlier years had however been shown correctly.

(4) *Traffic Department :*

Roster registers were on proper form and each entry was duly signed but the abstract of reservation, at the end of each calendar year, had not been prepared. There was no indication in the rosters about the dereservation of Scheduled Caste/Scheduled Tribe vacancies in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates. The lapsing of reserved vacancies on the basis of reservation before 1975 was not in order as no effective steps had been taken to recruit Scheduled Caste/Scheduled Tribe candidates prior to that year. According to the annual inspection of rosters for 1977, the Liaison Officer pointed out that dereservation had not been taken and recommended *ex-post facto* approval of the Chairman, but no such approval had been taken till the time of the study.

(5) *Audit and Accounts Department :*

Like other Departments the entries in the roster had not been attested nor the abstract at the end of each calendar year prepared. Permission for dereservation of the unfilled reserved vacancies before appointing general candidates was not obtained. There were however, very few recruitments/promotions during 1977 and 1978.

(6) *Controller of Stores :*

Rosters were not on proper form and the authorities were advised to follow the prescribed form. The rosters had not been signed by any authority, nor any inspection report had been submitted. The authorities were advised to prepare abstract of reservation at the end of each recruitment year and get the entries attested. Procedure regarding dereservation had also not been complied with.

(7) *Office of the Chief Mechanical Engineer :*

This was quite a big Department employing major portion of staff in the CPT. With the introduction of new schemes and reduction in the traffic to be handled by the CPT, there was very little scope for recruitment in this office. In fact they made almost no recruitment during the last two years when reservation orders were made applicable and there was hardly any scope for fresh appointments. There were about 300 categories of posts in this Department and separate rosters had been maintained for each category of posts on proper lines from 1970 onwards. The authorities were advised to get the entries signed and the summary of the reservation prepared at the end of each recruitment year. The lapsing of unfilled reservations from earlier years prior to 1977 was not in order. There was no indication about dereservation also.

(8) *Medical and Health Department :*

Rosters were on proper form and entries were signed by the appointing authorities. It was creditable that due efforts had been made to recruit Scheduled Caste/Scheduled Tribe candidates against reserved vacancies and there was no backlog as on date,

even in the grade of Medical Officer. Lapsing of vacancy of Pharmacist reserved for Scheduled Tribe (1972) during 1974 was not in order as effective implementation started from 1976 only and as such lapsing could be allowed only thereafter.

2. *Exchange of Reservation and Lapsing in third year of carry-forward :*

After dereservation of a reserved vacancy and its being filled by a general candidate the reservation is to be carried over to subsequent three recruitment years and before allowing the same to lapse in the third year of carry-forward, the vacancy reserved for Scheduled Caste can be filled by Scheduled Tribe or vice-versa under exchange principle, in case the candidate from one reserved category are not available. During the course of study in the CPT, however, it was noticed that several reserved vacancies in the event of non-availability of Scheduled Caste and Scheduled Tribe candidates had been allowed to lapse at the end of the third year of carry-forward from 1972 onwards. Though the rosters were maintained from 1970/1972 onwards but effective implementation started from 1976 only and as such vacancies allowed to lapse during 1975 onwards in the Traffic Department, CME's office and in Medical Department was not in order. Lapsing can be allowed only after making three effective efforts to recruit/promote Scheduled Caste/Scheduled Tribe candidates against reserved vacancies and also apply exchange rule in the third year before lapsing. It is, therefore, necessary that all such reservations which had been allowed to lapse erroneously should be included in the respective carry-forward accounts for three recruitment years dereserving the same during each recruitment year and efforts should be made to locate suitable Scheduled Caste/Scheduled Tribe candidates even under the exchange rule, before actually allowing them to lapse.

3. *Reservation in promotion :*

Though orders regarding reservation in promotion were issued much earlier, the same was implemented from 1976 onwards in the CPT after the Board of Directors passed the resolution to accept the reservation principle. It appeared that instructions had been followed strictly thereafter. To ensure that reserved vacancies are filled by Scheduled Caste/Scheduled Tribe candidates, as mentioned earlier, the CPT issued instructions to provide that the zone of consideration may be extended upto three grades below if Scheduled Caste/Scheduled Tribe candidates do not become available for promotion against reserved vacancies. During the course of study, it was noticed that this principle had been applied in two-three cases where the Scheduled Caste/Scheduled Tribe candidates had been picked up from down below for promotion. In one

case in the Chief Engineer's Office it was, however, noticed that Scheduled Caste candidates who were available in the seniority list of Overseer were not considered for promotion to the post of 'Clerk of Works' on the plea that they were very junior to the general candidates. Since there was no eligibility condition for promotion in this case and also that instructions provided to even extend the zone of consideration to three grades below, there was no reason to ignore the available Scheduled Caste candidate against the reserved vacancy. This needs to be reconsidered. In November, 1976 the CPT issued instructions to all the departments that in the event of non-availability of suitable candidates from Scheduled Caste/Scheduled Tribe communities for promotion against reserved vacancies direct recruitment might be resorted to. During the course of study, however, it was observed that the said provision was not being implemented by various departments for the reason that there was some agreement with the Trade Union that promotion posts have to be filled by the candidates who are within the Department. Since very few Scheduled Caste/Scheduled Tribe candidates were available from within the organisation due to late implementation of reservation orders, it is suggested that the promotional posts, at least to the extent of reservation which could not be filled from within, should be thrown open and filled by Scheduled Caste/Scheduled Tribe candidates who are available in the market.

4. *Liaison Officer and the Cell :*

According to the information made available to the team there were 13 Liaison Officers, one each nominated for the respective departments under the CPT. Each Liaison Officer was responsible to look after the interests of Scheduled Caste and Scheduled Tribe employees of his department. Shri S. B. Das, Assistant Secretary-cum-Liaison Officer who was looking after the interests of Scheduled Castes and Scheduled Tribes in Secretary's office, was co-ordinating with other Liaison Officers in this regard. It is felt that to have proper co-ordination of the activities of various departments and to give effect to reservation orders in such a big organisation, there should be a Special Cell in the Secretary's office to assist the Liaison Officer to co-ordinate, collect, consolidate and submit various statistics to the concerned authorities and ensure due compliance of reservation rules uniformly by the appointing authorities. Such a Cell, if opened, can also effectively look into the complaints of Scheduled Caste and Scheduled Tribe employees for redressal of their grievances. The individual representations which were received in this office from time to time and have been forwarded to the CPT for detailed examination should be looked into without any further delay and comments thereon may please be communicated to this office as early as possible.

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APPENDIX XXIII

(Reference para 3.121)

Report of the study conducted into the implementation of safeguards, provided for Scheduled Castes and Scheduled Tribes in services under the National Instruments Limited, Calcutta

In order to watch the implementation of service safeguards provided for Scheduled Castes and Scheduled Tribes in the National Instruments Limited, a Government of India's enterprise, a Study Team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator, visited that Organisation on 23rd and 24th April, 1978. The Team is thankful to the Management for their cooperation with the Team. The Team is also obliged to Shri N. K. Basu, Deputy Manager (Personnel) for coordinating the programme of the Team with the various organisations/

institutions located at Calcutta. The Team had detailed discussions with Shri S. P. Chatterjee, Chairman-cum-Managing Director, Shri N. K. Basu, Deputy Manager (Personnel)-cum-Liaison Officer and the representatives of the Scheduled Castes/Scheduled Tribes Association and the general Union regarding various issues involved in the representation of Scheduled Castes and Scheduled Tribes in services. Roster registers, requisitions sent to the Employment Exchange, Employment notices sent to the Press and personal record of some of the Scheduled Caste/Scheduled

Tribe employees were inspected and on the basis of various records and findings, the following observations are made:—

1. Maintenance of Rosters :

In most cases, roster registers in respect of direct recruitment vacancies were started from 1971 with backlog from 1968 onwards. Though the roster points have been earmarked correctly, there was hardly any Scheduled Caste/Scheduled Tribe Officer in Group 'A', Group 'B' and to some extent in Group 'C' posts prior to 1975. Efforts appear to have been made since 1975 to recruit adequate number of Scheduled Caste/Scheduled Tribe candidates to fill up various vacancies reserved for them. It was observed that prior to 1973 steps were taken to see that the directive issued by the Government in 1970-71 is implemented to safeguard the interests of the Scheduled Castes and Scheduled Tribes, but things started moving only in 1975. Similarly, the application of the orders providing reservation for Scheduled Castes and Scheduled Tribes in promotions were delayed till 1976, when the rosters were started calculating backlog from 1974. During the course of the study it was, however, noticed that the rosters were not on prescribed form and as such had no column to show the backlog of unfilled reserved vacancies. In fact the authorities realised it some time back and had initiated action to recast the rosters on proper form. The Team was informed that the same will be completed shortly. It may be ensured that entries in the rosters are attested by concerned administrative officer and rosters inspected annually by the Liaison Officer.

2. Lapsing of Reservation :

According to the Government instructions, unfilled reserved vacancies after carrying over for three years can be shown as lapsed but before actual lapsing of such vacancies the principle of exchange of reserved vacancies between Scheduled Castes and Scheduled Tribes has also to be applied. During the course of study it was, however, observed that a number of vacancies which have been shown as carried forward in the reservation roster, had been shown as lapsed in the third year of carry-forward. The lapsing of vacancies after three years carry-over, as shown in various roster registers, was not in order as no efforts were made to fill up those vacancies by Scheduled Caste and Scheduled Tribe persons as required under the rules. Moreover, the exchange principle was to be applied before lapsing of such vacancies. For example lapsing of three Scheduled Tribe vacancies (one each of 1969, 1971 and 1974) in Class III during the years 1972, 1974 and 1977 could have been adjusted against the Scheduled Castes appointed during those years and the Scheduled Caste vacancies shown as carried over under the exchange principle. It was also noticed in some cases that the appointments made during a particular year had been adjusted against the current reserved points and the older carried forward points allowed to be carried over to next recruitment year. In fact if Scheduled Caste/Scheduled Tribe candidates are not available for all the vacancies (including the carried forward) the older carried forward vacancies are to be filled first and the comparatively later carried-forward vacancies should be further carried over. Thus one of the Scheduled Caste vacancies of 1972 in Class II shown as lapsed during 1975 could have been adjusted against the one Scheduled Caste appointed during 1974 and the current reserved post carried over. Similarly in the case of Class III posts, one Scheduled Caste vacancy of 1969, 2 Scheduled Caste vacancies of 1971 and 2 Scheduled Caste vacancies of 1972, 1973 and 1975 could have been adjusted against the recruitments made during 1971, 1972 and 1973. This needs to be rectified.

3. Dereservation :

In the event of the non-availability of Scheduled Caste and Scheduled Tribe candidates to fill up all

the vacancies reserved for them, the posts are required to be dereserved by the competent authority and filled by general candidates. It was reported by the authorities that from 1975 onwards all the unfilled reserved vacancies in Class I and II were being dereserved with the approval of the Board of Directors and the Chairman in respect of Class III and IV posts, before carrying them over to next recruitment year. There was, however, no indication in the rosters against such points shown as carried over which is necessary under rules.

4. Reservation in Promotion :

Government orders regarding reservation for Scheduled Castes and Scheduled Tribes in promotion posts apply to all such promotions where the element of direct recruitment does not exceed 66½ per cent. There can be no objection to the non-application of reservation orders in such of the promotion categories of posts in the National Instruments where the element of direct recruitment is 75 per cent, but reservation orders are certainly attracted in case of posts where the element of direct recruitment is less than 66½ per cent. The authorities were advised to apply reservation in promotion to all such posts which have been excluded from the purview of reservation on the plea that direct recruitment in those categories exceeded 50 per cent, as the limit of 50 per cent had been increased to 66½ per cent. In the industrial category of posts the induction point is only to the lowest rank of skilled categories and there is no promotion in this category. The employees are, however, getting the benefit of 8 per cent advancement to next skilled grades on the basis of seniority under an agreement with the Labour Union. Under this scheme 8 per cent of the posts are upgraded each year and the incumbents get benefit of higher pay according to seniority in each category. In order to safeguard the interests of Scheduled Castes and Scheduled Tribes it is felt that either reservation should be introduced in the "8 per cent advancement" scheme or the system of promotion may be adopted where reservation orders have already been made applicable by the Government.

5. Promotion Policy :

In August, 1969 a tripartite memorandum of settlement was held between the Management, Union and the Government of West Bengal and subsequently in June 1974 under an agreement held between the Management and the Union it was decided that for all promotions from one grade/scale to the next higher grade/scale at least 3 years experience in the lower grade will be essential. The Team felt that although 3 years experience was minimum, yet the marginal cases where Scheduled Caste/Scheduled Tribe employees of the organisation have little less experience (i.e. 2 years 10 months or so), but otherwise they fulfilled all requirements, may be considered, at least for filling up reserved vacancies.

Such posts which are only filled by promotion and in those cadres/groups the percentage of Scheduled Castes and particularly Scheduled Tribe Officers is either poor or nil should be thrown open to the market and filled directly. The recruitment rule may have to be amended in that case considering the situation, since the representation of Scheduled Caste/Scheduled Tribe officials will continue to remain poor for the reason that in the feeder cadres they are not available and fresh recruitments at the induction levels are not much.

It is felt that to ensure that Scheduled Caste/Scheduled Tribe persons are available in the future for consideration for promotion, their representation in the feeder cadres may be given due consideration and that can be possible if in the induction points maximum number of Scheduled Caste/Scheduled Tribe candidates are appointed directly from the market who gradually with sufficient training will be eligible for promotion in higher grades.

6. Advertisements/Requisitions :

The requisitions sent to Press and Employment Exchange in the year 1976 and 1977 were examined and those were found in order. Regarding the issue of non-availability of Scheduled Caste and Scheduled Tribe persons for senior positions, the Team felt that the Press advertisements for Scheduled Tribe persons should be released in such papers also which have wide circulation in the neighbouring States/Union Territories having maximum tribal concentration. The States/Union Territories having heavy tribal concentration are Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Bihar, Madhya Pradesh, Orissa, Andhra Pradesh, Gujarat and Rajasthan. The I.T.I.s. of the State/neighbouring States may be approached for lists of final year students, since they have already been instructed by the Government to keep such lists ready for such organisations who ask for it. The local Scheduled Caste/Scheduled Tribe Associations may be approached for sponsoring suitable candidates. If the candidates sponsored by them have not registered their names in the Employment Exchange, they should be advised to do so and the Employment Exchange should be requested to forward their names. It is also suggested that when the local Employment Exchange issues non-availability certificates the State Employment Exchange should be requested to sponsor suitable candidates if they are available in other Exchanges and when Scheduled Caste/Scheduled Tribe candidates are asked to appear for interview/tests they should be paid actual bus/train fare. It is felt that unless this extra measure/step is taken, it would be difficult to get adequate Scheduled Tribe and Scheduled Caste candidates.

7. Grouping of Posts :

In the case of posts filled by direct recruitment, isolated individual posts and small cadres can be grouped with posts in the same class for the maintenance of rosters for the purpose of reservation orders, taking into account the status, salary and the qualifications prescribed for the post in question. Independent rosters are required to be maintained for all such posts having the sanctioned strength of more than 20. During the course of study in the National Instruments, however, it was observed that all the posts in that organisation had been grouped according to their status into four groups, viz. A, B, C and D (Class I, Class II, Class III and Class IV) irrespective of the sanctioned strength of each category of posts. In Group C (Class III) alone there are about 5 categories which have their sanctioned strength more than 20 and as such separate rosters are required to be adopted for all such categories in all the groups. Only such of the posts having its sanctioned strength less than 20 need be grouped with other posts keeping in view the existing instructions, after taking approval of the administrative Ministry/Department.

In the case of posts under the industrial category also both skilled and unskilled posts had been grouped together and maintained a single roster. In this connection, it may be observed that there are chances that all the reserved vacancies might be filled from unskilled workers where there is no shortage of manpower; and various trades under the skilled categories may remain unrepresented. In the event of separate rosters, due efforts are bound to be made to recruit requisite number of Scheduled Castes and Scheduled Tribes from various disciplines. In the event of failure to do so, the interests of the Scheduled Castes/Scheduled Tribes are bound to suffer as the promotion vacancies reserved for them in various trades for which separate rosters are required to be maintained are likely to go unrepresented. Similar is the position in respect of promotion posts where no grouping is permissible. It is, therefore, suggested that separate rosters should be adopted for all the posts having the sanctioned strength of more than 20 and for all the promotion posts irrespective of their sanctioned strength.

8. Representation of Scheduled Tribes :

According to the statistics made available to the Team, it was observed that in groups 'A' and 'B' there was no Scheduled Tribe officer, and in Groups 'C' and 'D' there was one Officer in each group who belonged to Scheduled Tribe community. In unclassified category there were 14 employees who belonged to the Scheduled Tribe community. Nonavailability of Scheduled Tribe candidates was also high-lighted by the Liaison Officer, Shri N. K. Basu, in his Annual Reports for the years 1975 and 1976. The question of poor representation of Scheduled Caste persons in the Groups 'A', 'B', 'C' and 'D' were also indicated in the Reports submitted by the Liaison Officer. The steps to be taken to ensure adequate representation of Scheduled Caste/Scheduled Tribe candidates have already been discussed in the relevant paras.

9. Apprentices :

Regarding Graduate Apprentices, it was observed that in the years 1976 and 1977 a total number of 7 apprentices were taken, out of whom none belonged to Scheduled Caste/Scheduled Tribe communities. However, in 1976 out of 6 Diploma Holder apprentices, 2 belonged to Scheduled Caste community. In 1977, out of 5 apprentices in the same category one was Scheduled Caste. Under the Trade Apprentices Scheme in the year 1977, out of 149 apprentices, 22 belonged to Scheduled Castes. In the same year out of 16 clerical apprentices 3 belonged to Scheduled Caste community. Thus it would be seen that except in graduate apprentices, in other schemes the representation of Scheduled Caste candidates was ensured. It is suggested that efforts should be made to locate Scheduled Tribe apprentices under various schemes.

10. Shop Cleaners :

The Team was informed that in the un-classified category there were 918 employees who belonged to different groups, shop cleaners (sweepers), highly skilled, semi-skilled and un-skilled labourers. There were about 30 Shop-cleaners who belonged to Scheduled Caste community. The Team while discussing the issue of Shop-cleaners with the Management, suggested that the Shop-cleaners should be shown under the category of Sweepers and they should be given some implant training for at least six months and those who are found suitable should be diverted/promoted as un-skilled labourers. If in a year 5 Shop-cleaners are taken as un-skilled labourers, at least 2 Scheduled Caste Shop-cleaners should be considered provided they are not found unfit for those jobs. The Scheduled Caste Shop-cleaners may also be considered for absorption as Chowkidars, Gardeners etc., such consideration shown by the Management would help some of the Sweepers to divert them to some non-caste based occupations/professions.

11. D.C.Ps. :

The Team was informed that during the year 1977, 10 Selection Board meetings were held to consider Scheduled Caste/Scheduled Tribe officers and in all the 10 meetings, Scheduled Caste Officers were associated. In the same year 8 such meetings were held to consider both reserved as well as general vacancies and in 7 meetings Scheduled Caste officers were associated. The initiative taken by the Management to associate Scheduled Caste/Scheduled Tribe officers for reserved as well unreserved vacancies is an encouraging step.

12. Reports of Liaison Officer :

The reports of the Liaison Officer for the years 1975, 1976 and 1977 were seen and were in order. The Deputy Manager (Personnel) was acting as Liaison Officer since 1974 and in his reports the short fall in representation of Scheduled Caste/Scheduled Tribe candidates was high-lighted.

APPENDIX XXIV

(Reference Para 3.121)

Study into the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the service of Hindustan Machine Tools I and II, Bangalore—17th and 18th January, 1978

There are about 8 Units of the Hindustan Machine Tools Ltd. This study was confined to H.M.T. I & II Units. The Team met Shri V. Ramaswamy, Senior Personnel Manager, and Shri K. P. Phillips, Personnel Manager who extended their full co-operation to the Team in conducting the study.

2. In H.M.T. I & II Units, there were about 5,500 employees out of which 4,375 employees were in Group 'C' category. Maximum representation of Scheduled Caste communities was confined to Group 'C' and the percentage was 12.3. Maximum percentage of representation of Scheduled Tribe communities was confined to Group 'D' only which was only 4 per cent, while in Group 'B' and 'C' it was less than 1 per cent. There were about 109 employees who were actually performing the duties of sweepers (sanitary helpers). However, out of them 74 belonged to Scheduled Caste communities. Since prospects of their promotion were very bleak and most of the Scheduled Caste sweepers (sanitary helpers) retired as Sweepers (sanitary helpers), it was emphasised to the Management that unless they make some special efforts to shift them from unclean occupation to some clean occupations like attendants, messengers, malis, etc., their economic standard cannot be improved. They have been advised to adopt a special scheme wherein Scheduled Caste and Scheduled Tribe persons in the Sweepers category particularly, should be allowed to have special training facilities for a period of say six months and after getting necessary training if they are found fit for higher jobs they should be promoted/absorbed accordingly.

Recruitment/promotion during the past two years:

3. The H.M.T. started functioning around 1953, but Reservation Orders were given effect from 1-7-1970. Subsequently the Company was advised to compute reservations from 1-1-1967. Direct recruitment position during the years 1975, 1976 and 1977 is given below:—

Group	Total	Scheduled Castes	Scheduled Tribes
'A'	1	..	..
'B'	44	10	..
'C'	301	65	34
'D'	64	18	10

The above position is quite satisfactory but in the matter of promotions, though reservation started from 1972 (seniority) implementation started with some sincerity from 1976. If we look at the statistics about the posts filled by promotion by seniority-cum-fitness during the years 1975, 1976 and 1977 we find that although there were promotions in various groups of 'A', 'B' and 'C', only in the year 1976 out of a total number of reserved vacancies (Scheduled Castes—144, Scheduled Tribes—72) as many as 103 Scheduled Caste employees were promoted in Group 'C' only. While in 1975 not a single Scheduled Caste or Scheduled Tribe employee was promoted in Groups 'A', 'B' and 'C' and in 1977 only one Scheduled Tribe person was promoted in Group 'C'. If sincere efforts had been made earlier to calculate the back-log and to locate suitable Scheduled Caste and Scheduled Tribe candidates in direct recruitment against reserved vacancies, it would have been possible to increase the intake of Scheduled Caste and Scheduled Tribe employees, particularly in Group 'C' and 'B' categories.

Advertisements:

4. Scrutiny of some of the Press advertisements, internal circulars, showed that in most cases till 1976, the total number of vacancies available, total number of reserved posts for Scheduled Caste and Scheduled Tribe communities, actual nature of reservation/relaxation and other concessions were not indicated clearly. If prescribed rules to this effect were followed scrupulously it would have been possible for the Management to recruit more Scheduled Caste and Scheduled Tribe persons. The Management made special efforts during 1976 and 1977 to locate Scheduled Tribe candidates for manning the various positions and they stated that they could not find suitable candidates although they made special efforts even by visiting Lakshadweep to get Scheduled Tribe candidates. During the discussion it was suggested to the Management that instead of confining their efforts to the Southern region if they made special efforts to contact the States in Central and North-Eastern parts of India which have maximum concentration of Scheduled Tribe communities and such States which have maximum concentration of Scheduled Caste population, they would have perhaps been in a position to locate Scheduled Caste and Scheduled Tribe candidates in greater number. Exclusive advertisements for reserved vacancies should be given in regional languages of such areas having concentration of Scheduled Caste and Scheduled Tribe population so that communication gap is minimised between employer and the Scheduled Caste and Scheduled Tribe employment seekers. The local I.T.s. should also be contacted for supply of lists of trained Scheduled Caste/Scheduled Tribe persons and they should also request the I.T.s. to have such trades introduced which are in demand so that they get trained persons suitable to their needs/requirements.

Wrong model rosters:

5. According to Government of India orders, recruitment to Class III and Class IV posts only is to be made on local or regional basis but it was noticed that in the H.M.T. recruitment even to Class II posts is made on the local basis by notifying the vacancies first to the local Employment Exchange with the result that reservation provided for Scheduled Castes was 13 per cent as against 15 per cent prescribed by the Central Government and the percentage provided for Scheduled Tribes was just 5 per cent as against 7½ per cent. Even the Parliamentary Committee which visited H.M.T. in 1974 made a recommendation to the effect that recruitment to Class II posts should be made on all India basis as in the case of Class I posts. It seems that after their recommendation, the Management had maintained 40-point rosters as prescribed in Appendix I of the Brochure which is prescribed for recruitment on all India basis by open competition, advertisement being the primary source of recruitment. When the primary source of recruitment is Employment Exchange, roster prescribed in Appendix II has to be followed. Thus rosters for Class II posts filled by direct recruitment were being maintained on the wrong model rosters. The Management are, therefore, advised to recast these rosters and recalculate the back-log of reserved vacancies.

Dereservation:

6. The Management was following the practice of not resorting to dereservation of reserved vacancies and it was simply carrying-forward the unfilled reserved vacancies. Such a practice is not in accordance with instructions of the Government of India. For example if there are 10 vacancies to be filled in

a particular cadre and 2 of them are reserved for Scheduled Caste and one for Scheduled Tribe and in case Scheduled Caste/Scheduled Tribe candidates are not available, the Management would fill only 7 unreserved vacancies and keep the remaining three reserved vacancies as vacant. According to Government rules, reservation is applicable to the number of vacancies actually filled; so out of the 7 vacancies filled, reservation would still be there. Thus when these seven vacancies are entered in the roster, the general candidates would be shown as appointed even against the reserved vacancies as no gap is to be left in the rosters, and thereby making it necessary for the Management to seek dereservation of the reserved vacancies. Special recruitments may be resorted to clear the backlog from time to time. According to Government orders contained in the Department of Personnel and Administrative Reforms O.M. No. 16/3/73-Estt(SCT), dated 27-12-1977 (copy enclosed) if there is a backlog in any particular cadre, the brought forward reservation together with current reservation can now exceed the earlier restriction of 50 per cent of the total vacancies to be filled in a year if the actual representation of Scheduled Castes/Scheduled Tribes in that cadre is still short of the prescribed percentages of reservation.

Recruitment of Trade Trainees :

7. It was learnt that H.M.T. have introduced a scheme exclusively for Scheduled Caste and Scheduled Tribe candidates. According to this scheme, SSLC passed Scheduled Caste/Scheduled Tribes candidates are initially taken as trade trainees on a stipend of Rs. 200.00 per month. After successful completion of period of 3 years training, the candidates are confirmed in the grade of Rs. 235-334. It was reported that 35 candidates belonging to Scheduled Castes and 25 belonging to Scheduled Tribes had been recruited. This is a good scheme. It is suggested that similar schemes should be devised for degree and diploma holders also in order to augment the intake of Scheduled Castes/Scheduled Tribes in technical posts where there is induction through direct recruitment.

Scheduled Caste/Scheduled Tribe Certificates.

8. During the scrutiny of personal files of various Scheduled Caste and Scheduled Tribe employees in various groups/categories, it was observed that the caste Certificates were issued by different authorities and were not in proper manner. The issuing authorities varied from local M.L.As. to Gazetted Officers, etc. and even in few cases it was found that the Tehsildar, Bangalore District issued certificates to Sche-

duled Tribe persons belonging to different districts. To avoid mis-utilization of Caste Certificates it was suggested to the Management to refer such cases of doubtful nature for verification of Caste/Tribe declaration from the appropriate authorities.

Rosters :

9. Roster for direct recruitment to Class II posts in the scale of Rs. 550-950 (revised scale Rs. 750-1150), was seen. It was stated that these posts are also notified to the Employment Exchange first. After receipt of the non-availability certificate, vacancies are advertised. This roster was initially maintained from the year 1970. Later on some instructions were received to give the benefit of reservation in these posts w.e.f. 1967. The model roster as prescribed in Appendix I was followed in this case. As the vacancies were being notified to the Employment Exchange and also advertised, such recruitment cannot be treated on all India basis. It, therefore, appears that the roster as prescribed in Annexure I of the Ministry of Home Affairs' O.M. dated the 22nd April, 1970 should not be used. In any case, roster was maintained on correct lines, and the carry forward position of the unfilled reserved vacancies as mentioned at the end of each year by and large correct, except in the year 1973. The vacancies were carried forward from year to year and even beyond 3 years and were not allowed to lapse. The carry-forward position at the end of each year should be reviewed also taking into account the vacancies brought forward from the years prior to 1970 and the revised position indicated at the end of each year. In fact an abstract should be indicated at the end of each year a specimen of which was given to the Senior Personnel Manager.

10. Roster for the posts in the scale of Rs. 400-700 was also maintained on model of Appendix I (40 point). In this case the 100 point roster should be followed recruitment being made through employment exchange primarily. Roster for the posts in the scale of Rs. 290-540 (revised scale Rs. 490-740) was by and large correct. However, the principle of exchange of vacancies in the last year of carry-forward was not applied.

11. From the promotion roster of Group 'C' it was observed that during the bulk promotion made in 1976, the fresh promotees were shown against the reserved points while the earlier carry forward vacancies were allowed to remain as back-log. The authorities concerned were advised the correct procedure to be followed.

APPENDIX XXV

(Reference Para 3.121)

Report on the study of service safeguards provided for Scheduled Castes and Scheduled Tribes in Bharat Electronics Limited, Bangalore

PART I

Bharat Electronics Ltd., is one of the oldest Government of India enterprises which has employed over 14,000 personnel in various categories of posts. Being one of the oldest organisation, having so much employment potential, it was decided by the Commissioner for Scheduled Castes and Scheduled Tribes to have an on-the-spot study to see how that organisation, dealing with such sophisticated equipments and instruments, was giving effect to various service safeguards provided for the Scheduled Caste and Scheduled Tribe employees. The Study Team consisting of Dr. Biswajit Sen, Shri B. M. Masand, Research Officers and Shri K. R. Gupta, Stenographer, conducted this

study during 14th to 16th January, 1978. The Team met the General Manager Col. G. K. Rao, Shri K. B. S. Reddy, Chief Administrative Manager and Shri S. Subbarayan, Manager, Personnel and Industrial Relations during the course of the study.

This Organisation was set up as far back as in 1954, but the orders regarding reservations for Scheduled Castes and Scheduled Tribes in Services were given effect to from 1971, i.e. after the receipt of the Presidential^a directive from the Ministry of Defence. In this connection, it would be worthwhile to note that the tempo of increased in-take of Scheduled Castes

and Scheduled Tribes got accelerated after the issue of the above directive. It got further impetus after the visit of the Parliamentary Committee to this Organisation.

The interests of the Scheduled Castes and Scheduled Tribes no doubt, suffered considerably as a result of delayed implementation of the reservation policy, the Management have been trying to increase the intake of these communities in the years following the issue of the directive and the visit of the Parliamentary Committee.

Out of the total recruitment of 1714 persons in Group 'C' posts for the period 1973-1977 as many as 605 posts were filled by appointment of Scheduled Caste persons yielding the percentages of 35.3. Recruitment of Scheduled Castes in Group 'D' posts (excluding sweepers) for the same period also gave a fairly good percentage of 20. The results in respect of Group 'A' and 'B' posts were not, however, satisfactory. In spite of the efforts made by the Management, the latest information given below regarding representation of Scheduled Castes and Scheduled Tribes as on 1-1-1978 in various groups of posts in the Bharat Electronics Limited, does not show a very encouraging picture in so far as their representation in Group 'A' and 'B' posts is concerned. The position regarding representation of Scheduled Tribes is rather gloomy.

Group	Total as on 1-1-78	Scheduled Castes		Scheduled Tribes	
		No.	Percentage	No.	Percentage
A	554	13	2.35	3	0.54
B	717	41	5.7	3	0.42
C	10,649	1,629	15.3	18	0.16
D (excluding Sweepers)	1,396	304	21.8	2	0.14

It was stated by the Management that they were experiencing great difficulties in locating Scheduled Caste/Scheduled Tribe candidates for Group 'A' and

'B' posts particularly in the specialised fields of Radar Technology, Integrated Circuits, Hybrid Micro Circuits, Vacuum Technology, Marine Electronics Equipments etc. etc. To overcome this difficulty, it is suggested that wide publicity for these posts should be given in all India Newspapers published from important cities of India. Special incentives may be provided for Scheduled Caste/Scheduled Tribe persons, such as Remote Native Place Allowance, residential accommodation facilities etc. As regards locating Scheduled Tribe candidates for various groups of posts, efforts should be made to advertise the vacancies in English as well as regional language papers of some of the States of Gujarat, Madhya Pradesh, Orissa, Rajasthan, Nagaland, Meghalaya, Tripura etc. having a concentration of Scheduled Tribe population.

There is yet another reason for low representation of Scheduled Castes and Scheduled Tribes in Group 'A' and 'B' posts. According to policy of the Management, most of the senior positions in these groups are filled by internal candidates and direct recruitment is resorted to only when enough internal candidates are not available. This policy by itself restricts the entry of Scheduled Caste/Scheduled Tribe persons in senior positions. When the representation of Scheduled Castes/Scheduled Tribes in the lower categories is already low, Management cannot expect enough candidates belonging to these communities to come up for senior positions. It is, therefore, suggested that more and more such positions should be thrown open to outside recruitment where there are more chances of reserved category candidates becoming available.

Study of rosters and other records maintained in the Bharat Electronics Limited revealed that in spite of the efforts made by the Management, all was not well in this organisation insofar as the implementation of the rosters regarding reservation for the Scheduled Castes and Scheduled Tribes was concerned. The observations of the Study Team in this regard are contained in Part II of this report and the Management are advised to initiate immediate steps to rectify the discrepancies pointed out by the Team. Where necessary, the rosters may be recast completely and position of vacancies carried forward to the subsequent recruitment years should be revised.

The Team is thankful to the Management for extending their full cooperation to the Team and co-ordinating the programmes of the Team with other organisations/offices located in Bangalore.

PART II

Note containing the observations of the Study Team in regard to the implementation of service safeguards for Scheduled Castes and Scheduled Tribes in Bharat Electronics Limited, Bangalore.

The personnel in the Bharat Electronics Limited has been divided broadly into two categories i.e. Executive and non-Executive. Each of these categories has 9 sub-categories which are further divided into technical and non-technical posts. The 9 sub-categories in the non-Executive side have been grouped into 5 main job categories.

The first 3 categories have scope of promotion in addition to direct recruitment for certain posts. The last 2 categories completely consist of promotional posts. The promotion within each job category is automatic subject only to the completion of the minimum qualifying service without the requirement of vacancy/test. However, from one job category to another the promotion is on the basis of seniority subject to fitness where fitness is decided by the following factors:—

- Minimum qualifications (educational/trade);
- Experience in the lower category;
- Passing the Departmental qualifying examination/test.

Even though the employees who fulfil the conditions (a) and (b) above, they have to apply for sitting in the tests in response to the internal circulars issued by the Management. Those who sit in the examinations have to secure 35% marks in the aggregate but the candidates belonging to the Scheduled Castes and Scheduled Tribes are allowed a relaxation of 5 per cent marks i.e. they are considered to have qualified in the examinations if they secure 30 per cent marks. It was also stated that while the general candidates have to secure a certain qualifying marks in the length of service, grading in the Confidential Reports, tests and viva-voce, but the Scheduled Caste and Scheduled Tribe candidates who secure an aggregate of 30% marks are selected for promotion.

It was understood that the policy of the Management in regard to these promotions on the basis of seniority subject to fitness was calling for 4 persons for test/interview against each vacancy. That means only such of the persons who are within the zone of consideration, i.e. 4 times the vacancies were allowed to appear in the tests/interviews. In this connection, it

may be stated that for promotion on the basis of seniority subject to fitness, the zone of consideration does not come into play in so far as Scheduled Caste and Scheduled Tribe employees are concerned. All the Scheduled Caste and Scheduled Tribe employees who are otherwise eligible for promotion i.e. possess the minimum qualifications and requisite experience, have to be allowed to appear in the test/interview irrespective of the zone of consideration i.e. 4 candidates for every vacancy.

It was also learnt that from among the persons who qualify in the tests, the employees who secure more than 60 per cent marks are considered as the candidates of distinction and are allowed to march over their senior colleagues. This provision in the promotion policy which is said to have been agreed upon in consultation with Trade Union, comes in conflict with the concept of seniority in the policy of reservation in promotion. Basically the promotion being on the basis of seniority, the provision of overriding benefits on the basis of higher percentage of marks gives an impression that certain persons are promoted on the basis of merit, which is contradictory to the concept of seniority. This policy needs to be revised.

In certain job categories where there is any induction level from outside, the outside recruitment is resorted to only after the departmental candidates possessing the requisite qualifications and experience are not available. But the job categories which are exclusively filled by promotion suffer from one disadvantage that the benefit of reservation in posts filled by promotion cannot be derived by Scheduled Caste and Scheduled Tribe employees because of insistence upon special requirements in regard to experience in certain fields. In these posts if Scheduled Caste and Scheduled Tribe candidates are not available in the feeder categories or even if available but do not satisfy the special requirements are not considered eligible for promotion. Thus the scope of intake of Scheduled Caste and Scheduled Tribe candidates in these categories is limited. It is, therefore, suggested that in the categories where individual Scheduled Caste and Scheduled Tribe candidates possessing the special requirements are not available and even are not likely to become available in the future years, the element of direct recruitment should be provided so that the reservation quota is filled from amongst the external candidates satisfying the special requirements. In case the Management feels that candidates from outside will not be able to handle the specific job as per requirements such persons may be provided in service training to enable them to come at par with the departmental counterparts.

On the basis of the discussions with the Management and the study of rosters and other records, following observations are made:—

1. The points reserved for Scheduled Castes and Scheduled Tribes for which Scheduled Caste and Scheduled Tribe candidates were not available were left blank in the roster. While the Scheduled Tribe points were found still lying blank, in the case of vacancies falling on the points reserved for Scheduled Castes, the Scheduled Caste candidates appointed in the later years were shown against the reserved points pertaining to the previous year. In this connection, attention of the concerned officers was invited to the instructions contained in the Appendix V of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes. According to the Instruction No. 4 in this Appendix, no gap is to be left blank, in completing the roster. For example, if a reserved vacancy, at, say point 25 has to be treated, for want of a suitable Scheduled Caste/Scheduled Tribe candidate, as unreserved, the candidate

actually appointed will be shown against that point itself. Scheduled Caste/Scheduled Tribe candidate recruited later in the year against an unreserved point will be shown against such point.

2. While the unfilled reserved vacancies were being shown as carried forward to the next year, the abstract of vacancies filled in a year was not shown at the end of each year. This abstract should indicate the following information:—

- (i) total number of vacancies filled in a year;
- (ii) the number of vacancies reserved for Scheduled Castes and Scheduled Tribes during the year:—
 - (a) current reservation— S.C. S.T.
 - (b) brought forward reservation— S.C. S.T.

Total reservation

- (iii) the number of vacancies filled by Scheduled Castes and Scheduled Tribes;
- (iv) the number of vacancies filled by exchange between Scheduled Castes and Scheduled Tribes:—
 - (a) Scheduled Tribe vacancies filled by Scheduled Caste candidates.
 - (b) Scheduled Caste vacancies filled by Scheduled Tribe candidates.
- (v) the number of vacancies carried forward to the next year— Scheduled Castes and Scheduled Tribes.

The vacancies carried forward to the next year should also indicate the year to which they relate so that it is possible to allow an exchange between the reserved vacancies in the third recruitment year or the carry forward and also to allow such of the vacancies as could not be filled even after applying the principle of exchange, to lapse eventually. While calculating the carry forward vacancies it should be ensured that the earlier vacancies are utilised first so that the occasions for lapsing the vacancies are minimised.

3. The procedure for seeking the prior approval of the competent authorities for de-reservation of un-filled vacancies earlier, was not followed. In fact it was misunderstood that dereservation had to be sought only after carrying un-filled vacancies forward for 3 recruitment years. In fact, it was learnt that the Management was not in favour of seeking de-reservation of the unfilled reserved vacancies. In their anxiety to project the image that no posts were dereserved by the Management, it was stated that the reserved vacancies for which the Scheduled Caste and Scheduled Tribe candidates could not become available, were kept vacant and got filled by the general candidates. It is incorrect to say that the reserved vacancies were not filled by the general candidates. This can be explained by an example; suppose there are 10 vacancies out of which two are reserved for Scheduled Castes and one is reserved for Scheduled Tribe and in case the Scheduled Caste/Scheduled Tribe candidates are not available, the Management fills only 7 vacancies and appoints all the general candidates against these vacancies. Since the reservation has to be applied to the number of vacancies that are actually filled, these vacancies are to be shown in the roster and a certain number of vacancies according to the points in the roster has still to be reserved out of these 7 vacancies also. This means that general candidates were appointed against the reserved vacancies without resorting to the procedure for de-reservation.

Attention of the Management was drawn to the instructions contained in Chapter X and XI of the "Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services", and they were advised to follow the procedure laid down in these Chapters.

4. The rosters for posts filled by promotion were not found in order. In fact, various categories of posts/trades were grouped for the purpose of reservation orders. In this connection, attention of the officers concerned was invited to the instructions contained in Chapter VI of the Brochure, read with the Department of Personnel and Administrative Reform O.M. No. 8/1/74-Est. (SCT), dated 20-12-1974 according to which the grouping of posts has to be resorted in the case of posts filled by direct recruitment only and that too in the case of total isolated posts and small cadres having a total strength of less than 20. For posts filled by promotion, the reservation orders have to be applied to each grade or post filled by promotion separately.
5. It was also pointed out that even in direct recruitment, posts where the total strength of a cadre consisted of 20 or more, separate rosters were required to be maintained. There was no need to group a number of posts in the direct recruitment where each categories independently consisted of more than 20 posts.
6. It was observed that although there were less number of reserved points in certain categories according to the rosters maintained in the Bharat Electronics Ltd., more number of Scheduled Caste/Scheduled Tribe persons were employed than the actual number of vacancies reserved for them. To increase the intake of Scheduled Caste/Scheduled Tribe employees, the authorities concerned adopted the following measures:—
 - (i) In principle they were against the policy of seeking dereservation of reserved vacancies, on account of the fact that if the process is delayed, some more candidates who are otherwise uneligible would have been eligible to man such reserved vacancies. The personnel concerned in implementing the various safeguards provided for these communities would also make some extra efforts by way of giving some relaxations, training, etc. for making them eligible for such promotions;
 - (ii) Since 1972 bulk of the recruitment in various categories was made only by the candidates belonging to the Scheduled Caste and Scheduled Tribe communities and special efforts were to promote only Scheduled Caste and Scheduled Tribe personnel.

Thus it would be seen that the Management of Bharat Electronics Ltd., have been concerned to increase the intake of Scheduled Castes and Scheduled Tribes in their services.
7. The Government of India have issued instructions on 27th December, 1977 that limit of 50 per cent can be exceeded in case the representation of Scheduled Castes and Scheduled Tribes in any particular category is not upto the prescribed quotas. It is hoped that with the new instructions now issued by the Government, the Management of Bharat Electronics Ltd., will continue their policy of special recruitment of Scheduled Castes and Scheduled Tribes to increase the intake and clear the backlog.
8. Another point noticed as recorded in the rosters maintained in Bharat Electronics Ltd. was that surplus candidates belonging to Scheduled Castes appointed in excess of the vacancies

reserved for them were shown was adjusted in the subsequent years. Actually they should have been shown against the unreserved points in the same year. It was stated that due reservation was also provided and actually given in the subsequent years also. In fact the policy of the Management has been to appoint maximum number of Scheduled Caste and Scheduled Tribe candidates irrespective of the vacancies reserved for them in the rosters. This is a welcome policy and it is hoped that while following this policy, the Management will give due regard to maintenance of rosters on proper lines. In this connection a copy, of clarification issued by the Department of Personnel and Administrative Reforms to the Central Board of Excise and Customs is enclosed. It would be seen that recruitment of Scheduled Caste/Scheduled Tribe candidates over and above their reserved quota is not required to be adjusted by reducing the reservation quota in subsequent years.

Scheduled Caste/Tribe Certificates :

In some cases the certificates furnished by the Scheduled Caste/Scheduled Tribe persons at the time of entry into service in support of their belonging to Scheduled Caste/Scheduled Tribes were seen. It was noticed that some of the certificates were not issued by the competent authorities prescribed for the purpose. In many cases, though the certificates were issued by the Tehsildar, Bangalore, the same were not based on the verification made by the Tehsildar's office but they were based on the identification by the school authorities, Advocates and other political persons. In this connection, it may be stated that according to the orders on the subject, the issuing authority has to satisfy himself that a particular individual belongs to Scheduled Castes and Scheduled Tribes. The Management are advised to review the caste/tribe certificates and where they find that the certificates are not on proper form (prescribed for services) or has not been issued by the competent authority in accordance with the Government of India instructions on the subject, the individual concerned may be advised to furnish the proper certificates. In the case of Scheduled Caste/Scheduled Tribe persons expressing certain difficulties in that regard, the Management itself can refer their cases to the competent authority for issue of Scheduled Caste/Tribe certificates.

Advertisement/Notification of vacancies :

A good number of advertisements issued by the Bharat Electronics Ltd. were seen in order to see whether the number of reserved vacancies and other concessions/relaxations for Scheduled Castes and Scheduled Tribes were being given due publicity or not. It was noticed that the number of vacancies reserved for Scheduled Castes/Scheduled Tribes were being mentioned in most of the advertisements. In one case though 55 vacancies were notified out of which 8 were shown as reserved for Scheduled Castes and 4 for Scheduled Tribes but the advertisement was issued exclusively for Scheduled Caste/Scheduled Tribe candidates with the intention that if more Scheduled Caste/Scheduled Tribe candidates became available than the number of vacancies reserved for them, they will be appointed. In most of the advertisements upper age limit was not prescribed. Remarks such as "Age not below 30 years", "Not below 26 years" or "not below 21 years" were indicated. As no upper age limit was prescribed, the question of relaxation in the upper-age limit did not arise. There was a common remark saying "Qualifications/Experience/Age and other requirements relaxable at the discretion of the management". In fact essential qualification in respect of experience is relaxable in the case of Scheduled Caste/Scheduled Tribe candidates and should, therefore, be specifically mentioned in the

advertisements. Where a First Class degree was prescribed for general candidates, a mere pass was mentioned as sufficient for Scheduled Caste/Scheduled Tribe candidates.

Training :

According to statistics made available, 21 persons in all were sent for training in outside institutions during the years 1975, 1976 and 1977 out of whom only one belonged to Scheduled Castes. During the same period 8 persons were sent abroad for training of whom also some belonged to Scheduled Castes. In the same period as many as 101 persons were deputed to attend seminars/conferences etc, but only one Scheduled Caste and one Scheduled Tribe was given an opportunity in that regard. In this connection, it may be stated that more such opportunities should be given to Scheduled Caste/Scheduled Tribe candidates as that would help broaden their outlook and give them more confidence for shouldering higher responsibilities.

Association of Scheduled Caste/Scheduled Tribe Officers in D.P.Cs./Selection Boards :

It was noticed from the information given to the Study Team that during the year 1977 as many as 38 meetings of the D.P.Cs./Selection Boards were held to consider Scheduled Caste/Scheduled Tribe candidates for recruitment and promotions and in all of them Scheduled Caste/Scheduled Tribe Officers were associated.

Promotional avenues for Sweepers/Janitors Janitresses :

One heartening feature of the discussions of the Study Team with the Management of Bharat Electronics Ltd. has been that the Personnel Manager put up for approval a scheme to the Management for training Sweepers/Janitors/Janitresses in order to divert them from their traditional unclean occupations to other technical jobs. It will also help them to get the benefit of promotional avenues in those posts. It is hoped that the Management will take an early decision in this matter.



APPENDIX XXVI

(Reference para 3.121)

Study into the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the Services under the State Trading Corporation of India, New Delhi—14th, 15th and 17th April, 1978.

In order to assess the working of service safeguards and the maintenance of rosters and other records relating to the orders/instructions regarding reservations and other concessions, relaxations etc, provided for Scheduled Castes and Scheduled Tribes in the services of State Trading Corporation of India, a study was undertaken by a team of this Organisation some time in December, 1975. The observations made by the team at that time after examining the rosters and other records were that:—

- (i) the isolated posts and small cadres had not been grouped for the purpose of reservation orders;
- (ii) the rosters were not maintained in the prescribed form;
- (iii) orders regarding reservations in posts filled by promotion had not been made effective till the time of the study and as such no rosters had been maintained;
- (iv) The appointment in excess of Scheduled Castes in a particular cadre had been shown as carried forward to be adjusted in future year;
- (v) the Corporation was not following the procedure regarding dereservation of reserved vacancies, nor was the principle of exchange applied in the last year of carry forward;
- (vi) the Liaison Officer for work relating to the representation of Scheduled Castes and Scheduled Tribes had not submitted any inspection report as required under the rules;
- (vii) the persons appointed in the special cell under the Liaison Officer were not doing work exclusively; and
- (viii) no Scheduled Caste or Scheduled Tribe Officer had been associated in any of the meetings of the Selection Boards/Departmental Promotion Committees.

Late in December, 1977 and early 1978 some complaints were received by the Commissioner for Scheduled Castes and Scheduled Tribes that the recommendations made by the Team of this Organisation of the study of rosters etc, had not been properly imple-

mented by the management. The Commissioner, therefore, ordered that there should be a repeat study of the State Trading Corporation of India in order to see whether the orders regarding reservations for Scheduled Castes and Scheduled Tribes in direct recruitment as well as promotions were being implemented by the State Trading Corporation in accordance with the instructions issued by the Government of India from time to time.

The team consisting of Dr. Biswajit Sen and Mr. B. M. Masand, Research Officers, visited the State Trading Corporation on 14th, 15th and 17th April, 1978 and met Shri V. N. Singh, Chief Personnel Manager, Shri R. M. Sayta, Branch Manager, Shri R. N. Gupta, Personnel Manager who is also acting as Liaison Officer, Shri B. C. Mehta, Deputy Personnel Manager and Shri M. G. Chawla, Office Manager. The study team was informed that the rosters for giving effect to the reservation orders had been recast recently and they were got inspected by the Chief Internal Auditor in the end of March, 1978. While the recast rosters had been maintained, by and large, correctly certain important things had still been ignored, such as the grouping of posts for giving effect to reservation orders and the procedure for dereservation of reserved vacancies. The detailed findings of the study team are given in the following paragraphs:—

1. Grouping of Posts :

As pointed out in the earlier report, the Government of India have issued instructions that isolated posts and small cadres consisting of less than 20 posts should be grouped together for the purpose of giving effect to reservation orders. The idea behind the system of grouping of such posts was that in certain posts and cadres the vacancies occurred in frequently and had to be treated as unreserved due to single vacancy occurring in a year, it was necessary to group such posts so that by grouping them together some posts could be reserved for Scheduled Castes/Tribes out of a number of posts in the group so formed. It was noticed that in spite of the recommendation made by the earlier team, isolated posts and small cadres had not been

grouped even now except the posts of Group Executives and Chief Marketing Managers, Grade (I) which had been grouped recently in March, 1978. From the information made available to the team it is noticed that there were a large number of posts having a total strength of less than 20 which according to the Recruitment Rules, were filled by direct recruitment wholly or partly. In fact, no rosters were being maintained for these posts. It was suggested to the Management that these posts may be reviewed and proposal may be sent to the Ministry of Commerce for grouping of posts, keeping in view the qualifications, status and salary of posts in question. It may, however, be said that this procedure of grouping has to be applied only in the case of posts which are filled by direct recruitment and not by promotion. In the case of posts filled by promotion separate rosters should continue to be maintained for each post to which reservations orders are applicable, irrespective of the number of posts.

2. Liaison Officer and Special Cell under him.

It was learnt that Shri R. N. Gupta, Personnel Manager had been nominated as Liaison Officer for work relating to the representations of Scheduled Castes/Tribes from December, 1976. During the course of discussions it was confirmed that the earlier Liaison Officer had not submitted any inspection report on the rosters maintained by the State Trading Corporation of India. Though the present Liaison Officer had conducted the inspection of rosters for the year 1976, the team was informed that the report submitted by him was not available since the file was misplaced. However, they submitted a copy of the inspection report for the year 1977 which did not show any discrepancies etc. having come to the notice of the Liaison Officer. No remarks were also given in the prescribed column. A copy of the inspection report was, however, forwarded to the under Secretary, Ministry of Commerce on 4-4-1978. From the various rosters scrutinised by the team, it was observed that there was no indication that those rosters were seen and scrutinised by the Liaison Officer. Although there is a Special Cell in the Corporation, the team was informed that till recently one Scheduled Caste officer in the rank of Deputy Personnel Manager was heading the so-called cell. At the moment, only one Office Manager is exclusively looking after the work relating to representation of Scheduled Caste/Scheduled Tribe employees. On enquiry the team was informed that no separate register in connection with the grievances of Scheduled Caste/Tribe employees was being maintained in the Cell. However, there was one file wherein all the representations were being dealt. Thus, it would be seen that Office Manager himself is responsible for maintenance of records and looking after the interest of Scheduled Caste/Scheduled Tribe employees, and there is no other staff attached to him.

3. Representation of Scheduled Castes and Scheduled Tribes as on 1-1-1978.

It was reported to the study team that the State Trading Corporation of India launched special recruitment drives in order to clear the back-log in the representation of Scheduled Castes/Scheduled Tribes in the years 1972, 1976 and 1977. But if we look at the figures of representation of Scheduled Castes and Scheduled Tribes as on 1-1-1978, it would be observed that the representation of Scheduled Caste in group 'A' Group B and Group C posts was still very low viz. 5.76%, 2.83% and 5.46% respectively. As regards the Scheduled Tribe, the corresponding figures are 2.12%, 0.18%, 0.08% for Group A, Group B, and Group C posts respectively. It is, however, noteworthy that the representation of Scheduled Caste/Scheduled Tribe has increased in the State Trading Corporation of India as a result of the recruitment made during the last 3 years i.e. 1975, 1976, 1977, as would be seen from the figures in the following tables,

(a) Direct Recruitment : 1975, 1976 and 1977

Group	Total number of vacancies filled during the years 1975, 1976 and 1977		
	Total	SC	ST
Group-'A'	83(330)	17(19)	7(7)
Group-'B'	87(529)	4(15)	1(1)
Group-'C'	230(1300)	33(71)	1(1)

Note :— Figures in brackets indicate the employment position as on 1-1-1978.

(b) Promotion during 1975, 1976 and 1977

Group	Total No. of vacancies filled	No. of re-served for		No. filled by appointment	
		SC	ST	SC	ST
Group A	63	10	5	1	..
Group B	401	59	29	13	..
Group C	153	24	11	12	..

According to the calculations made by the Chief Internal Auditor on the basis of recruitment made in the past, there was a backlog of as many as 29 posts in managerial cadre, out of which 21 posts pertained to the direct recruitment quota (12 Scheduled Caste and 9 Scheduled Tribe). Similarly in non-managerial cadres, there is a backlog of 134 posts out of which 87 pertained to direct recruitment quota (46 Scheduled Caste and 41 Scheduled Tribe). It was learnt that exclusive advertisements for as many as 53 posts at different levels and in different regions of the country had been released recently. Advertisements for another 15 posts were to be released shortly. In addition, Employment Exchange has also been approached to sponsor candidates for 19 posts of Junior Assistants. The Management was also advised to release advertisements in the States and areas having concentration of Scheduled Tribes in order to attract more Scheduled Tribe persons to clear the backlog. It is hoped that if sincere efforts on these lines are continued, it would be possible to clear the backlog in so far as direct recruitment posts are concerned.

As regards the posts filled by promotion, it was learnt that most of the managerial posts right from Office Manager and above were filled by promotion on the basis of selection. These posts being in Group A and Group B, there was no provision of carry forward of unfilled reserved vacancies. As such there is hardly any chance of improvement in the representation of Scheduled Castes and Scheduled Tribes in the managerial cadres because of the non-availability of suitable Scheduled Caste/Scheduled Tribe candidates in the feeder cadres. In some cadres 50% of the posts in higher managerial posts are filled by direct recruitment and another 50% by promotion. In such cadres there is a possibility of Scheduled Caste/Scheduled Tribe candidates becoming available from the open market. But such a thing cannot be expected in the case of cadres which are entirely filled by promotion when it is known that the Scheduled Caste/Scheduled Tribe persons are not available and are not likely to become available in the coming many years. It is, therefore, suggested that in the cadres which are filled entirely by promotion, the recruitment rules

should be amended to provide an element of direct recruitment in these posts as well, so that Scheduled Caste/Scheduled Tribe persons become available for those posts from the open market.

It was also learnt that in the managerial cadres in Group A and Group B posts, though the promotion is on the basis of selection, in effect promotions were being actually made on the basis of seniority. This was clear from the personnel announcement dated 23rd November, 1976 regarding promotion to the posts of Office Managers wherein it was stated that performance of the 3 candidates belonging to the general categories would be constantly watched and their continuance in the higher posts shall be subject to their satisfactory monthly special reports for one year. This means that their performance in the feeder cadres was also not satisfactory but they were promoted simply because they were senior in the combined seniority list. Thus if the promotions are virtually to be made on the basis of seniority, it is desirable that provision to that effect may be made in the recruitment rules and in that case, more Scheduled Caste and Scheduled Tribe persons satisfying the eligibility condition, would become available for promotion. In fact it was learnt that in the particular case of the post of Office Manager (General), a decision has been taken already that since promotions in the past have been made strictly according to seniority-cum-fitness, the rosters must be prepared on the basis of promotion by seniority-cum-fitness and the unfilled reserved vacancies should be shown as carried forward. Action on this decision was not reflected in the rosters or any other records.

4. Dereservation :

In spite of the observations made by the Study Team in 1975, it was observed that the procedure regarding de-reservation of reserved vacancies before filling them by general candidates was not followed at all. It was learnt that a consolidated proposal for *ex-post facto* approval of the Chairman/Board of Directors had now been prepared, seeking dereservation of reserved vacancies right from 1970 onwards. It was stated that the proposal for Group C posts had already been agreed to by the Chairman but the proposal for dereservation of Group A and Group B posts was expected to be considered by the Board of Directors in the meeting which was fixed for 29th April, 1978. While going through the rosters, it was found that large number of reserved posts were filled by general category candidates and the posts which could not be filled even by the end of the 3rd year of carry-forward, had been allowed to lapse. While there is no objection to the move of the management to get *ex-post facto* approval at this stage, it would not be desirable to allow the vacancies to lapse just because they could not be filled even at the end of the 3rd year of carry-forward because it is not known whether all the prescribed steps to fill the reserved vacancies were duly taken in those years or not. The purpose behind seeking prior approval is that the appointing authority has to explain to the Chairman/Board of Directors about the steps taken to attract Scheduled Caste/Scheduled Tribe candidates. It was also observed from the rosters that in some cases even the single vacancy recruitment years were counted as a recruitment years, which was not correct. It is, therefore, suggested that some more efforts should be made in the coming years to appoint Scheduled Caste/Tribe candidates against the vacancies which have been allowed to lapse during the previous years, without following the prescribed procedure.

On 30th June, 1977 State Trading Corporation of India got an order from the Ministry of Commerce saving that henceforth reserved vacancies should be filled by the candidates belonging to Scheduled Castes/Tribes only failing which such posts should be kept vacant. It was found from the rosters that even in

the recruitment made after 30th June, 1977 the reserved vacancies were filled by general candidates without resorting to the procedure for dereservation of reserved vacancies. It was learnt that Bureau of Public Enterprises had issued a circular enforcing a ban on recruitment but State Trading Corporation authorities had got exemption to the extent of Scheduled Caste/Tribe positions constituting the backlog. The contention behind the Ministry of Commerce directive dated 30th June, 1977 putting a stop to the dereservation of reserved vacancies is, however, not understood. In this connection, it may be stated that the procedure for dereservation or reserved vacancies has been prescribed where Scheduled Caste/Tribe candidates do not become available in spite of taking all the steps as required under the rules, the idea being that the work in any organisation should not suffer by keeping the vacancies unfilled. Therefore, where all the prescribed steps have been taken to recruit suitable Scheduled Caste/Tribe candidates against reserved vacancies there should not be any objection to seeking prior approval of the competent authorities before filling the vacancies by general candidates. Particularly in posts filled by promotion where it is quite known that Scheduled Caste/Tribe candidates are not going to become available even in the next 4 or 5 years, there can be no objection to dereservation of such vacancies and carrying them forward to the subsequent three recruitment years.

5. Rosters :

As already stated, the rosters had been recast on correct lines. In recruitment to all group A and Group B posts, which is made on all India basis otherwise than by the open competition i.e. advertisement being the primary source of recruitment, the model roster as prescribed in annexure II of Ministry of Home Affairs O.M. No. 1/13/63-SCT(II), dated 21-12-1963 was being followed. The rosters were duly revised as per annexure II of Department of Personnel O.M., dated the 22nd April, 1970. However, following discrepancies were found during the study of rosters :—

- (i) Entries in the rosters were not signed by the appointing authority.
- (ii) While the carry-forward position was being shown correctly, an abstract of the vacancies filled at the end of the year was not being indicated. The Office Manager concerned was given an outline of the abstract which is required to be indicated at the end of each recruitment year.
- (iii) Reserved vacancies were filled by general candidates without following the procedure for dereservation of reserved vacancies.
- (iv) The reserved vacancies were allowed to lapse without following procedure for dereservation, also taking into account such of the recruitment years in which there was a single vacancy or all the prescribed steps were not taken to recruit Scheduled Caste/Tribe candidates against reserved quota.
- (v) Where Scheduled Caste/Tribe candidates become available in subsequent years a note regarding adjustment of the reserved vacancies was not being made in the remarks column. The position in this regard was clearly explained to the Office Manager concerned.
- (vi) There was no indication in some of the roster that the earlier vacancies were utilised first.
- (vii) In the case of posts of Stenographers the roster prescribed in Annexure I to the Department of Personnel O.M. dated 22nd April, 1970 had been followed. In this case, though recruitment is made on a local/regional basis but a 40-point roster is to be followed in the Union Territory of Delhi. But recruitment being primarily through the employment exchange, the model roster as prescribed in Annexure II having

reservation at 16-2/3% for Scheduled Castes and 7-1/4% for Scheduled Tribes is required to be followed. It is, therefore, suggested that this roster may be recast again and the difference in the number of vacancies that should have been reserved for Scheduled Castes/Tribes should be worked out and filled in future recruitment.

(viii) Similarly, the roster for the posts of Assistants (Direct recruitment) the wrong model roster was followed in respect of recruitment from 1975 onwards. This roster also needs to be recast again.

(ix) In the case of recruitment to the post of Junior Assistants, though the recruitment was being made on local or regional basis, the rosters were being maintained in the Head Office separately for each Branch. There were 7 Branches located at Bombay, Calcutta, Madras, Tuticorin, Bangalore, Cochin and Guntur. In all the Branches, except the Bombay Branch, the number of posts in the cadre of Junior Assistants is less than 20. Though the Branch-wise rosters were being maintained in the Head Office, all the posts of Junior Assistants could not be grouped because the regional percentages in different areas were different. There is, however, no objection to grouping of these posts with other isolated posts in the same class as existing in regions concerned.

(x) In the case of posts filled by promotion on the basis of selection though the reservation orders in Group 'A' and Group 'B' became effective in July, 1974, the rosters in these categories has been maintained from 1970 onwards. Almost all the points were filled by general candidates without seeking dereservation of reserved vacancies. In promotion from the category of Jr. Assistants to Assistant/Inspector during the year 1977, one vacancy reserved for Scheduled Tribes was being brought forward from the year 1973 had been shown as lapsed without dereserving the same even once. This vacancy could be utilised by showing it as having been adjusted against one of the 4 Scheduled Castes appointed during the year 1977, as according to the rules the earlier carried-forward vacancies are to be utilised first.

(xi) In the case of promotion to the post of Office Manager, the unfilled reserved vacancies in a particular year had not been shown as carried-forward to the subsequent recruitment years on the plea that there is no provision of carry-forward in the case of Group 'B' and Group 'A' posts filled by promotion on the basis of selection. In the relevant recruitment rules, the post of Office Manager has shown as a Selection Post—Class III (Group 'C') filled entirely by promotion. Such posts are covered by the provisions of the O.M. dated 11th July, 1968 which provide that the zone of consideration would be applicable separately to the reserved vacancies. For example, if there are 10 vacancies, out of which two are reserved for Scheduled Castes and one is reserved for Scheduled Tribes and if the zone of consideration is fixed at 5 times the number of vacancies, then at least 10 Scheduled Caste candidates and 5 Scheduled Tribe candidates otherwise fulfilling the eligibility condition, are to be considered for promotion. In the event of non-availability of the eligible candidates in such a zone the unfilled reserved vacancies are to be carried forward to the subsequent three years of recruitment (Promotion). Hence the decision of the authorities not to carry-forward such vacancies

is not correct. During the course of discussions, the team was intimated that the post of Office Manager was a group 'B' post but the recruitment rules say that it is a group 'C' post. It was also learnt that group 'B' Officers were not allowed to become members of the Employees Union but Office Managers are allowed to participate in Union activities. They are also availing other facilities such as L.T.C benefit and D.A. for out duty at the rates admissible to Group 'C' employees. Thus for all purposes and even according to recruitment rules, Office Managers are group 'C' employees and therefore, the provision of carry-forward of unfilled reserved vacancies is very much applicable to this post even though it may be filled by the method of selection.

6. Training :

According to the instructions issued by the Government of India, Scheduled Caste/Scheduled Tribe officers in Class I posts have to be provided with more opportunities for institutional training and for attending seminars/symposia/conferences in order to improve their chances for selection to higher posts in Class I and particularly in posts filled by promotion within Class I where there is no element of reservation. It was the responsibility of the immediate superiors to give necessary guidance to Class I officers belonging to Scheduled Castes/Tribes and make arrangements for improving their necessary training within and outside the institution. According to the information made available to the team, no such training was imparted to any Class I officer during the year 1975. In the year 1976, out of the 24 officers sent for training to the outside institutions, 2 belonged to Scheduled Castes and 2 to Scheduled Tribes. In the same year out of 91 Class I officers deputed to attend seminars/conferences etc. only 2 belong to Scheduled Castes. This could be attributed to the fact that bulk of the recruitment to Class I posts took place some time in 1977 only and enough Officers belonging to Scheduled Castes/Tribes were not on the rolls of the Corporation. In the year 1977 four officers were trained departmentally and out of the 27 officers sent for outside training, six belonged to Scheduled Tribes. Out of the 45 Officers sent for attending seminars/conferences only two belonged to Scheduled Castes. It is hoped that the State Trading Corporation will pay more attention to the training aspect especially of Class I officers belonging to Scheduled Castes and Scheduled Tribes, as there are now enough such officers who can be sent for training programmes. This is necessary to broaden their outlook and make them eligible to shoulder higher responsibilities. It was learnt that apart from the training programmes for Class I officers as mentioned above, 20 officers in Group B and Group C posts were sent for training during the year 1976 of whom 2 belonged to Scheduled Castes. Similarly during the year 1977, 34 officers were sent for training of whom 3 belonged to Scheduled Castes and 2 belonged to Scheduled Tribes. There is need to augment the training programme for employees belonging to Scheduled Castes and Scheduled Tribes so that they can improve their prospects for appointments and promotions to higher posts.

7. Apprenticeship training :

According to the figures made available to the study team, out of 23 persons appointed as apprentices during the year 1975-76 only 3 belonged to Scheduled Caste. Of these 23, only 8 were finally absorbed which included two Scheduled Caste persons. During the year 1976-77, however, out of the 118 persons appointed as apprentices as many as 30 belonged to Scheduled Castes and one Scheduled Tribes. Out of these only 2 apprentices belonging to Scheduled Castes

were finally absorbed. As there is a huge backlog in the representation of Scheduled Castes and Scheduled Tribes in the lower induction levels in Group 'C' posts, it is suggested that more and more Scheduled Caste/Tribe persons should be taken in the apprenticeship programme and they should be finally absorbed in order to clear the backlog existing in these posts.

8. Notifications/Advertisements :

Although in our earlier report submitted in the year 1975, it was suggested that in order to make the advertisements/requisitions complete and purposeful, the total number of vacancies, actual number of vacancies reserved for Scheduled Castes/Tribe persons and the nature of relaxations/concessions given by the Corporation should be highlighted to attract the attention of the Scheduled Caste/Tribe candidates. It was observed that till the end of the year 1977, no sincere effort was made to calculate the total vacancies and actual number of reserved vacancies available for Scheduled Caste/Tribe candidates. Moreover, the provision of travelling allowance for Scheduled Caste/Tribe candidates was not indicated in the press advertisements. Although the issue was highlighted in our earlier report, the team was informed that though the nature of concessions and qualifications were not highlighted in the advertisements, but while considering the applications of the Scheduled Castes/Tribes, relaxed standards were being applied. But the nature of relaxation was kept flexible and hence it was difficult to assess the exact nature of concessions/relaxations given to Scheduled Caste/Tribe candidates. In this system there is a disadvantage that if the Scheduled Caste/Tribe candidates are not made aware of the concessions/relaxations they may not apply even to fill up the reserved vacancies. The recent advertisements released in the press particularly for the reserved communities were, however, exhaustive in the sense that vacancies reserved for them were indicated and the provision of T.A. was also mentioned although the nature of relaxations/concessions was not mentioned. The team was informed that except the Junior Assistants, which is the lowest rung in the clerical service, the appointments in rest of the categories of posts are filled through advertisements and in that case if the advertisements are not made purposeful, it will be difficult to attract sufficient number of Scheduled Caste/Tribe candidates for filling up reserved vacancies. The team was informed that normally the vacancy advertisements are issued to the following newspapers:—

Hindustan Times (New Delhi).

Indian Express (New Delhi, Bombay, Madras and Southern region).

Assam Tribune (Assam).

Mathrubhoomi (Cochin).

Amrita Bazar Patrika (Allahabad) and Employment News (New Delhi).

It is suggested that the future advertisements should be given in such newspapers which are published both in English and Regional languages which have wide circulation in the areas having maximum concentration of the population of Scheduled Tribes and Scheduled Castes.

9. Caste Certificate :

To ensure that the caste certificates were not misused by the general candidates, the personnel records and caste certificates of some of the employees belonging to Scheduled Caste/Tribe communities were scrutinised and it was observed that in many cases though the caste certificates were issued by the competent authorities, they were not in proper form. In some cases, it was observed that the caste certificates were not issued by the competent authorities. For example, few certificates were issued by the Office Secretary, Bharatiya Depressed League, New Delhi in the year 1971 to Scheduled Caste persons stating that they belonged to Balmiki community. Another certificate was issued by the General Secretary, Delhi Scheduled Castes Welfare Association in the year 1977 indicating that the person belonged to Jatav community and was resident of Delhi.

Another certificate issued by a senior Central Government Officer indicated that the candidate belonged to Ad-dharmi community and was resident of Punjab and the certificate was countersigned by the Sub-Divisional Magistrate, Delhi in the year 1961. Yet in another case, certificate was issued by the Tahsildar, Bangalore in the year 1975 stating that the candidate belonged to Adi-dravida community and the certificate was issued on the basis of the certificate given by the Social Welfare Officer. In another case, the certificate was issued by a Sub-Executive Magistrate, Greater Bombay in the year 1977 stating that the candidate belonged to Hindu Chambhar community, but the place of residence and other particulars were not indicated on the certificate. Thus, it is found that in some cases the certificates were not issued by the competent authorities and in some other cases although they were issued by the competent authorities, those were not in proper form. It is likely that the persons who produce such certificate genuinely belonged to the reserved communities but to make the records up-to-date and to ensure that the interests of the genuine Scheduled Caste/Tribe persons did not suffer, it is suggested that all such certificates which are not in proper form and have not been issued by the competent authorities, should be got verified and verification reports should be kept in the relevant files.

APPENDIX XXVII

(Reference para 3.121)

Report of the study conducted into the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes in services under Hindustan Fertilizer Corporation, Durgapur, West Bengal

In order to see the implementation of the service safeguards provided for Scheduled Castes and Scheduled Tribes by the Durgapur unit of the Hindustan Fertilizer Corporation Ltd., a Study Team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam
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Singh, Investigator from this office visited that organisation on 18th and 20th April, 1978. The Team inspected roster registers, requisitions sent to the Employment Exchange and the press, internal circulars and personal records of some of the Scheduled Caste/

Scheduled Tribe employees and had detailed discussion with the following Officers:

1. Shri A. K. Mitra,
General Manager.
2. Brig. K. Srinivasan,
Chief Executive Officer.
3. Shri S. Chattopadhyaya,
Assistant Personnel Officer.
4. Shri U. P. Banerjee,
Office Superintendent.

1. Recruitment and Promotion:

Hindustan Fertilizer Corporation Ltd., Durgapur (formerly Fertilizer Corporation of India) was set up some time in mid-sixties. It was reported by the authorities that as a result of some agreement persons displaced on account of setting up of the factory were to be provided employment in the factory. For this reason and the late issue of Government directive to the public sector bodies no specific effort was made earlier to induct Scheduled Caste/Scheduled Tribe candidate into the factory.

The recruitment and promotion policy of the factory envisages that except for the induction points, all posts will be filled by grade to grade promotions of personnel to the extent of that qualified and experienced hands are available in the particular category as per approved rules. Direct recruitment has to be resorted to the only when no suitable candidate is available for promotion in a particular ranks in a unit or in the Corporation, as the case may be. Since the Scheduled Caste and Scheduled Tribe employees were very few in various ranks of the factory, there was hardly any chance for Management to fill up all the vacancies reserved for them. Though the roster for various categories of posts had been maintained according to the Government of India instructions, very few Scheduled Caste/Scheduled Tribe candidates could be appointed against the reserved vacancies and hence these vacancies had to be treated as dereserved and filled by other general category candidates. The efforts of the Management to promote the Scheduled Caste/Scheduled Tribe candidates after allowing them a year's relaxation in the eligibility condition of 5 years over and above the "Directive" could not wipe out the back-log of reservation since there were few Scheduled Caste/Scheduled Tribe candidates within the factory. Moreover, the Team was informed that in the induction points [Mazdoor, Technician Apprentices (Craftsman trainee), Graduate Apprentices, L.D.C./Typists etc.] there were only few recruitment during the last several years. For example in the category of Technician Trainee since 1972 no recruitment was made. In the category of Graduate Apprentices in the year, 1976 there was no recruitment and in 1977 only 2 recruitments were made out of which one belonged to Scheduled Caste community. Thus, to improve the representation of Scheduled Caste and Scheduled Tribe persons in the Corporation it is desirable that the following important steps are taken—

(i) opening of promotional avenues for Scheduled Castes/Scheduled Tribe employees; and (ii) maximum intake of Scheduled Caste/Scheduled Tribe persons at the induction points:—

(i) Promotional Avenues:

Those Scheduled Caste/Scheduled Tribe employees of the Corporation who are eligible for promotion to next higher grades but lack some special skill/ training may be picked up and given some training to acquire the skill/training. Those who successfully complete the training course may be considered for higher posts. Otherwise a large number of points will have to be dereserved year after year and representation of Scheduled Caste/Scheduled Tribe persons will continue to be poor/negligible.

(ii) Induction Points:

According to the recruitment rules of the Corporation, apprentices are to be taken at 3 levels: (1) Matric with Science as Trade Apprentices who after completion of their training will be appointed as Craftsman or Operatives, (ii) Diploma Holders/B.Sc. as Chargemen Trainees who will be taken as Chargemen; and (iii) Graduate Engineers who will be taken as Junior Engineers.

Although the Corporation have no plan to make any fresh recruitments, but to clear the huge backlog and improve the intake of Scheduled Caste and particularly Scheduled Tribe persons, fresh recruitment specially for Scheduled Caste/Scheduled Tribe persons should be resorted, otherwise things will never improve in future. This adjustment and compromise have to be made on account of reason that till 1976, prior to which bulk recruitments were made, the Scheduled Caste/Scheduled Tribe persons were denied due share and when the Corporation was in a position to give them their due fresh recruitment was stopped. Hence, to be fair to Scheduled Caste/Scheduled Tribe employees, the Corporation have to make some departure from their present policy and give some concessions/relaxations.

2. Training:

During the discussion with the Management, the Team was informed that in the Corporation there was a training Department where training facilities for pre-basic and advanced courses were available. From the data collected for the last 2 years i.e. 1976 and 1977 it was observed that in those courses participation of Scheduled Caste/Scheduled Tribe persons was either nil or negligible. It is felt that for imparting training to Scheduled Caste/Scheduled Tribe persons the service of the training Department should be fruitfully utilised. If necessary, the training courses/programmes may be suitably revised or fresh programmes should be devised to train the Scheduled Caste/Scheduled Tribe persons. The duration of the courses and the timings should be changed keeping in view the interests of the Scheduled Caste/Scheduled Tribe employees.

3. Departmental Promotion Committees/Selection Boards:

According to the statistics made available to the Team, it was claimed that in all the Departmental Promotion Committee/Selection Board meetings held during the years 1976 and 1977 for considering reserved category candidates, Scheduled Caste/Scheduled Tribe Officers were associated. This was possible since at senior and junior levels officers belonging to Scheduled Caste communities were available in the organisation. It may, however, be mentioned that in Group 'A' category, there was no Scheduled Tribe Officer and in Group 'B' there was only 1 Scheduled Tribe Officer.

4. Dereservation:

In order to put a check on the appointing authorities, all the vacancies reserved for Scheduled Castes and Scheduled Tribes, in the event of non-availability of reserved category candidates, have to be dereserved indicating the steps taken/efforts made to recruit such candidates. During the course of the study, it was revealed that the authorities were not following this procedure initially but from 1975 onwards all such cases were being referred to the Headquarters office at New Delhi for their approval. Adequate efforts did not appear to have been made prior to 1975 to allow to the Scheduled Castes/Scheduled Tribes their due share in appointments and the unfilled reserved points were shown as filled by others and carried forward retrospectively without formally dereserving those points. It would, therefore, not be proper to allow to lapse all such points after carrying them over for the

requisite number of years. For the purpose of lapsing, third year of carry-forward should, therefore, be counted from the first year when the point was dereserved and carried over.

5. Liaison Officer :

The Personnel Officer was nominated as Liaison Officer and the reports submitted by him for the years 1976 and 1977 were seen and found in order. The work relating to Scheduled Caste/Scheduled Tribe employees was being looked after by a Cell consisting of senior and junior officers who were working on part time basis. It appeared that the general interests of the Scheduled Caste/Scheduled Tribe employees were being looked after properly by the concerned officers and there were no major grievances of these employees.

6. Caste Certificates :

Some of the personal files of the Scheduled Caste/Scheduled Tribe employees were seen to ensure that such certificates were not being misused by other candidates. It was found that copies of original caste certificates were kept in the respective files. In some cases, the certificates were not issued by the competent authorities. It is suggested that the authorities should refer such cases, where they find that certificates are not in order, to the concerned authorities to have their claims verified and put such verification reports on the relevant files to make the records up-to-date and complete.

7. Advertisements/Notifications :

It was observed that in all the Groups the representation of Scheduled Tribes was either nil or negligible. Some of the advertisements released to the Press, the requisitions sent to the Employment Exchange and the 'internal circulars' for the period 1976 and 1977 were scrutinised and it was observed that in many cases the nature of relaxations/concessions given in the matter of qualifications and experience were not properly indicated. The provision of travelling allowance was not indicated in the advertisements although the Corporation paid T.A. to all the candidates called for interview/tests. The Team was informed that in spite of best efforts made by the Corporation they were finding it difficult to get Scheduled Caste and particularly Scheduled Tribe candidates for the posts of Junior Stenographer, Staff Nurse, Pharmasist, Assistant Surgeon, Sr. Stenographer etc. It was suggested to the authorities that they should issue fresh advertisements in such papers which have wide circulation in the States having large tribal concentration (both in English and regional languages) clearly indicating actual number of vacancies reserved for them, details of concessions/relaxations given in qualification and experience, etc. the candidates called for interview/tests would be paid railway/bus fare by the shortest route etc. The States which have considerable tribal concentration are Nagaland, Manipur, Tripura, Mizoram, Assam, Madhya Pradesh, Orissa, Andhra Pradesh, Rajasthan, Gujarat, Bihar and West Bengal.



APPENDIX XXVIII (Reference para. 3.121)

Report of the study conducted into the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes in services in the office of the Registrar General, India, New Delhi

In order to watch the implementation of the service safeguards provided for Scheduled Castes and Scheduled Tribes by the office of the Registrar General, a study team consisting of Dr. Biswajit Sen, Research Officer, and Shri Waryam Singh, Investigator visited that organisation on 2nd, 3rd and 4th March, 1978. The team had detailed discussion with Shri K. K. Chakravorty, Assistant Registrar General and Shri M. C. Narang, Administrative Officer-cum-Liaison Officer regarding various issues involved in representation of Scheduled Caste/Tribe candidates. Roster registers, requisitions sent to the Employment Exchange, Employment notices sent to the press and personal records of some of the Scheduled Caste/Tribe employees were inspected and on the basis of findings, the team made the following observations:

1. Roster registers :

- (i) Initially, the rosters were started from 1959 separately for each class of post i.e. for Class I, II, III and IV posts irrespective of the sanctioned strength of any post, pay scale, duties attached etc. The posts filled by direct recruitment and promotion had been grouped together for the purpose. This continued till 1963 when new roster registers were started. Registers started from 27-3-1963 were on proper form but none of the entries had been signed by any authority. New rosters were again started from 1970 onwards separately for direct recruitment and promotion posts, but no entry had been attested by any authority. While grouping the posts for the purpose of the maintenance of rosters, approval of the Department of Personnel and Administrative Reforms does not appear to have been taken, as required.

- (ii) It appeared that no rosters had been prepared for promotion posts. It was only in the form of a list that names of the persons promoted had been shown. The rosters were not in the prescribed form nor any other details about the year of promotion, carry-forward of unfilled reserved points, procedure regarding dereservation etc. had been given.
- (iii) In certain cases where the promotions are made by selection method, reservation orders were made applicable from July, 1974 but since there was no regular promotions till 1977, rosters appeared to have been got ready with the names of the persons already promoted. In case of Senior Stenographer, there were four vacancies during the year 1975 and one each had been shown as reserved for Scheduled Castes and Scheduled Tribes. In spite of the fact that no Scheduled Tribe was available for promotion, the point in question had not been got dereserved before promoting a general candidate against the reserved point. Similarly in the case of promotion from Class II to Class I (Assistant Director Census Operations) out of the 14 promotions made during the year 1977, three had been shown as reserved for Scheduled Castes and one for Scheduled Tribes. Though all the three vacancies reserved for Scheduled Castes had been filled by Scheduled Castes, one vacancy reserved for Scheduled Tribe had been shown as filled by a general candidate without formally dereserving the

vacancy in question. Thus it appears that the rosters had been started in a few cases of promotion to complete the formality rather than as an effective instrument of the principle of reservation.

2. Dereservation :

According to the Government of India instructions a vacancy reserved for Scheduled Castes and Scheduled Tribes cannot be filled by a general candidate without its being dereserved in the event of non-availability of a Scheduled Caste/Tribe candidate in accordance with the prescribed procedure. The study of rosters, however, revealed that while the points reserved for Scheduled Castes and Scheduled Tribes which could not be filled by Scheduled Caste/Tribe candidates, had been shown as carried over correctly from year to year, prior approval of the Department of Personnel and Administrative Reforms had been approached in 1969. It is, therefore, suggested that steps should be taken to calculate all such cases and seek *ex post facto* approval of the Department of Personnel and Administrative Reforms, indicating the reasons for the lapse.

3. Lapsing of reserved vacancies :

In a number of cases the unfilled reserved vacancies had been shown as carried over from year to year and had even been allowed to lapse after being carried over for three recruitment years without formally dereserving those posts. In fact, lapsing of reserved vacancies can be allowed without seeking prior approval of the Department of Personnel and Administrative Reforms only after the reservation is carried forward to three subsequent recruitment years after dereserving the same at each occasion, when no Scheduled Caste/Tribe candidates could become available even after taking all steps to recruit them against reserved vacancies. In the third year of carry-forward the requirement of the exchange of reservation has also to be complied with before lapsing of reservation. During the course of study, it was also noticed that certain categories of posts in the Social Studies Division which were being carried over from 1961 and 1962, had been shown as lapsed during 1966 without making necessary efforts to recruit Scheduled Caste/Tribe candidates against the reserved vacancies. In one single case 44 reserved vacancies (34 Scheduled Castes and 10 Scheduled Tribes) of Assistant Compiler were being brought forward from 1961 and 1962 and had been shown as lapsed during 1966 when only 13 vacancies in 1966, two in 1965 and one in 1963 had actually been filled. In the case of recruitment to some posts lapsing has also been allowed without caring to adjust the carried forward vacancies first and allocating the current vacancies to be carried over. In such a way the lapsing of the old vacancies could easily be avoided. The action of the authorities to allow the lapsing of reservation was, therefore, not in order and required recasting of the rosters and carry-over correctly. There can be no objection to such lapsing if after making adequate efforts, no Scheduled Caste/Tribe candidates are available to fill up the reserved vacancies.

4. Liaison officer and inspection of rosters :

According to the Government of India instructions, the Deputy Secretary in-charge of Administration or any other officer of the same rank will act as Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in an

establishment. In the Registrar General's office, however an officer of the rank of Administrative Officer is looking after the duties of the Liaison Officer. Moreover, the concerned Liaison Officer is required to conduct annual inspection of rosters in the respective offices under his charge and submit a report thereon in the proforma given in Appendix 7 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services. According to the information made available to the Team, no such inspections had been conducted by the present Liaison Officer who took over charge in August, 1977. It was learnt that no inspection report was submitted by the earlier Liaison Officer also. Unless this is done regularly there is no chance of improvement in the efficient working of the scheme of reservation for Scheduled Castes and Scheduled Tribes. The authorities, therefore, should take necessary steps to ensure compliance of the Government instructions. It is felt that at least 1 or 2 officials should exclusively be entrusted with the handling of the job of implementation of various service safeguards provided for Scheduled Caste/Scheduled Tribe candidates/employees.

5. Requisitions/employment notices :

According to the existing orders of the Government, number of vacancies reserved for Scheduled Castes and Scheduled Tribes out of the total vacancies notified to the employment exchange or advertised in the press, have to be clearly indicated alongwith the relaxations/concessions allowed to them so that sufficient number of Scheduled Caste/Tribe candidates come forward. During the course of the study, however, it was noticed that in 1972 one unreserved vacancy of Artist was notified to the Employment Exchange without making any mention about the relaxations/concessions allowed to Scheduled Caste/Tribe candidates. Ultimately 4 more posts became available but all the vacancies were filled from the candidates sponsored by the employment exchange against one vacancy. There happened to be one Scheduled Caste amongst the candidates sponsored by the Exchange and he was selected. No specific efforts had, however, been made to recruit a Scheduled Caste/Tribe candidate for whom the post had been reserved.

In 1976 also, initially one post of Cartographer/Geographer was notified to the Employment Exchange, but subsequently the Exchange was asked to submit more names for selection against the likely vacancies. Total number of actual vacancies and the number of vacancies required to be reserved for Scheduled Castes and Scheduled Tribes had never been notified to the Exchange. It is, therefore, felt that the authorities did not make any efforts to recruit Scheduled Caste/Tribe candidates against the possible (current as well as brought forward) vacancies. Moreover, such of the reserved vacancies were not referred to the recognised Associations as the representative of Scheduled Castes and Scheduled Tribes. The service interests of Scheduled Castes/Tribe candidates have therefore, been ignored. This requires to be explained.

6. Reservation in confirmation :

It was reported by the authorities that in the matter of confirmation to various categories of posts filled by direct recruitment, they were following the original roster points in the roster-register. There was no separate roster also for the purpose. In fact separate lists had been prepared according to the seniority on the same lines as in the case of rosters for promotion, without caring to see that other columns of the roster register are also followed.

APPENDIX XXIX

(Reference para 3.121)

Report of the Study conducted into the Implementation of Safeguards provided for Scheduled Castes and Scheduled Tribes in services under the South Eastern Railway, Calcutta

In order to assess the working of the service safeguards provided for Scheduled Castes and Scheduled Tribes in services under the South Eastern Railway, the Commissioner for Scheduled Castes and Scheduled Tribes deputed a study team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator. The Team visited that Organisation on 22nd and 25th April, 1978 and had detailed discussion with the following officers :—

1. Shri Nihar Dutt, Chief Personnel Officer,
2. Shri A. Sen, Addl. Chief Personnel Officer,
3. Shri D. S. Nigah, Sr. Personnel Officer.

For the purpose of the study roster registers, employment notices to the Employment Exchange/Press, personal records of some of the Scheduled Caste/Scheduled Tribe employees and other records maintained in the office were studied. Since the South Eastern Railway Headquarters office is a big organisation, the study was confined to a few departments in Class III and Class IV categories, and the following observations were made :—

1. *Roster Registered for Recruitment :*

Recruitment to all the Class I and II Posts is made by the Railway Board through the UPSC and to all the Class III and IV posts through the Railway Service Commission, Calcutta. The General Manager of the South Eastern Railway has also been empowered to make recruitment of Scheduled Castes/Scheduled Tribes against reserved vacancies even under relaxed standards, when the Railway Service Commission fails to nominate Scheduled Caste/Scheduled Tribe candidates against reserved vacancies under the normal standards. It was reported by the authorities that those powers had been utilised by that Railway to the maximum extent in favour of Scheduled Castes and Scheduled Tribes during the years 1976 and 1977 to wipe out the shortfall of reservations at various levels. Proper maintenance of rosters was started from 1976-77 after backlog of reservations was calculated categorywise, from the year 1964-65 onwards. It was abundantly clear from the detailed letter issued by the Railway Board sometime in August, 1976 that earlier there was no set procedure nor any clear-cut instruction about the responsibility for the maintenance of rosters. Each authority was trying to shift the responsibility till the Railway Board impressed upon the recruiting authorities that it was their responsibility to see the implementation of the orders. It was only at that stage that things were taken seriously and rosters were maintained from 1st April, 1976 according to the financial years, instead of the calendar years. The administration got the registers printed with brief instructions for the maintenance of rosters. The authorities had adopted the 100 point regional roster based on 14% reservation for Scheduled Castes and 15% for Scheduled Tribes, calculated on the basis of their population in the entire region (Bilaspur, Nagpur and Kharagpur Divisions) under the South Eastern Railway. The majority of the Staff in the railway offices at the divisional levels was recruited by the Divisional Administration and all the rosters and other records were reportedly maintained by those offices. It was, however, reported by the authorities that the Special Cell which has been set up at the Headquarters office was conducting inspections of the records being maintained

at Divisional level to ensure compliance of Government policy. It may be true that the Special Cell was making all out efforts to ensure implementation of the Government policy on reservation but the rosters maintained by the CPO's office at Headquarters did not give encouraging account and it appeared that the Cell did not make necessary efforts to rectify the position. In a number of rosters the backlog had not been calculated. In a number of cases the carry-over had not been shown correctly. In the rosters there was no indication about the procedure regarding dereservation, and exchange of vacancies in the third year of carry-forward. In many cases entries in the rosters have not been signed by any authority and even summary of the reservation required to be prepared at the end of each year had not been prepared.

2. *Reservation in Promotion :*

Although reservation in promotions had been introduced from 1968 in respect of Class III and IV Selection posts and from November, 1972 for all posts filled on the basis of seniority subject to fitness, and from July, 1974 from Class II to the lowest rung of Class I, rosters were started from 1976-77 only. Prior to that in many cases reservation was applied on the basis of the percentages fixed on the actual number of vacancies being filled by promotion at any occasion. In CPO's office it was noticed that a combined roster had been maintained for all the promotion posts grouped together category-wise. The backlog was calculated in this Branch on the basis of promotions made during the last four years only instead of 1968 when reservation had been applied to Class III and Class IV posts. In most cases the rosters were started from 1976-77 but in certain cases the rosters were started from the earlier dates. It is, therefore, suggested that in the case of rosters being maintained from 1976-77 in respect of promotion posts filled either by selection or seniority, the backlog should be calculated on the basis of the total number of promotions made from the date when the orders were made applicable.

3. *Shortfall of Reserved Vacancies :*

As mentioned above the railway authorities identified the shortfall in a number of categories from the year 1964-65 and made a special efforts in 1976-77 to clear the same by conducting special recruitments. It was reported that to wipe out the shortfall of Scheduled Castes/Tribe vacancies bulk recruitments were made by the authorities during the last three years for non-technical Class III posts by publishing the requirements in all the popular newspapers. During the course of the study, however it was noticed that there were very few vacancies in various categories of posts and the backlog remained more or less the same at the end of 1977-78. In categories of posts filled by promotion, also, no significant improvement was noticed as there were not many promotions.

4. *Dereservation :*

According to the Government of India Instructions, all the vacancies reserved for Scheduled Castes and Scheduled Tribes for which no Scheduled Caste/Scheduled Tribe candidates is available are required to be dereserved by the competent authority before being filled by general

candidates. During the course of the study, it was noticed that the vacancies were simply carried over on the understanding that dereservation was involved only in the third year of carry-forward before allowing the vacancies to lapse. It was only in 1977, when the Railway Board had clarified the position that the authorities started following the correct procedure. In this connection, it may be pointed out that in various railway establishments, the Railway Board is competent to allow dereservation for all Class III and IV posts. General Managers have also been authorised to allow dereservation of technical operative posts. The authorities in the South Eastern Railway reported that the Special Cell set up to look after the interests of the Scheduled Castes and Scheduled Tribes, through which all the proposals for dereservation have to be routed, ensures that all the required efforts had been made to recruit Scheduled Caste/Scheduled Tribe candidates against reserved vacancies and allow the proposal to be sent to the Railway Board after fully satisfying itself. It was, however, noticed that in a number of cases where Scheduled Caste/Scheduled Tribe candidates were not available to fill up the vacancies reserved for Scheduled Castes and Scheduled Tribes, there was no indication about the fact of dereservation. In few cases it was noticed that proposals had been sent to the Railway Board during 1978 through the Special Cell but in majority of the cases there were no indications in the roster registers to that effect. It is, therefore suggested that the position may be reviewed about the vacancies shown as carried over without following dereservation procedure and *ex-post facto* approval may be sought.

5. *Exchange of Reservation and Lapsing :*

In majority of the cases the rosters had been started from 1976-77 and as such there was no question of exchange of vacancies or lapsing of reserved vacancies in the third year of carry-over before 1978-79. Moreover, the procedure regarding dereservation was started only in 1977-78. In the case of the post of Cashier filled by promotion, one of the Scheduled Caste employee promoted as Cashier, had been shown as adjusted against one brought forward Scheduled Tribe point from 1974-75. In fact the Scheduled Tribe vacancy from 1974-75 should have at least been carried over to three next recruitment years after dereserving the same during each recruitment year. Since this had actually not been done before 1976-77, the exchange was not in order and the Scheduled Tribe vacancy should be carried over according to the existing rules.

6. *Special Cell for Scheduled Castes and Scheduled Tribes :*

The South Eastern Railway have set up a Special Cell to look after the service interests of the Scheduled Castes and Scheduled Tribes by providing adequate staff who are working under a Senior Personnel Officer. The Cell is looking after recruitment of Scheduled Caste/Tribe candidates, and their grievances. Some of the members of the staff in the rank of Inspectors, are visiting the divisional offices to check the rosters and other relevant records maintained by those agencies. If the staff of the Cell make sincere efforts to put the recruiting authorities on the right track, there is no reason why the representation of Scheduled Caste/Scheduled Tribe employees would not improve in a couple of years. The Special Cell was receiving representation from Scheduled Caste/Tribe employees, in addition to dealing with dereservation, supersession cases and implementation of various

safeguards provided for them. A register has been maintained since 1973 and according to that register till 9-3-77 the total number of representations received in the Section was 2400 out of which 281 cases were decided favourably, 1919 cases were rejected on the ground that such benefits were not admissible to Scheduled Caste/Tribe employees and 200 cases were still under correspondence. Regarding the procedure followed for dealing with such representations, it was observed that the Cell forwards such representations to the concerned Divisions for their comments. It was felt that the Cell should initially study the representations, and those which are found worth pursuing and based on facts should be investigated by the Inspectors to avoid delay and misrepresentation/suppression of facts. Such a step would be helpful since those who have taken wrong action intentionally/unintentionally would try to justify their stand, which may result in denial of justice. From the data available regarding nature of representations received in the Cell it was noticed that majority of them were in connection with promotion and suppression.

Few representatives of Scheduled Caste/Scheduled Tribe Association met the Team and reported about number of cases where Scheduled Caste/Tribe persons were denied justice. It was not possible to discuss those individual cases in details with the authorities concerned within such a short visit and hence those cases have been referred to the authorities for their comments. It is hoped that the Cell will ensure that those cases are examined carefully and the concerned employees are informed about the action taken.

It may also be mentioned here that in some Divisions the staff strength was more than 25,000 and in those Divisions only one A.P.O. was looking after the interests of the Scheduled Caste/Scheduled Tribe employees. It is felt that that in those Divisions where staff strength is more than 15,000 Special Cells should be set up to deal with exclusively with the Scheduled Caste/Tribe employees and manned by competent persons who are known for their interests in the welfare of Scheduled Castes/Tribes.

7. *Exemptions and Exclusions :*

Reservation orders do not apply to posts in grades above the lowest rung of class I and posts which are classified as scientific or technical for conducting research or for organising, guiding and directing research. In other words, reservation orders apply to all the posts except those mentioned above. However, the Team observed that the Railway Board has allowed the authorities to exclude the post of Vigilance Inspector from the scope of reservation. It was reported by the authorities that this post is filled on tenure basis by the South Eastern Railway and no reservation is applied. It is felt that since the post of Vigilance Inspector does not in any way comes under the exempted category the same should be brought on the roster system.

8. *Training :*

Regarding sponsoring of senior Scheduled Caste/Tribe officials for participation in seminars, symposia, conferences, higher training etc. in India and abroad, no data could be made available since while sponsoring candidates no specific record regarding Scheduled Caste/Tribe persons were maintained. Regarding Graduate trainees it was observed that out of 55 admitted

in 1976 only 2 belonged to Scheduled Caste community, and none from Scheduled Tribe community. As regards Apprentices admitted during 1976, out of a total of 1018 Apprentices, 271 belonged to Scheduled Caste and 57 belonged to Scheduled Tribe community. The pre-selection coaching, which was started 2 years back for preparing candidates for higher positions was discontinued and it was felt that the scheme should be revitalised and suitably modified to train Scheduled Caste/Scheduled Tribe candidates.

9. Advertisements:

In some of the advertisements sent to the Press during the year 1976 the actual number of

vacancies reserved for Scheduled Caste/Tribe persons and actual relaxation to be given to Scheduled Caste/Tribe candidates in educational qualifications and experience were not clearly indicated. The provision of payment of T. A. admissible to Scheduled Caste/Tribe candidates, in some cases, was not indicated. The advertisements for technical posts reserved for Scheduled Tribe candidates which have remained unfilled for long period should be advertised in such papers (both in English and regional languages) which have wide circulation in the States/Union Territories having maximum Scheduled Tribe population, like Nagaland, Mizoram, Meghalaya, Arunachal Pradesh, Tripura, Manipur, Assam, Bihar, Orissa, Andhra Pradesh, Madhya Pradesh, Gujarat, Rajasthan and West Bengal.



APPENDIX XXX (Reference para 3.121)

Report of the study undertaken into the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes in services under the All India Radio, Madras.

In order to assess the working of safeguards provided for Scheduled Castes and Scheduled Tribes in services under the All India Radio, Madras, a Research Team consisting of Dr. Biswajit Sen, Research Officer, and Shri Waryam Singh, Investigator, visited the office at Madras on 23rd January, 1978 and contacted S/Shri S. Kandaswamy, Station Director and Shri M. Ramachandran, Senior Administrative Officer. For the purpose of the study, roster registers, advertisements sent to the Press, requisitions to the Employment Exchanges and the personal record of some of the Scheduled Caste/Scheduled Tribe employees were inspected and following observations were made:—

Rosters:

The Station Director, All India Radio, Madras is the appointing authority for Class III and Class IV posts only. Recruitment to other Class I and Class II posts including Class II (Non-gazetted) is made by the Director General, All India Radio, New Delhi. In respect of some of the direct recruitment posts to which 100-point roster had been applied, rosters had been prepared from the year 1976 only without showing any backlog from previous years reportedly after decentralisation of the recruitments at various levels by the Director General, All India Radio, New Delhi. Rosters for the clerical posts filled by direct recruitment had, however, been started from 1970 onwards. In this category point No 5 (ST) and point No 6 (SC), recruitment to which was made during 1971, had been shown as blank on the plea that no Scheduled Caste/Scheduled Tribe candidates were available. In this connection it may be pointed out that no gap is to be left in the roster. The authorities should have filled and carried over those points after necessary steps according to rules to get those dereserved.

As regards promotion posts to which the authorities had applied 40-point roster, rosters had been started from 1972 when reservation orders were made applicable to promotions on the basis of seniority-cum-fitness, and were in order.

Dereservation:

According to the Government instructions, in the event of non-availability of Scheduled Caste and Scheduled Tribe candidates for appointment/promotion against reserved vacancies, general candidates can be appointed/promoted after dereserving the reserved points through the administrative Ministry. It was, however, evident from the record that in both direct

recruitment as well as promotion, general candidates had been appointed without formally dereserving those points. It appeared that the authorities were under the impression that dereservation is required only in the third year of carry-forward, which is not correct. It is, therefore, suggested that all the reserved points filled by general candidates and carried over to the subsequent recruitment years, should be got dereserved by taking *ex-post facto* approval of the Department of Personnel and Administrative Reforms.

Liaison officers and inspection of rosters:

According to the Government instructions, the Liaison Officer is required to inspect the rosters and submit his annual report to the administrative Ministry with a copy to the Department of Personnel and Administrative Reforms. As there was no Liaison Officer till 1977, no inspection report was submitted earlier. The Team was informed that only recently on 2-1-1978 the Station Director has been appointed as Liaison Officer to look after the service interests of the Scheduled Caste/Scheduled Tribe employees. Since there was no Liaison Officer in All India Radio, Madras upto the end of 1977 and also that there was no Special Cell to look after the interests of Scheduled Castes and Scheduled Tribes, no particular attention appears to have been given to this aspect. It is hoped that with the appointment of Station Director as Liaison Officer, the safeguards provided for Scheduled Castes/Scheduled Tribes would be taken care of appropriately.

Grouping of Posts:

In the case of direct recruitment posts, isolated and small cadres are required to be grouped together for the purpose of maintenance of rosters with prior approval of the Department of Personnel and Administrative Reforms. In All India Radio, Madras, a number of posts in the pay-scale of 260-400, 330-560, 330-480, 260-350, 380-560, 470-750 had been grouped with the posts of clerk grade-II in the scale of Rs. 260-400 reportedly with the approval of the Director General, All India Radio, New Delhi irrespective of the nature of duties involved. No approval in this regard was, however, available with the authorities. It is felt that a separate roster should be prepared for the Clerk Grade-II which is having the sanctioned strength of 41. The remaining posts so grouped could be bifurcated on the bases of technical and non-technical posts into two groups with the approval of the Department of Personnel and Administrative Reforms.

Non-availability of Scheduled Caste/Scheduled Tribe candidates:

The authorities informed that they were finding it difficult to get suitable Scheduled Caste/Scheduled Tribe candidates for technical posts but a detailed examination of the records showed that there had been no sincere efforts to locate such candidates. The requisitions sent to the Employment Exchange and Press during the years 1975 and 1976 mostly did not indicate the actual relaxations of age and experience. The Press advertisements released in the year 1977 although indicated the provision of Travelling Allowance to Scheduled Caste/Scheduled Tribe candidates but that was not found useful for the reason that most of the Scheduled Castes/Scheduled Tribes, particularly the Scheduled Tribe candidates, were not aware of Travelling Allowance rules. In the announcement in the All India Radio, it was not mentioned that the Scheduled Caste/Tribe candidates would be paid Travelling Allowance. To overcome the difficulties, the authorities were advised to clearly mention in all

advertisements/requisitions that all Scheduled Caste and Scheduled Tribe candidates would be paid actual train/bus fare from the place of residence to the place of interview and payment will be made on-the-spot. It would be advisable if there is some relaxation in experience for Scheduled Tribe candidates and the same should be highlighted in all advertisements/announcements.

Verification of Castes:

Several personal files of Scheduled Caste/Scheduled Tribe employees were scrutinised and it was observed that in most cases the caste certificates were not in proper order and on prescribed form. The concerned officials were advised to get some of the caste certificates verified from the appropriate authorities and place the verified certificates in the concerned files so as to ensure that the concessions intended for Scheduled Castes and Scheduled Tribes are not availed of by the unscrupulous persons.

APPENDIX XXXI

(Reference para 3.121)

Report of the study conducted into the working of the safeguards provided for Scheduled Castes and Scheduled Tribes in the services under the Integral Coach Factory, Madras.

Under Article 338 of the Constitution, the Commissioner for Scheduled Castes and Scheduled Tribes is required to investigate all matters relating to the safeguards, including service safeguards provided for Scheduled Castes and Scheduled Tribes and as a measure of follow up of that stipulation, a Study Team comprising of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator visited the Integral Coach Factory on 23rd and 27th January, 1978. Shri S. Venkataraman, Deputy Chief Personnel Officer-cum-Liaison Officer, Shri M. Jayavalu, Senior Personnel Officer and Shri G. M. Panjacharam, Assistant Personnel Officer were contacted for the purpose of study. The roster registers, requisitions sent to the Employment Exchange, advertisements released to the Press and Personal record of a few Scheduled Caste/Scheduled Tribe employees were examined. Recruitment/promotions to various categories of posts in the I.C.F. are controlled by three separate Divisions i.e. Personnel, Furnishing and Shell but only first two Branches were taken up for the study.

According to the statistical information supplied to the Team as on 1-1-1978, there were 12,677 employees in the Factory in various groups of posts. Direct recruitment and promotions to all Class I posts and direct recruitment to all Class II posts were being controlled by the Railway Board, whereas the management was looking after the promotions from Class III to Class II posts and recruitment/promotions to all other Class III and IV posts. There were about 300 categories of posts (both direct recruitment as well as promotion) for which separate rosters had been maintained trade-wise and departmentwise. In majority of the technical posts filled by promotion seniority had been maintained trade-wise. Since the promotions were restricted within each trade consisting of small number of employees, there was rarely any occasion on which more than one vacancy in a particular trade was created/available and as such got treated as unreserved, being the single vacancy of the year.

Some of the important observations of the Team have been summarised below:—

1. Representation in Class I & II Posts:

According to the statistical information supplied to the Team as on 1-1-1978, the representation of Scheduled Castes in Class I & II posts in the Factory was

only 3.45% and 11.61% respectively, as compared to the total number of posts. There was not a single representative of Scheduled Tribes in the Class I & II Officers' cadre. Since majority of posts in these categories were being filled by promotion from the lower ranks and the representation of Scheduled Castes/Scheduled Tribes in the lower ranks was poor, there was no possibility of improving their representation in higher posts.

Promotion Policy: In the case of posts filled by promotion by selection method, according to the usual procedure the employees belonging to the feeder cadres of lower ranks who apply in response to promotion vacancies and those who come out successful in the tests are promoted against available vacancies. Though reservation orders have been made applicable in all categories of posts, the filling of the reserved vacancies depends upon the availability of qualified Scheduled Caste/Scheduled Tribe candidates from within the Factory and in the event of non-availability of such candidates, these are filled by general candidates from within the Factory after dereservation. According to the statistics collected from the roster registers for promotion posts, very few Scheduled Castes/Scheduled Tribes became available, presumably due to their under-representation in the feeder cadres of quasi-technical/technical posts. There is no provision for direct recruitment except in the lowest ranks in the Factory and in Ministerial posts in the establishment where in Class II posts 25% quota has been kept for direct recruitment. It has been noticed that wherever the element of direct recruitment exists, sufficient number of Scheduled Castes and Scheduled Tribes appeared to have become available for appointment against reserved vacancies. It is, therefore, strongly felt that in order to reduce the existing gaps in such of the categories of posts, filled by promotion, where sufficient number of Scheduled Castes and Scheduled Tribes do not become available through the normal procedure, the reserved vacancies to that extent should be thrown open to the Scheduled Castes and Scheduled Tribes in the open market. This can also be done by introducing the element of direct recruitment to the extent of 50% of the posts in certain categories where Scheduled Castes/Scheduled Tribe candidates are not normally available through the procedure of promotion from within the Factory.

2. Advertisements/Requisitions for vacancies reserved for Scheduled Tribes:

As mentioned above, there is not a single Scheduled Tribe in Class I & II posts in the Integral Coach Factory. In Class III & IV posts also their representation is negligible i.e. 0.40% and 1.85% respectively. It was reported by the authorities that due to their negligible representation in the feeder cadres, very few Scheduled Tribe candidates for tests against vacancies reserved for them, and as such they continue to be under-represented in all posts filled by promotion. As regards direct recruitment it was reported that due to negligible population of Scheduled Tribes (0.75%) in Tamil Nadu, not many Scheduled Tribes are available for filling up the vacancies reserved for them. It was stated by the authorities that normally vacancies are reported to the Employment Exchange and in the event of non-availability of candidates such vacancies are advertised in the local papers. It was impressed upon the authorities that if sufficient number of Scheduled Tribes are not available through the Employment Exchange to fill the vacancies in Class III and IV posts reserved for them, it should be advertised in the local or regional newspapers of the neighbouring States having sufficient tribal concentration. In this connection, it may be suggested that in such advertisements the number of vacancies reserved for Scheduled Tribes, the concessions/relaxations allowed to them and also the admissibility of railway/bus fare/passes to the candidates called for test/interview, should invariably be mentioned.

3. Maintenance of Roster Registers:

As mentioned earlier, only two wings of the Integral Coach Factory, which were responsible for the maintenance of rosters to implement orders regarding reservation in the recruitments/promotion were taken up for the study. The Personnel Branch responsible for all direct recruitment and promotions to Ministerial posts as well as promotion in certain engineering categories had maintained rosters on the proper form showing the roster points carry-over etc. correctly. The rosters had, however, been maintained according to the financial years instead of a calendar year, reportedly with the approval of the Railway Board. While the carry-over of unfilled reserved vacancies had been correctly shown from year to year but no summary had been prepared in several cases at the end of the year, as required. It was also noticed from the rosters for Malis and Peons that some of the roster points reserved for Scheduled Tribes which were being carried over from year to year could have been filled by Scheduled Castes who were readily available in the third year of carry-forward. This needs rectification. The other Wing which was dealing with Promotion, a multiple number of rosters, post-wise and trade-wise had been maintained based on the seniority of each trade (trades ranging from 9 to 12 for each post). All promotions were made on the basis of the suitability test of the candidates from the lower ranks. However, there were a very few promotions in majority of the categories and at places the reserved point had to be treated as unreserved being the only vacancy of the year. The requirement of the preparation of summary at the end of each recruitment year had not been fulfilled in this wing. No inspection report of the Liaison Officer on the maintenance of rosters appeared to have been submitted so far. The authorities were advised to do so at the end of each year.

4. De-reservation:

While the points reserved for Scheduled Castes and Scheduled Tribes in the event of non-availability of suitable candidates had been shown as carried over from year to year, the procedure regarding de-reservation appeared to have been ignored prior to 1975. It was reported by the authorities that they were not earlier aware of the procedure to be followed regard-

ing dereservation and started observing the same from 1975 when Railway Board issued orders for the purpose.

5. Liaison Officer and the Special Cell:

The Deputy Chief Personnel Officer who was looking after the establishment work was also looking after the duties of the Liaison Officer for the work relating to the implementation of service safeguards provided for Scheduled Castes and Scheduled Tribes. Although there were more than twelve thousand employees in the Organisation, there was not a single person responsible to look after the interests of the Scheduled Caste/Scheduled Tribe employees exclusively and no separate cell was created to look after the implementation of the reservation rules/orders. There were about 3000 Scheduled Caste and 100 Scheduled Tribe employees in various grades in the Organisation and many more could be provided employment to fill up the reserved vacancies. Unless a separate independent cell is set up, it would perhaps be impossible to ensure justice to them. The work relating to the annual inspection of rosters which is also required to be performed by the Liaison Officer can be looked by the Cell.

6. Verification of the claims of Scheduled Castes and Scheduled Tribes.

As a test check, personal records of some employees whose names had been entered in the roster registers as Scheduled Castes/Scheduled Tribes, were inspected to verify their caste/tribe certificates. In majority of the cases the certificates produced by the candidates were in order. It was, however, noticed that in the following cases the claims of employees belonging to Scheduled Castes/Scheduled Tribes were not beyond doubt:—

- (1) *Shri A. Venkata Rao, Superintendent, Grade I.*—There was no mention about the Caste/Tribe of the employee in his service book, nor any certificate appeared to have been submitted by him at the time of appointment. On examination of the old record, it was noticed that the candidate who claimed to be a Scheduled Tribe (Kapu) from Andhra Pradesh, did not say so in his application dated 26-6-1954. In the official records, it was only in 1975 that the applicant put forth his claim supported by a certificate from the Tehsildar, Sriperumudur, District Chingleput, Tamil Nadu, though the applicant belonged to Hindu (Kapu) of West Godavari District, Andhra Pradesh. The certificate was not in order, the applicant produced another certificate from Tehsildar Eluru, West Godavari District indicating that he belonged to Savara (Kapu). Apparently there were various versions put forth by the applicant and therefore, it was imperative for the authorities to verify the claim through district authorities.
- (2) *Shri D. Srinivas, Superintendent Grade I.*—According to the official record, the employee had claimed to belong to a backward community as per certificate issued by the Tehsildar Krishnagiri in Andhra Pradesh on 23-3-1957. However, in a certificate produced by the employee as late as 1974 from the Deputy Commissioner, Kolar district of Karnataka his tribe is shown as Kadu Kuruba which is recognised as Scheduled Tribe in Karnataka.
- (3) *Shri G. K. Prabhakara Rao, Chageman 'A' (ST).*—In the Service Book, the applicant has been shown as Hindu Scheduled Tribe of Andhra Pradesh. This was based merely on the application submitted by the employees before his appointment. It was found in his personal file that a certificate from a M.L.A. showing him as Jatapur Scheduled Tribes, was accepted by the authorities as a proof of his being a Scheduled Tribe.

- (4) *Shri V. Kanakasapathy, Clerk Grade-I (SC).*— From the personal file of the employee, it was observed that his caste certificate which was not on prescribed form has been signed by an M.L.A. of Salem District in the year 1955 indicating him as Hindu Vallur Harijan.

It will be seen from the above sample cases studied by the Team that there had been discrepancies in the Caste/Tribe certificates produced by the employees in support of their claims as such. It is, therefore, suggested that the authorities should look into the above cases as also into the records of all Scheduled Caste/Scheduled Tribe employees to ensure that the benefits meant for these communities have gone to the right persons, and not availed of by unscrupulous people on the basis of false claims. The authorities should satisfy about the authenticity of certificates produced by the applicants and in case of any doubt such cases should be referred to the concerned district authorities or the Ministry of Home Affairs.

7. Recruitment of Khalasis:

According to the present procedure being followed by the authorities 50 per cent are filled from within the Factory. The remaining 50 per cent are filled from the Trade Apprentices (20%), Ex-Servicemen (10%) and remaining 20% on compassionate grounds. No proper roster appeared to have been maintained prior to 1976-77. Only the names of the candidates appointed along with other related details had been shown in the register for the purpose. The roster register had been started on proper lines from 1976-77 showing the backlog of one point reserved for Scheduled Castes and 34 for Scheduled Tribes till the end of January, 1977.

In order to wean away the sweepers from their caste based unclean occupation, the Government of India have provided for appointment of literate sweepers to the posts of Peon, Farash, etc. vide O.M. No. 42015/3/75-Ests (SCT), dated 5-9-1975 & 16-9-1976. The Management of the Integral Coach Factory had accordingly decided to allow 10% of the posts of Khalasis to be filled by the Factory employees working as sweepers but the instructions were implemented only in 1977-78 and till November, 1977 only 10 sweepers had been appointed as such against 483 Khalasis recruited so far. Steps are, therefore, required

to be taken to accelerate the induction of more sweepers to the posts of Khalasis. The backlog of Scheduled Tribe vacancies being carried over from the last year may also be adjusted by the appointment of Scheduled Castes who are available in adequate numbers.

8. Trade Apprentices:

In the year 1975, there were 729 trade apprentices in the Integral Coach Factory out of which 364 belonged to Scheduled Caste community and only one belonged to Scheduled Tribe community. During the year 1976 out of a total of 546 apprentices, 260 belonged to Scheduled Caste communities and none belonged to Scheduled Tribe communities. In both the year not a single Scheduled Caste/Scheduled Tribe candidate was absorbed in the I.C.F. after completion of the apprenticeship. However, in the year 1977 out of 742 apprentices, which included 245 Scheduled Castes and 3 Scheduled Tribes, 53 Scheduled Caste apprentices were finally absorbed. Since there was shortage of Scheduled Tribe persons in all the technical posts, the authorities should have taken initiative to recruit sufficient number of Scheduled Tribe apprentices in various trades who could have been absorbed so as to reduce the large number of shortfall. Moreover, in 1977 they could have absorbed all the three Scheduled Tribe apprentices. The authorities are advised to issue exclusive advertisements for Scheduled Tribes apprentices in such trades having poor representation of Scheduled Tribes and absorb them.

9. Casual Staff:

During the course of the study it was noticed that recruitment to a number of lower cadres who made from the 'casual staff, on the basis of the services rendered by them and what ever number of Scheduled Caste/Scheduled Tribe candidates was available they were adjusted against reserved vacancies. It was suggested to the Management that according to the O.M. No. 36021/9/76-Est (SCT), dated 10-2-1977 from the Ministry of Home Affairs, reservation orders should also be applied to the time of recruitment of 'casual staff' so that the number of regular vacancies reserved for them could be filled by the available Scheduled Caste/Scheduled Tribe candidates. In the even of non-availability of Scheduled Caste/Scheduled Tribe candidates from the 'Casual staff', the reserved vacancies may also be filled from open market.

APPENDIX XXXII

(Reference para 3.121)

Report of the study conducted into the working of the safeguards provided for Scheduled Castes and Scheduled Tribes in the service under the Overseas Communications Service, Ministry of Communications, New Delhi.

Under Article 338 of the Constitution the Commissioner for Scheduled Castes and Scheduled Tribes is required to investigate all matters relating to the safeguards, including service safeguards, provided for Scheduled Castes and Scheduled Tribes. As a measure of follow-up of that provision, a study team comprising Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator visited the office of the Overseas Communications Service, New Delhi on 6th and 8th March, 1978. The Team met Shri S. K. Raichand, Director, Overseas Communications Service and Shri D. N. Roy Chaudhary, Assistant Administrative Officer (Liaison Officer) and had detailed discussion about existing service condition of the Scheduled Caste/Scheduled Tribe employees. The roster registers, requisition sent to the Employment Exchange, personal records of a few Scheduled Caste/Scheduled Tribe employees etc. were examined and on the basis of

various findings the following observations are being made:

1. Roster Registers

The office of the Overseas Communications Service is responsible for recruitment to Class III and IV posts only. Recruitment to all other Class I and II posts and promotions in all categories, except in Class IV categories is being controlled by the Headquarters office at Bombay. Accordingly, rosters for various posts in direct recruitment to Class III and IV categories had been prepared by the authorities on proper form. Rosters in respect of Class III posts had been started from 1970 and for Class IV from 1968. The old rosters had been discontinued and fresh rosters started with effect from 25th March, 1970 as required, but in majority of the cases the unfilled reservations in the old rosters which should have been carried

over to new rosters, if any had been shown as nil. The old rosters were not available. The points had been earmarked in the rosters for Scheduled Castes and Scheduled Tribes according to the prescribed model roster and entries were made correctly.

2. Grouping of posts :

Separate rosters are to be maintained for posts having sanctioned strength exceeding 20 but the authorities had also grouped two such posts—L.D.C. and Junior Checker having sanctioned strength in both the cases exceeding 20. This needs rectification. It may also be pointed out that in two cases the authorities had also grouped the promotion posts with the direct recruitment categories and started combined rosters but subsequently such posts had been bifurcated from those groups.

3. Dereservation :

From 1974 onwards there was no occasion when a reserved vacancy had to be carried over to next recruitment for want of Scheduled Caste/Scheduled Tribe candidates. There were, however, occasions in 1971, 1972 and 1973 when reserved points in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates had been filled by general candidates and shown as carried over without taking the prior approval of the Department of Personnel and Administrative Reforms to dereserve the reserved vacancies. The authorities were advised to get *ex-post facto* approval of the Government in all such cases.

4. Liaison Officer and the Annual Inspection of Rosters :

According to instructions as contained in chapter XV of the "Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services" an officer of the rank of Deputy Secretary, In-charge of administration, has to be nominated as Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in an establishment. In the Overseas Communications Service, an officer of the rank of Assistant Administrative Officer was looking after the duties of the Liaison Officer. It is suggested that the duties of the Liaison Officer should be performed by an officer of the appropriate status.

As regards the annual inspection report of the Liaison Officer on the maintenance of rosters in that

organisation, it was observed that the inspection reports for the years 1976 and 1977 were not in proper form. According to the rules inspection of rosters has to be conducted at the close of each calendar year and in prescribed forms (Appendix 7 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services) and those should be submitted to the appropriate authority without much delay.

5. Verification of the claims of the Scheduled Castes and Scheduled Tribes :

In order to ensure that the benefits intended for Scheduled Castes and Scheduled Tribes are not availed of by others, a few personal files of the Scheduled Caste and Scheduled Tribe employees were inspected as a test check. Out of the five cases checked, in two cases (S/Shri H. R. Singhal and Tarlok Singh) though entries had been made in their service books as belonging to Scheduled Castes, copies of the certificates were not available on their personal files. The authorities further reported that normally the copies of the certificates are returned to the candidates after satisfying themselves. It is felt that at least attested copies of the Scheduled Caste/Scheduled Tribe certificates should invariably be placed on the service books of the Scheduled Caste/Scheduled Tribe employees.

It is suggested that all such certificates which are not in order/proper form should be referred to the competent authorities for proper verification.

6. Selection Boards :

According to the Government instructions, the recruiting authorities should, as far as possible, endeavour to nominate a Scheduled Caste/Scheduled Tribe officer on the selection Boards/ Departmental Promotion Committees for recruitment/promotion to posts/services under them. It was, however, noticed that in 8 such meetings of the Selection Boards during the calendar years 1976 and 1977, no Scheduled Caste/Scheduled Tribe officer was ever associated for the purpose. The authorities should ensure that all efforts are made to locate Scheduled Caste/Scheduled Tribe officers from the Communication Ministry or any other Ministry/Department if such officers are not available within the organisation for associating them in the Departmental Promotion Committee/Selection Board meetings.



APPENDIX XXXIII

(Reference para 3.121)

Report of the study conducted into the Implementation of Scheduled Tribes in services under the

In order to see the implementation of the service safeguards for Scheduled Castes and Scheduled Tribes by the office of the Engineer-in-Chief, Overseas Communications Services Madras a Study Team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator from the office of the Commissioner for Scheduled Castes and Scheduled Tribes visited that office on 24th January, 1978. Shri K. R. Hariharan, Engineer-in-Chief and Shri V. V. Benegal, Assistant Administrative Officer were contacted for the purpose. Roster registers, requisitions to Employment Exchange, employment notices and personal records of some of the Scheduled Caste/Scheduled Tribe employees were inspected and following are the main observations of the Study Team :

of safeguards provided for Scheduled Castes and Overseas Communications Service, Madras.

recruitment of Class III and IV posts and also for promotion of Deftries from peons. Recruitment to all the Class I & II posts and promotions in all other categories is controlled by the Director General, OCS, Bombay. Accordingly, rosters for various posts in direct recruitment to Class III and IV had been prepared by the authorities on proper forms and had adopted the 100-point regional roster. It, however, appeared from the entries in the rosters that while the carry-forward had been shown correctly, minor adjustments had to be made reportedly because recruitment from 1970 to 1973 had been made on the basis of 40-point roster. It was noticed that the regional roster, based on the percentages of population of the State in which the office was located, circulated by the Government of India for the purpose of implementation of reservation orders, reached that office only in February, 1974. The roster was recasted accordingly to revised percentages i.e. on the basis of 18% instead

1. Rosters :

The office of the Engineer-in-Chief Overseas Communications Services, Madras is responsible for the

of 15%. Position from 1974 onwards was, however, satisfactory. As regards the only roster for promotion for Daftries started from 1973 after reservation had been applied to seniority-cum-fitness posts with effect from 27-11-1972, four promotions had been made of which 2 belonged to Scheduled Castes. The only vacancy which fell on 4th point reserved for Scheduled Tribe in 1975 was treated as unreserved and shown as carried over. There was no backlog in any of the above categories.

2. Grouping of posts :

For the purpose of the maintenance of rosters, various posts in Class III (Group C) had been grouped together. It came to the notice of the Team that grouping had been done years back and was continued on the same pattern even after increase in the sanctioned strength in certain categories of posts. It was suggested to the authorities that grouping pattern should be revised with the approval of the administrative Ministry and Department of Personnel and Administrative Reforms, keeping in view the existing orders of the Government of India. The authorities promised to take necessary action in this regard. The 8 posts of sweepers which cannot be grouped with other Class IV posts, should form a separate group, and the recent orders for providing 25% reservation for sweepers for promotion to the posts of daftries/peons etc. may also be given effect.

3. Liaison Officer and submission of the Annual Inspection Report of Rosters :

According to the Government instructions, an officer of the rank of Deputy Secretary in-charge of administration, has to be nominated as Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in an establishment, whereas in the Overseas Communications Service, an officer of the rank of a Section Officer, was nominated as Liaison Officer. It is desirable that an officer of the higher rank should act as Liaison Officer for this purpose. Annual inspection of the rosters had reportedly been done and inspection report submitted.

4. Dereservation :

During discussion with the officials, it was observed that the authorities were under the impression that dereservation was required to be made only after carry-forward of reserved vacancies for three recruitment

years. The correct procedure was explained to the authorities that in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates to fill up the vacancies reserved for them, the reserved points have to be dereserved according to the prescribed procedure and carried over before appointing general candidates against those points. There was, however, no occasion necessitating dereservation, excepting in one case which arose during the recasting of rosters from 40-points to 100-points.

5. Verification of the claims of the Scheduled Castes and Scheduled Tribes :

As a test check a few personal files of Scheduled Caste/Scheduled Tribe employees were checked to ensure that the benefits intended for Scheduled Castes and Scheduled Tribes are not availed of by unscrupulous people. In one case it came to the notice of the Team that a Christian convert produced a certificate from authorities that he got himself reconverted to Hinduism and the society accepted him back as one of them and as such was appointed against a point reserved for Scheduled Castes. While discussing this point with the representatives of Scheduled Castes, it was brought to the notice of the Team that in a number of cases in Tamil Nadu many Christian converts whose fore-fathers were treated as untouchables and got converted to Christianity, years back, were showing themselves as reconverted to Hinduism only to avail benefits intended for Scheduled Castes. This is a serious problem and requires thorough verification before appointments are made against reserved points. It is, therefore, suggested that all such cases should be referred to the Ministry of Home Affairs, Government of India before accepting them as Scheduled Castes.

6. Selection Boards :

A junior officer belonging to Scheduled Caste community was being associated with the selections relating to Class IV staff. There was no Gazetted Officer belonging to Scheduled Caste/Scheduled Tribe in the Organisation. It is suggested that efforts should be made to locate a Scheduled Caste/Scheduled Tribe officer from the Central Government Establishments or from the State Government offices located at Madras who could not be associated with the selection for Class III and other posts reserved for Scheduled Castes and Scheduled Tribes.



APPENDIX XXXIV

(Reference para 3.121)

PART I

A report on the study of service safeguards provided for Scheduled Castes and Scheduled Tribes in the General Post Office, New Delhi.

A team consisting of Shri B. M. Masand, Research Officer, and Miss Bina Rai, Investigator of this organisation visited the General Post Office, New Delhi, on 9th & 16th December, 1977, to study the rosters and other records maintained in that office for giving effect to the reservation for Scheduled Castes and Scheduled Tribes. The team met Shri J. C. Sharma, Postmaster, S/Shri S. S. Chhablani and H. L. Salhan, Deputy Postmasters in connection with the study.

The General Post Office, New Delhi, is maintaining rosters for the post of Time Scale Clerks, Postmen and Test Category (Packers) and Non-test Category (Farash). These rosters and other records relating to the recruitment, promotions, confirmations and some personal files of the employees belonging to Scheduled

Castes were seen by the Team and the observations are as under:—

A. Time Scale Clerks : (Direct recruitment)

- (i) Though this roster was on proper form but the points were not on the lines of model roster prescribed for determining the vacancies reserved for Scheduled Castes and Scheduled Tribes. According to the Government instructions, for recruitment, on All India basis otherwise than open competition, the rosters prescribed in Annexure II of the Ministry of Home Affairs O.M., dated 21-12-1963 (for recruitment upto 24th March, 1970) and in Annexure II of Ministry of Home Affairs OM, dated the 22nd

April, 1970 (for recruitment after 25th March, 1970), are to be followed. There is difference between the rosters prescribed in Annexure I and Annexure II, to the above office memoranda in as much as the percentages of reservation for Scheduled Castes and Scheduled Tribes in Annexure I prior to 25th March, 1970 were at the rate of $12\frac{1}{2}$ per cent for Scheduled Castes and 5 per cent for Scheduled Tribes, whereas these percentages as prescribed in Annexure II were at the rate of $16.2/3$ per cent for Scheduled Castes and 5 per cent for Scheduled Tribes. After 25th March, 1970, the percentages of reservation for Scheduled Tribes in both the model rosters prescribed in Annexure I and II are at the rate of $7\frac{1}{2}$ per cent. For Scheduled Castes however, in Annexure I, the percentage fixed is 15 per cent but in Annexure II this percentage is $16.2/3$. These rosters therefore, need to be recast according to the correct model rosters as applicable at different times and the difference between the vacancies actually reserved for Scheduled Castes/Scheduled Tribes and those which should have been reserved if correct model rosters had been applied, should be calculated. This will also change the position relating to the vacancies carried forward to the subsequent recruitment years. After this roster is recast the changed position indicating the abstract of the recruitment made in each year and the vacancies carried forward to the subsequent year may be indicated.

(ii) The abstract shown at the end of each year should indicate the breakup of the vacancies brought forward from previous year. This is necessary to determine as to in which year the vacancies are required to be exchanged between Scheduled Castes and Scheduled Tribes.

(iii) In some years, number of Scheduled Caste persons appointed in excess of the number of vacancies reserved for them, obviously on their own merit, were shown as carried forward for adjustment against future reserved points in the subsequent year. This procedure is absolutely wrong. In fact the rules provided for carry forward of the shortfall in the recruitment of Scheduled Castes and Scheduled Tribes and not the excess. The excess so appointed are to be shown against the general vacancies and not against the reserved quota. In this connection a copy of clarification issued by the Department of Personnel and Administrative Reforms to the Ministry of Finance is enclosed.

B. Time Scale Clerks (Departmental Promotion):

(i) This roster was maintained in the proper form and roster points were shown correctly. Each entry was duly signed by the Postmaster. Abstract of vacancies filled in a year and carried forward to the next year was also shown at the end of each year, but the break-up of the brought forward vacancies was not given.

(ii) It was observed that the abstract did not tally with the position as per actual entries in the roster. The abstract should truly reflect the position as per entries made in the roster. For example in the year 1972, out of the 9 vacancies actually shown as filled in the roster 7 vacancies were shown as reserved (5 for Scheduled Castes and 2 for Scheduled Tribes) with a note at the end that "25 candidates (Deptt.) against 1972 vacancies are due to be allotted by D.P.C. Delhi Circle after completion of training." Out of these 6 posts (4 for Scheduled Castes and 2 for Scheduled Tribes) were reserved.

(iii) There was no record of having sought the prior approval of the competent authority before promoting general candidates against the reserved vacancies.

C. Postmen (Direct Recruitment):

(i) This roster was on proper form and the roster points were also shown correctly. However the break-up of the reserved vacancies brought forward from previous years was not indicated. As stated above this is necessary to determine as to when the vacancies are exchangeable and when to be allowed to lapse.

(ii) The carry forward vacancies were continued from year to year without applying the limit of 50 per cent. The excess above 50 per cent limit (including current reservation as well as brought forward reservation) is to be carried forward automatically. It was also observed that the abstract did not reflect the position as per actual entries made in the roster. It was stated that some of the vacancies for which recruitment action was initiated in the previous year, but the candidates joined in the next year and as such their appointments were shown in the next year which resulted in the abstract not tallying with the rosters point. It was explained to the officers concerned that correct procedure was to be followed so that the position in the abstract and the actual roster points would not differ.

(iii) Vacancies were shown as lapsed after the prescribed period without applying principle of exchange of vacancies between Scheduled Castes and Scheduled Tribes. In the year 1972, two vacancies reserved for Scheduled Tribes were shown as lapsed. In fact 2 of the 3 Scheduled Caste candidates appointed in that year should have been adjusted against the 2 vacancies reserved for Scheduled Tribes which were in the final year of their carry forward and in its place the 2 more vacancies should have been shown as carried forward in the Scheduled Castes quota.

(iv) In this roster also Scheduled Caste candidates appointed in excess were shown as carried forward and adjusted against the appointments in the next year. For example, 2 Scheduled Caste candidates appointed in excess in the year 1975 were shown as adjusted against Scheduled Castes quota in the year 1976. Thus, the Scheduled Caste persons were deprived of the current reservation in the year 1976 because in the year 1975, two Scheduled Caste persons were appointed in excess. The position in this regard has already been explained in the case of posts of the Time Scale Clerks.

D. Postmen (Departmental promotion):

(i) This roster was maintained in the proper form and roster points were shown correctly, and each entry was duly signed by the Postmaster. Abstract of vacancies filled in a year and those carried forward to the next year was also indicated at the end of each year. But the breakup of the vacancies brought forward from previous years was not indicated in this roster also.

(ii) In the year 1971, two vacancies reserved for Scheduled Tribes were shown as lapsed, without applying the principals of exchange of vacancies between Scheduled Castes and Scheduled Tribes.

(iii) In this roster also the Scheduled Caste candidates appointed in excess were carried forward and adjusted in the next years.

E. Test Category and Non Test Category Class IV Staff:

(i) Test Category (Packers): The recruitment rules provided for 50 per cent by direct recruitment and 50 per cent by promotion. The non-test category was, however, entirely filled by direct recruitment. But it was found that a combined roster was maintained for all these posts. It was learnt that there were about 150 posts in

the Test Category. In the Non-Test Category, there were 34 posts including 12 posts of Sweepers. Leaving aside posts of Sweepers there were 22 posts in the Non-Test Category, and therefore, a separate roster could be maintained for this category of post.

- (ii) This roster was maintained in proper form and points were shown correctly. Abstract of the vacancies carried forward to the next year was shown at the end of each year. Each entry was signed by the Postmasters.
- (iii) Scheduled Caste/Scheduled Tribe candidates were shown in the roster according to the merit grading/date of appointment, but not against the points reserved for them.
- (iv) In the abstract the yearwise break-up of the carried forward vacancies was not shown.
- (v) In this roster also the excess Scheduled Castes appointed in a year were adjusted against the reserved points in the next year.

The procedure for dereservation of reserved vacancies was not followed. In fact it was not even understood properly. It was interpreted that the vacancies which could not be filled due to non-availability of Scheduled Caste/Scheduled Tribe candidates were simply to be carried forward and dereservation was to be sought at the end of the 3 year period of carry-forward. It was explained that the prescribed procedure for dereservation had to be followed in each recruitment year.

Requisitions sent to the Employment Exchanges and advertisements issued for certain post were also seen. In the requisition for the post of Test Category (Class IV), dated 20th October, 1975, out of the 16 vacancies notified 5 were shown as reserved for Scheduled Tribes and none for Scheduled Castes. It is strange that out of 16 vacancies not a single vacancy was shown as reserved for Scheduled Castes. Perhaps, this was due to the fact that surplus candidates appointed in the previous year were shown as carried forward and adjusted against the vacancies reserved for Scheduled Castes. In the advertisement for the post of Postmen and Village Postmen for the year 1975, the number of vacancies reserved for Scheduled Castes/Scheduled Tribes were clearly indicated; relaxation in the upper age limit was also indicated and there was also a mention of the Fee-concession for Scheduled Castes/Scheduled Tribes. However, there was no mention relating to the payment of TA to Scheduled Castes and Scheduled Tribes called for interview or test. The position regarding the grant of TA to Scheduled Caste and Scheduled Tribe candidates has already been explained in the report of the study team which made a study of rosters etc., in the office of the postmaster General, Delhi Circle, New Delhi. It was suggested that in all future advertisements a mention of payment of TA to Scheduled Castes and Scheduled Tribes should also be made.

There was no Liaison Officer in this office particularly but the Liaison Officer in the office of the Post Master

General Delhi Circle, New Delhi was to make inspection of rosters, in the form as prescribed in Appendix 7 of the Brochure. It was understood that the Liaison Officer during the course of his administrative inspection also looked into the aspect of reservation but one such report which was seen did not make any mention about the rosters

In this office, the Departmental promotion Committee meets only for deciding the cases of efficiency bar. There is no member belonging to Scheduled Caste/Scheduled Tribe in this office. It was, however, stated that in the meetings of the DPC for review of the cases of Government Servants for their retention or otherwise at the age of 50/55 years, Shri H. L. Salhan (a Scheduled Caste Officer) Deputy Post Master, was associated.

There was no special programme of training in this office but it was stated that all persons recruited against various posts were provided training before assigning them regular work.

One file No. B-2/17 of 76 was seen in order to see whether benefit of reservation at the stage of confirmation was given to the members of Scheduled Castes and Scheduled Tribes. It was stated that according to the practice in vogue, confirmations are made according to the seniority and no concession was extended to Scheduled Caste/Scheduled Tribe or any other category at the time of confirmation. It is clearly provided by the Government that there is reservation for Scheduled Caste/Scheduled Tribe at the stage of confirmation. It would thus be seen that the benefit of reservation for Scheduled Castes/Scheduled Tribes is not given to them at the stage of confirmation.

Some of the personal files of the staff belonging to Scheduled Castes and Scheduled Tribes were also seen. In the case of one, Shri Raj Pal (Postman) the certificate was issued by the school authorities, who is not a competent authority to issue the Scheduled Caste Certificate. In another case of Shri Khayali Ram (Clerk) certificate was issued by the All India Scheduled Castes Federation (Himachal Pradesh) and it was attested by the District Magistrate. The attestation cannot be treated to mean that the Certificate was issued by the District Magistrate.

In yet another case of Shri Prabhu Dayal (Clerk) certificate found in the file was issued by Scheduled Castes Welfare Association. It is thus observed that the office has not exercised proper care in scrutinising the Scheduled Caste Certificate presented by the candidates at the time of their entry in service. It is, therefore, suggested that all the cases of appointment of Scheduled Caste/Scheduled Tribe persons should be reviewed and where the certificates have not been issued by the competent authorities, the concerned employees should be asked to produce a certificate from the competent authority of the area, where they ordinarily reside. Such an action to have the certificates from the competent authorities, can also be initiated by the appointing authorities.

Part II

A report on the study of service safeguards provided for Scheduled Castes and Scheduled Tribes in the office of the Senior Superintendent of Post Offices, Central Division, New Delhi.

A team consisting of Shri B. M. Masand, Research Officer and Miss Bina Rai, Investigator visited the Office of the Senior Superintendent of Post Offices, Central Division, New Delhi. There are three main Divisions in the Delhi Postal Circle and the Central Division is one of them, which was carved out of the then New Delhi Division, in 1968. As such the rosters for recruitment/promotions were maintained in this office from that year onwards. Since the post of Senior Superintendent of Post Offices, Central Division was lying vacant, the Team contacted Shri Krishan Gopal, Assistant Superintendent of Post Offices,

It was learnt that recruitment to the Senior Class III posts like those of HSG I, HSG II and Lower Selection Grade was made by the Circle and as such no rosters were maintained for those posts in that Division. It was also stated that the rosters for Sorting Postmen were being maintained by the Circle Office because selection for these posts was made on Circle basis. Thus, in this Division rosters were being maintained for the posts of Clerks (50 per cent filled by direct recruitment and 50 per cent departmentally through a competitive examination limited to Lower Grade officials including Postmen and Class IV).

There were two other categories of posts such as Postmen and Class IV (Letter Box Peons/Packers) recruitment to which was made by this Division, but the appointing authority was the Inspector. The rosters were also maintained by the Inspector. They are three Inspectors in this Division, whose offices are located in (i) Shastri Bhawan; (ii) Karol Bagh and (iii) Jai Road near Tilak Nagar. The rosters maintained in the Division for the post of Clerks and those maintained by the Inspector, Shastri Bhawan were seen and following observations were made by the Study Team. The other two Inspectors who could not be available on the day of the visit of the Study Team were directed through the Assistant Superintendent to bring the rosters to the office of the Commissioner for Scheduled Castes and Scheduled Tribes but they did not produce the same in spite of telephonic reminders.

I. Rosters Maintained by the Division :

(i) Recruitment to the post of Clerks (Direct Recruitment).

The roster was maintained on the prescribed form and the points were earmarked correctly in accordance with the model roster prescribed vide MHA OM, dated 21 December, 1963. It indicated entries from the year 1968 onwards. But at the beginning of the roster, two vacancies each were shown as brought forward from previous years for Scheduled Castes and Scheduled Tribes. In the roster while the position of carry forward of the unfilled reserved vacancies was shown correctly, one vacancy reserved for Scheduled Tribes in the year 1969, which could not be filled in the subsequent recruitment years i.e. 1970 and 1973 was shown as lapsed in the year 1973. In fact this vacancy should have been carried forward for one more year i.e. to the recruitment year 1975. In the year 1975 out of 19 vacancies filled three were reserved for Scheduled Castes and two for Scheduled Tribes. In this year, two Scheduled Castes and three Scheduled Tribe Candidates were appointed and these three Scheduled Tribe candidates could be shown in adjustment of the two current vacancies and the one brought forward from the year 1969. The Head Clerk was advised to make this minor correction in the roster. On the whole, this roster was maintained correctly, and the entries made therein were also duly signed by the Senior Superintendent of Post Offices. An extract of the vacancies filled during the year and those carried forward to the next year was shown at the end of each year.

(ii) Class III (Departmental Promotion) :

This roster was also maintained on correct lines and the unfilled reserved vacancies were correctly shown as carried forward to the next recruitment year.

II. Roster maintained by the Inspector, Shastri Bhawan, New Delhi :

(i) Postman (Direct Recruitment) :

(a) The roster was maintained on the proper form but the points were not earmarked correctly. In fact model roster prescribed for the posts filled by promotion, (i.e. Annexure I) was followed for the posts which are filled by direct recruitment. There is a difference between the rosters prescribed in Annexure I and Annexure II in as much as the percentages of reservation for Scheduled Castes and Scheduled Tribes in Annexure I prior to the 25th March, 1970 were at the rate of 12½% for Scheduled Castes and 5% for Scheduled Tribes, whereas these percentages as prescribed in Annexure II were at the rate of 16 2/3% for Scheduled Castes and 5% for Scheduled

Tribes. Thus in the roster maintained from 1968 upto 24th March, 1970 as many as 38 vacancies were filled and due to the difference in the two rosters two more vacancies could be reserved for Scheduled Castes. Even after 24th March, 1970 the same model roster was continued and from 25th March, 1970 till the end of the year 1975 about 40 more vacancies were filled. The difference between vacancies actually reserved for Scheduled Castes and which should have been reserved if the correct model roster had been adopted, should be calculated. In fact this roster should be recast and the position of the vacancies carried forward to the subsequent recruitment years should be calculated again and the revised position indicated in the roster.

(b) In the abstract for the year 1971 one vacancy was shown as filled by Scheduled Tribe but the vacancy was actually filled by the Scheduled Caste candidate. While recasting the roster this point should also be taken into account.

(c) The roster showed entries of appointments made upto the year 1975 only. It was learnt that some more allotments were made in the years 1976 and 1977, which were shown in the register of allotments but were not reflected in the roster. These entries should also be brought on to the roster for reservation for Scheduled Castes and Scheduled Tribes.

(ii) Postman (Departmental Promotion) :

Reservation in posts filled by promotion on the basis of departmental competitive examination in Class II, III and IV posts was introduced w.e.f. 11th July, 1968. On scrutiny of the roster for promotion, it was seen that this roster was maintained from 1972 onwards and the vacancies, if any, brought forward from previous years were also not shown in the beginning of the year 1972. It seemed that the entries were in the order of merit position of the candidates, and as such the three Scheduled Caste candidates appointed during the year 1972 were shown at the bottom. In this connection, it may be stated that entries in the rosters have nothing to do with the Seniority of the candidates vis-a-vis their merit position and, therefore, the appointments of the Scheduled Caste/Tribe candidates made during a year should be shown against the relevant points reserved for them. The entries in the rosters were signed by the Inspector, being the appointing authority, only at the end of the year. Actually each entry is to be signed by the appointing authority.

(iii) Class IV (Direct Recruitment) :

(a) This roster was maintained from the year 1968, but it was not on the correct model roster. As stated earlier, for all appointments prior to 25-3-1970 the roster as prescribed in Annexure II to the MHA O.M. No. 1/13/63-SCT (I), dated 21-12-1963 was to be followed and for appointments made from 25-3-1970 the model roster as prescribed in Annexure II to the MHA O.M. No. 1/11/69-Estt (SCT), dated 22-4-1970 was to be followed. This roster will therefore require to be recast and the correct position of carried forward vacancies should be recalculated and additional vacancies that should go to the quota for Scheduled Caste and Scheduled Tribe should be filled in the subsequent recruitment years.

(b) Entries in the roster were signed only at the end of the year instead of each entry being signed after each appointment.

Some of the requisitions sent to the Employment Exchange and the advertisements issued to the Press were also seen. In the advertisement there was no mention regarding payment of travelling allowance as required under the Government of India instructions. It was stated that the candidates who applied in response to this advertisement had to be registered in the Employment Exchange in Delhi and were, therefore, treated as local candidates. Since the advertisements were issued by the office of the Postmaster General, New Delhi, position regarding the payment of TA to Scheduled Caste and Scheduled Tribe candidates has already been explained to the concerned authorities in the report of the Study Team which conducted the Study in the Circle Office of the Postmaster General, New Delhi.

It was understood that for the purpose of promotions, the DPC is held in the Circle Office. This Division was holding a DPC only for crossing the efficiency bar. It was learnt that two such DPC meetings were held in June and October, 1977 for considering the cases of crossing the efficiency bar. In both these meetings, a member belonging to Scheduled Caste (Shri H. L. Salhan, Deputy Postmaster, G.P.O., New Delhi) was associated.

The position regarding dereservation of reserved vacancies was not properly understood in the Division. They thought that approval for dereservation of vacancies had to be sought when the vacancies were lapsed at the end of the third year of carry-forward. It was explained to them that before appointing general candidates against the reserved vacancies prior approval of the Department of Personnel and Administrative Reforms had to be obtained and not at the end of the carry forward period. They were, therefore, advised to approach the Postmaster General, Delhi Circle for completion of this formality before actually appointing general candidates against the reserved vacancies.

Recommendations/Suggestions :

1. The Inspectors posted in Karol Bagh and Jail Road should be advised to present the rosters

in the office of the Commissioner for Scheduled Castes and Scheduled Tribes after fixing an appointment on telephone.

2. Roster for the post of Postman (Direct Recruitment) maintained by the Inspector at Shastri Bhawan, should be recast on the correct model roster, Annexure II to MHA OM, dated 21-12-1963 for the period from 1968 to 24-3-1970 and Annexure II to the MHA OM, dated 22-4-1970 from 25-3-1970 onwards. When recasting the roster, the discrepancy of a vacancy filled by Scheduled Caste person but shown as filled by a Scheduled Tribe person, should also be rectified. Entries of recruitment made in the years 1976 and 1977 but not shown in this roster should also be made after recasting the roster for the earlier period.
3. Appointments of three Scheduled Caste persons made in the year 1972, which were shown at the bottom of the entries for that year should be shown against their respective periods in the roster. The entries made in the roster on these lines do not affect the inter-se-seniority of the appointees in the grade. Each entry in the roster should be signed by the appointing authority and not at the end of the year only.
4. The rosters for Class IV posts (Direct recruitment) should also be recast on the line of the correct model roster, and position of carry-forward of vacancies should be recalculated.
5. Mention should be made in the advertisement about payment of T.A. to Scheduled Caste/Scheduled Tribe candidates. This point was also raised in the report of the team which visited the office of the P.M.G. in June, 1977.
6. Prescribed procedure for dereservation of reserved vacancies should be followed in each recruitment year before appointing general candidates against reserved vacancies.



APPENDIX XXXV (Reference Para 3.121)

Report of the study of rosters and other records maintained for implementation of orders for reservation for Scheduled Castes and Scheduled Tribes in the office of the Postmaster General, Delhi Circle, New Delhi.

(Study conducted by Shri B. M. Masand, Research Officer and Shri Waryam Singh, Investigator on 20th and 22nd June, 1977).

The Office of the Postmaster General, Delhi Circle, New Delhi is a subordinate office under the Directorate General of Posts and Telegraphs. It was learnt that appointments to all Class I and Class II posts in this circle, as also in all other circles, are controlled by the Directorate General of Posts and Telegraphs. The circle office is, however, responsible for recruitment/promotions only to Class III and Class IV posts in the Delhi Circle.

2. The Team met Mrs. G. E. Banerji, Director of Postal Services, Delhi Circle, who is the Head of Office. The Team also met Shri Amolak Ram, Assistant Post-Master General. Both these Officers and their staff extended their full cooperation to the Team in the Study of rosters and other records.

3. The posts for which the recruitment/promotion are controlled by the Circle Office are indicated below together with the sanctioned strength, method of recruitment, proportion of posts fixed for direct recruitment/promotion etc. etc.

Name of the post	Class & Scale of pay of post	Sanctioned strength	Method of recruitment		Cadre from which promotion is made	Eligibility conditions
			D.R.	Promotion		
1	2	3	4	5	6	7
Office Supdt.	III Rs. 700—900	1	..	100% (by selection)	H.S.G. II	
H.S.G. II/Manager, P.S.D.	III Rs. 550—750	1	..	100% (Seniority)	Head Clerk	3 years service in the feeder grade.

1	2	3	4	5	6
Head Clerks . . .	Rs. 425—700	10	66-2/3 (Seniority) 33-1/3 (Selection)	L.S.G. Cadre	10 years service in the feeder grade.
U.D.G.	Rs. 330—560	50	(i) 50%	Pmt./Q.P. T.S. Clerks.	Departmental Com- petitive Exami- nations.
Stenographers . . .	Rs. 330—560	..	(ii) 30% (iii) 20%	Pmt./Q.P. L.D. Clerks	Do.
		50%	50%	L.D. Clerks	By seniority de- partmental com- petitive Exami- nations.
L.D.Cs.	Rs. 260—400	47	50% 50%	Pmt./Q.P. Class IV Peons etc.	By Departmental competitive Exa- minations.
Class IV	Rs. 196—232	45	100%	..	Through Employ- ment Exchange.

Rosters maintained in the Circle Office were studied and following observations were made by the Study Team:

(i) *Office Superintendent :*

Roster was maintained in the proper form and points were shown correctly. The roster showed only one entry of promotion made in December, 1975. As this only vacancy was on point No. 1 of the roster and reserved for Scheduled Caste it had to be treated as unreserved and filled by a general candidate. This entry was duly signed by the competent authority. No other promotion was made after December, 1975.

(ii) *H.S.G.II/Manager, P.S.D. :*

In this roster also, one vacancy was filled in December, 1975, which being single vacancy was treated as unreserved. Second vacancy was filled in 1977. This was reserved for Scheduled Caste in lieu of the first vacancy as brought forward from 1975. As no Scheduled Caste candidate having three years service in the feeder cadre was available, the vacancy was filled by a general candidate after obtaining prior approval of the Department of Personnel & Administrative Reforms for dereservation.

(iii) *Head Clerk :*

This roster was maintained only for 66-2/3% quota filled by promotion on the basis of seniority subject to fitness. The dealing assistant explained that as vacancies occurred by one or two at a time, it was not always possible to calculate and fill 1/3rd quota by selection method. This was not quite convincing as a separate quota roster could be maintained in which points 1, 2, 4, 5, 7, 8 and so on could be earmarked for seniority, quota and points 3, 6 and 9 etc. could be earmarked for Selection quota and vacancies filled according to these quota points. In any case all the nine vacancies filled according to sanctioned strength were shown in this roster. As reservation in promotion on the basis of seniority subject to fitness was introduced from 27-11-1972, presumably all the vacancies occurred thereafter and were shown in this roster. In 1973 only one vacancy was filled and though it fell on point No. 1 reserved for Scheduled Castes it was treated as unreserved. In 1974, 4 vacancies were filled,

out of which one was reserved for Scheduled Castes in lieu of point No. 1 brought forward from 1973 and one was reserved for Scheduled Tribe (point No. 4 of the roster). The vacancy reserved for Scheduled Caste was filled by a Scheduled Caste candidate but the vacancy reserved for Scheduled Tribe could not be filled by the relevant category candidate as no Scheduled Tribe was eligible for promotion in the feeder cadre. However, remarks in the roster indicated that proper procedure regarding de-reservation was followed. In 1975 only two vacancies were filled out of which only one could be reserved for Scheduled Tribes in lieu of the vacancy brought forward from 1974. The eligible Scheduled Tribe candidate, still not being available, the vacancy was further carried forward. However, one out of two vacancies was filled by a Scheduled Caste candidate who was otherwise stated to be the seniormost in the feeder cadre. No promotion was made in the year 1976. In 1977, so far two vacancies were filled, one of which fell on a point reserved for Scheduled Castes and was shown as filled by a Scheduled Caste candidate. Entries in the roster were also duly signed by the competent authority and remarks about dereservation of reserved vacancies were indicated in the Remarks column.

(iv) *Upper Division Clerks :*

The posts of U.D.C. are filled in the following manner:—

- 50% posts by competitive test from the grade of time scale Clerks;
- 30% posts by competitive test from the L.D.Cs.; and
- 20% posts by seniority-cum-fitness method from the L.D.Cs.

Based on the above quotas three separate rosters were maintained by the authorities since reservation applies to all the three categories. In the case of first 2 categories the rosters had been started from the years 1963 and 1964 whereas in the case of third category from the year 1973 after the reservation orders had been made applicable to this category of posts. In the first two categories while adequate number of vacancies had been reserved for Scheduled Castes and Scheduled Tribes but no Scheduled Caste/Scheduled Tribe candidates were available on the basis of the departmental examination and as such vacancies had been carried over to subsequent recruitment years. It appeared that

the procedure regarding dereservation in the first category had not been followed before carrying over the reserved points which could not be filled by Scheduled Caste/Scheduled Tribe candidates. At the end of the year 1975 there was a backlog of 2 vacancies each reserved for Scheduled Castes and Scheduled Tribes in these categories. In the case of the last category i.e. 20% quota filled on the basis of seniority-cum-fitness, all the vacancies reserved for Scheduled Castes/Scheduled Tribes had been filled by promoting the eligible Scheduled Caste/Scheduled Tribe candidates and as such there was no backlog.

(v) *Stenographers :*

In this category also two separate rosters have been maintained. One for the 50% posts being filled on the basis of a departmental competitive test amongst the eligible L.D.Cs, and the other 50% by direct recruitment from open market. According to the available record there was no appointment till 1974 under the direct recruitment quota and from 1974 to 1976 out of the 9 vacancies which occurred, 2 had been reserved for Scheduled Castes and one for Scheduled Tribe, but no Scheduled Caste/Scheduled Tribe candidate was available. The reserved vacancies had reportedly been kept unfilled and as such no dereservation was made. The authorities were advised that reservation orders have to apply to the actual number of vacancies filled and as such prior approval of the Department of Personnel and Administrative Reforms was involved before carrying over the reserved points to subsequent recruitment years. As regards the promotion quota only 2 vacancies became available during 1974 and 1975 and the vacancy falling in point No. 1 which was to be reserved for Scheduled Castes during 1974 was treated as unreserved being the only vacancy was treated as unreserved. During 1976 there was no promotion. Out of the two vacancies which became available during 1977, one has reportedly been reserved for Scheduled Castes.

(vi) *Lower Division Clerks :*

There was no direct recruitment to this category due to ban on recruitment for the last several years. Fourteen posts had, however, been filled by promotion from Class IV staff during the years 1970 to 1976. Out of the 14 posts filled, 3 had been reserved for Scheduled Castes and 1 for Scheduled Tribes against which 6 Scheduled Castes had been promoted. The only vacancy reserved for Scheduled Tribes during 1970 was exchanged with a Scheduled Caste in 1974 and as such there was no backlog of reserved vacancies in this category also.

(vii) *Peons :*

Due to imposition of the ban there was no recruitment to this category also.

4. *Tenure posts :*

It was understood that posts of Wireless Inspectors were filled for a fixed period of time i.e. 3 years. The Time Scale Clerks who are permanent or quasi-permanent are eligible to appear for the Departmental examination. Those selected hold the posts for 3 years and thereafter revert to their substantive posts. After a gap of 3 years, they can again appear for the examination. Similarly there were posts of Development Officers which were also filled for fixed tenure of 5 years. It was stated that the posts were termed as "allowanced posts" and according to instructions contained in the Director General, Posts & Telegraphs' letter No. I.R. 8045/SPB. II/67, dated 5-1-1968, the special representation orders were not applicable to these posts.

5. *Advertisements for reserved posts :*

Some of the advertisements for reserved posts were also seen. These were by and large in order. However there was no mention of T.A. to Scheduled Caste/Scheduled Tribe candidates in these advertisements. In fact it was learnt that there were no such orders from the Directorate General, Posts and Telegraphs for payment of T.A. The dealing Assistant tried to explain posts which were filled on local or regional basis and that these advertisements were issued in respect of only such of the candidates who were registered with the local Employment Exchange were called and as such the candidates registered with the local Employment Exchange were treated as local candidates and hence no T.A. was admissible to them. It is felt that even if this statement is correct, some candidates residing in far off places might have got their names registered with the Employment Exchange in Delhi. In this connection attention of the Postmaster General's office is invited to the instructions contained in para 25 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services, wherein it is clearly provided that the orders regarding payment of T.A. also apply to Scheduled Caste and Scheduled Tribe candidates called through the Employment Exchange for interview/written test for appointment to Class III and Class IV posts recruitment to which is made departmentally otherwise than through the Union Public Service Commission. The T.A. to such persons would, however, be subject to minimum distance and other conditions as prescribed in the relevant rules quoted in para 25 of the Brochure. It is, therefore, suggested that in the advertisements to Class III and Class IV posts to be filled in future, the requirement of payment of T.A. to Scheduled Caste/Scheduled Tribe candidates as admissible under the rules invariably be indicated alongwith other statutory requirements.

6. *Liaison Officer and inspection reports :*

It was learnt that at present, Mrs. G. E. Banerji, Director, Postal Services, Delhi was the Liaison Officer for work relating to the representation of Scheduled Castes and Scheduled Tribes. In accordance with instructions contained in para 51 (v) of the Brochure, the Liaison Officer is required to conduct annual inspection of rosters with a view to ensuring proper implementation of reservation orders on the proforma prescribed in Appendix 7 of the Brochure. It was stated that no such inspection on the prescribed proforma had been submitted. However it was stated that the rosters were inspected by the Liaison Officer as part of the general administrative inspections in which discrepancies in the rosters were also pointed out. One such inspection made by the Director of Postal Services in respect of the Office of the Postmaster, New Delhi was shown to the team. It is suggested that inspection report for each year in respect of rosters maintained in the Postmaster General's Office should be submitted by the Liaison Officer on the prescribed form.

7. *Departmental Promotion Committee meetings :*

It was stated that during the year 1977 three meetings of Departmental Promotion Committee were held on 28-1-1977, 6-4-1977 and 1-6-1977 to consider cases for promotion to the L.S. Grade and H.S. Grade. Though Mrs. G. E. Banerji, Director, Postal Services, herself belongs to Scheduled Tribes and is represented in these Departmental Promotion Committees, another member (Shri V. K. Kuber, D.E. (C.M.) North in the office of the G.M. TEL.) belonging to Scheduled Caste was also associated in all these meetings as an outside member. Similarly Shri Amolak Ram, Assistant Postmaster General has been nominated in the Departmental Promotion Committee for Draughtsman Grades I & II in the Tele. Communication wing of the Posts and Telegraphs Directorate. He quoted one instance in which only permanent or quasi-permanent persons

in the feeder cadre were to be considered for promotion. The candidates belonging to Scheduled Castes/ Scheduled Tribes who had completed the necessary condition of 3 years service but had not been declared quasi-permanent were not being considered for promotion. He stated that the fact that they were not declared quasi-permanent was not their fault and

therefore they should not be ignored in the matter of promotion. Such a stand by a member in the Departmental Promotion Committee is laudable and helps in Scheduled Caste/Scheduled Tribe employees getting due benefit of reservation in posts filled by promotion.

APPENDIX XXXVI (Reference para. 3.121)

Study into the working of service safeguards for Scheduled Caste and Scheduled Tribe employees in the office of the Collector of Central Excise and Customs, Bangalore, 21st January, 1978.

The Study Team met Shri Shridhar, Assistant Collector of Central Excise & Customs and Shri K. S. Hanumanthappan, Office Superintendent on 21st January, 1978 and held detailed discussion regarding various service safeguards provided to Scheduled Caste and Scheduled Tribe employees of the Organisation. On the basis of discussion and scrutiny of the various papers and the relevant records the following main observations were made:—

Rosters :

Separate rosters were being maintained for some of the isolated posts and grouping was not resorted to in such cases. Attention of the Assistants concerned was drawn to the instructions contained in Chapter VI of the "Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services", according to which isolated posts and small cadre of less than 20 are to be grouped together for the purpose of reservation orders. It was stated that no such proposal had so far been made to the Board of Central Excise and Customs and now they proposed to send a proposal to the Board.

2. Some of the proposals regarding dereservation of reserved vacancies in the posts of Inspectors (Selection Grade) were also seen. It transpired that prior to Department of Personnel O.M. No. 36011/3/76-Estt.(SCT), dated 22-1-1977, the vacancies de-reserved in earlier years were not being included in the proposals for subsequent years. It was only after the clarification issued by the Department of Personnel that this Office started following the procedure for dereservation in respect of the brought forward vacancies.

3. In the roster for Seamen Grade II, one vacancy falling on point 4 reserved for Scheduled Tribe was shown as filled by a Scheduled Caste candidate who was shown adjusted against point No. 1 reserved for Scheduled Caste. It was stated that the proposal for getting the post reserved for Scheduled Tribe, de-reserved was not sent, as fresh efforts were being made to get a Schedule Tribe candidate. It was explained to the Assistants concerned that while efforts may continue to locate a Scheduled Tribe candidate again, in 1978, if all the steps prescribed for recruiting Scheduled Caste and Scheduled Tribe candidates had been completed in the year 1976 and 1977, they should have approached the Board and the Department of Personnel for de-reservation of the vacancies in question.

4. The roster for the post of U.D.C. filled by promotion on the basis of seniority subject to fitness was in order, except that in the earlier years, i.e. 1974 and 1975 the remark regarding the vacancies having been de-reserved in those years was not indicated. It was, however, stated that de-reservation was being sought every year which also appeared from their files.

5. Rosters for the post of U.D.C. filled by direct recruitment was maintained from the year 1976 only as it was stated that prior to that year all the posts of U.D.C. were being filled by promotion only. During the years 1976 and 1977 all the posts reserved for

Scheduled Castes were duly filled by the candidates from amongst the Scheduled Castes. One of the 3 vacancies reserved for Scheduled Tribes pertaining to the year 1976 was utilised in 1977. Remaining 2 were carried forward. It was stated that prior approval of the Department of Personnel was not obtained in respect of the vacancies reserved for Scheduled Tribes filled by general candidates. It was pointed out that the vacancies were still existing and as such de-reservation was not sought. The procedure regarding seeking prior approval of the Department of Personnel in respect of vacancies that are filled by general candidates was explained to the Assistant concerned. It was suggested that Department of Personnel may be approached for seeking ex-post-facto approval and in future the procedure regarding de-reservation as explained in the Brochure read with the Department of Personnel O.M. No. dated 22-1-1977 may be scrupulously followed.

6. It was learnt that during the year 1976, only 2 appointments were made, both on compassionate grounds and in the year 1977 all the 8 appointments made were on compassionate grounds. According to the orders issued by the Board, the year in which recruitment is made only on compassionate grounds is not to be counted as a recruitment year for the purpose of reservation and carry forward of reserved vacancy. According to the clarification from the Department of Personnel and Administrative Reforms, in the case of appointments made on compassionate grounds in relaxation of Employment Exchange procedure, if the vacancy falls on a reserved point and the person to be appointed on compassionate grounds does not belong to a Scheduled Caste or Scheduled Tribe then the next point in the roster should be treated as reserved and no dereservation would be necessary in such cases.

7. In the roster for the posts of Office Superintendent filled by promotion from the post of Deputy Office Superintendent (Level I) one appointment made in the year 1977 against point number 31 was shown as made from a general candidate. It was stated that the general candidate was promoted against the leave vacancy. Since the vacancy fell on a point reserved for Scheduled Tribes, the office approached the Board for dereservation and the Collector ordered that the promotion was irregular since prior approval for dereservation of the vacancy had not been sought. In this connection, it may be stated that the Orders regarding reservation of posts filled by promotion are applicable to promotions made on regular basis and not to the promotion against temporary vacancies. In this, the general candidate was reverted on the orders of the Collector and thus the point in the roster at Point No. 31 has to be treated as blank point for the purpose of the roster. In fact, temporary appointments against leave vacancies where there are chances of reversion are not to be shown in the roster. In that event, the question of de-reservation would also not arise.

8. The post of Superintendent is filled by promotion on the basis of selection from amongst the Inspectors having a service of 10 years in that grade. Orders

regarding reservation to these posts became effective from 20th July, 1974. After this date one promotion was made in 1974 and vacancy falling on point No. 1 reserved for Scheduled Caste was got dereserved. In the year 1975, 28 vacancies were filled out of which 4 vacancies were reserved for Scheduled Castes and 2 for Scheduled Tribes. All the vacancies were filled by the reserved category candidates and they were shown against un-reserved points, without showing a corresponding note against the points originally reserved for the category concerned. According to the note against point No. 4 in the year 1975 this vacancy was shown as adjusted against point No. 1 of the same year. Since the Scheduled Caste candidates were not promoted in excess of the reserved vacancies, this note had no meaning. During the year, 1976, 16 vacancies in all were filled. During the year two vacancies reserved for Scheduled Castes were duly filled but the vacancies reserved for Scheduled Tribes could not be filled. In the year 1977 out of the 4 vacancies reserved for Scheduled Castes and one for Scheduled Tribe, only two vacancies reserved for Scheduled Castes were got dereserved due to non-availability of the candidates. Remaining vacancies were duly filled by the reserved category candidates. In the year 1978, it was stated that as many as 17 promotions were made out of which two vacancies each were reserved for Scheduled Castes and Scheduled Tribes, but none of the promotees belonged to Scheduled Caste or Tribe. Against these entries, the date of promotion as well as the caste was not written against them; and the proposal for dereservation had not yet been sent. The entries in this roster were signed by the Assistant Collector (Headquarters) except in the case of the entries against promotion made in 1978. It was stated that these entries will be signed by the Assistant Collector (Headquarters) only after the candidate joined duty.

9. In the case of promotion by selection to the post of Deputy Office Superintendent level II from among the U.D.Cs, having 7 years service in the grade, it was learnt that some Scheduled Caste/Scheduled Tribe candidates having 5 years service were available as against the minimum eligibility condition of 7 completed years of service. In 1976, the Liaison Officer suggested in his report that the eligibility condition should be reduced and the Collector also agreed to the suggestion. However, Ministry did not agree on the plea that existing rules do not permit relaxation of minimum qualifying service. The authorities may reconsider this matter and make necessary amendment to Recruitment Rules and reduce the qualifying service criteria from 7 years to 5 years for all the candidates (both Scheduled Caste/Scheduled Tribe and general) and in that process the Scheduled Castes/Scheduled Tribe candidates will become eligible earlier to take the benefit of reservation in such promotional posts.

Requisitions/Advertisements :

10. A requisition sent to all Employment Exchanges in August, 1976 was scrutinised and it was observed that although the provisions for reservation in favour of Scheduled Caste/Scheduled Tribe candidates and age relaxation were mentioned but the provisions of T. A. admissible to Scheduled Caste/Scheduled Tribe candidates was not mentioned. The candidates were intimated about T.A. only when interview letters were sent to them. Relaxation of experience/qualification was also not mentioned.

11. A requisition dated September, 1977 in connection with appointment of Motor Driver which was sent to the Employment Exchange did indicate that the post was reserved for Scheduled Tribe only but the minimum experience for 5 years driving licence was mentioned. It was stated that the relaxation in experience was to be given by the authorities as their discretion. One Scheduled Tribe candidate was available but he informed that due to want of money, he could not appear for the test as he was staying far away. It is felt that

if the relaxation in experience was specifically mentioned, more candidates could have applied and if it was mentioned in the interview letter that T. A. would be paid on the spot more persons could have come for test. The interview letter should be modified stating that T. A. will be paid on the spot.

12. For drivers they had specified some minimum height and chest expansion standards and persons belonging to Scheduled Tribe do not mostly fit in i.e. 5 ft. height for Scheduled Tribe candidates is on the higher side. The posts announced through A.I.R. in June/July also did not publicise the fact that T. A. will be given to Scheduled Tribe candidates for appearing for test/interview.

13. One advertisement for the post of Stenographer was published in different papers in December, 1976 which was exclusively for Scheduled Tribe candidates. The advertisement did not mention about qualification. The provision of T. A. was also not mentioned. The result was the response from the Scheduled Tribe candidates was poor. It is suggested that all future advertisements and requisition to Employment Exchange should be in accordance with the rules and observations made above.

14. Some of the caste certificates were also scrutinised and it was found that most of the certificates were in prescribed forms. Some certificates were, however, issued by the Tehsildar, Bangalore indicating that the certificates were issued on the basis of some records/statements made by the institutions where the candidates had education. It is felt that the authorities who issue Caste Certificates should issue them only when they are satisfied with the police verification and revenue officials' statements and that they are competent to do so as per the Government of India instructions.

15. In spite of the rosters having been maintained by and large, on proper lines, the representation of Scheduled Tribes in all classes of posts was very low, though that of Scheduled Castes was satisfactory. It is, therefore, necessary that for posts filled by direct recruitment, the Bangalore Collectorate should advertise the vacancies in other States where there is concentration of tribal communities particularly in the States of Madhya Pradesh, Orissa, Bihar and even the Union Territory of Lakshadweep in the English and local language newspapers of the areas concerned. It may also be stated for the information of Bangalore Collectorate that according to Department of Personnel and Administrative Reforms O.M. No. 16/3/73-Estt (SCT), dated 27-12-1977, the limit of 50% reservation prescribed earlier, could now be exceeded in the case of posts in which the prescribed percentage had not been reached.

Training of Class I Officers belonging to Scheduled Castes/Scheduled Tribes :

16. According to information supplied to the Team, two Class I Officers were provided training in the Department itself during the year 1976 and one of the trainees belonged to Scheduled Castes. In the same year only one Class I Officer belonging to Scheduled Caste was sent for training outside the Department. No Officer was, however, sent for training abroad or deputed for attending seminars, conferences etc. In the year 1977, out of the three Class I Officers trained departmentally one belonged to the Scheduled Castes. Remaining three of the total six Class I Officers belonging to Scheduled Castes in the Bangalore Collectorate should also be afforded opportunities of training with a view to improving the chances of their promotion to higher posts where there is otherwise no element of reservation.

17. It was stated that the orders regarding providing promotional/transfer avenues to sweepers and Fara-shes were received in the Collectorate in August, 1976,

though the Government of India issued these orders on 16-1-1976. It was stated that after receipt of these orders in the Collectorate, no recruitment to the post of Sepoys had been made due to complete ban on filling up of the posts of Sepoys. As such the question of reserving 25% of such posts for sweepers and Farashes did not arise. It is felt that because of this ban the purpose of diverting the Sweepers etc. from

the Caste-based unclean occupation to other class IV jobs not requiring such unclean jobs, could not be achieved. It is for consideration of the Board of Central Excise and Customs to lift the ban on the recruitment of Sepoys at least to the extent of 25% of the vacancies so that some of the Sweepers could be diverted to other Class IV jobs.

APPENDIX XXXVII (Reference para. 3.121)

Study into the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the services under the Indian Institute of Technology, Kanpur—17th and 18th March, 1978.

As a part of programme of studies into working of service safeguards provided for Scheduled Castes and Scheduled Tribes under Article 16(4) and 335 of the Constitution, a Team consisting of Dr. Biswajit Sen and Shri B. M. Masand, Research Officers was deputed to study the rosters and other relevant records maintained by the Indian Institute of Technology, Kanpur for giving effect to these orders. The Team met Shri Giriraj Kishore, Registrar, Shri R. G. Seth, Deputy Registrar (Administration) and other officers who were concerned with the work of implementation of reservation orders.

The first point to be mentioned is that the orders regarding reservation for Scheduled Castes and Scheduled Tribes even in the direct recruitment posts were given effect to in this Institute as late as from 5th September, 1974. On the basis of discussions with the officers of the Institute as well as the representatives of the Scheduled Caste/Scheduled Tribe employees Union (I.I.T. SCH. Castes/Tribes Congress), it was observed that there has been a deliberate attempt on the part of the administrative authorities for non-implementation of reservation orders. The following facts corroborate the contention :—

- (a) Clause 12(2) of the Indian Institute of Technology Act 1961 reads "While making appointments, the appointing authorities shall take into consideration the claims of the members of the Scheduled Castes/Scheduled Tribes consistently with maintenance of efficiency of administration and teaching at the Institution." In spite of this clear-cut position the Institute authorities did not give effect to the reservation for Scheduled Castes/Scheduled Tribes on the plea that percentages of reservation to be provided for these communities were not clearly mentioned in the above clause.
- (b) After prolonged correspondence, the Ministry of Education informed them on 22nd October, 1964 that 12½ per cent of the vacancies had to be reserved for Scheduled Castes and 5 per cent for Scheduled Tribes in accordance with the percentages prevailing at that time.
- (c) In the 15th meeting of the Board of Governors of the I.I.T., Kanpur held in 1965, a resolution was adopted which reads—"The recommendations of the Council arrived at its meeting held on 6th October, 1964 were recorded and it was agreed that certain percentage of posts be reserved for Scheduled Castes and Scheduled Tribes candidates, but the reservation should not be applied to the academic and research posts". In spite of the directive from the Ministry of Education dated 22nd October, 1964 the Board did not clearly specify the percentage of vacancies to be reserved for Scheduled Castes/Scheduled Tribes. However, reservation was still not given effect to for one or the other reason.

- (d) The Ministry of Education who had been pursuing the matter with the I.I.T., Kanpur for implementation of reservation for Scheduled Castes/Scheduled Tribes in the services under the autonomous bodies, had stated in their letter No. F. 14-45/70-T.6, dated 22nd December, 1970 That the progress intimated by the Institute in the matter of adoption of reservation orders was reported to the Cabinet Secretariat who had not accepted the position explained by the Indian Institute of Technology, Kanpur. The Ministry pointed out that in accordance with the Ministry of Home Affairs O.M. No. 38/3/70-Estt. (SCT), dated 16th May, 1970 reservation had to be provided for Scheduled Castes/Scheduled Tribes on the lines of those provided by the Government of India. The Ministry, therefore, impressed upon the I.I.T. that the matter may be given top priority and reservation provided for Scheduled Castes/Scheduled Tribes, if necessary, by amending the statute/recruitment rules and fall in line with the Government policy in that regard, since progress had to be reported to the Cabinet Secretariat in connection with the meeting of the High Power Committee to be held under the Chairmanship of the Prime Minister.
- (e) The things continued like this till March, 1973 when the Parliamentary Committee for the Welfare of the Scheduled Castes and Scheduled Tribes sought certain information on the implementation of reservation orders in this Institute during the course of its meetings held on 19th and 20th January, 1973. The Joint Educational Adviser (T) in the Ministry of Education who repeatedly reminded the Institute for this information to be supplied to the Parliamentary Committee explained to Prof. M. S. Muthana, the then Director of Institute that Clause 12(2) of the statute gave enough powers to the Board of Governors to make such reservation without any amendment to it. He, therefore, called upon the Director to supply the information on the points in that regard without any ambiguity.
- (f) In the meantime the Board of Governors at its meeting held on 15th February, 1972 adopted a resolution for amending the statute. The resolution reads—"While making appointments, the Institute shall make necessary provision for the reservation for posts in favour of Scheduled Castes/Scheduled Tribes in accordance with the decision of the Board." It will be seen that even in this amended resolution, the percentages of reservation were not clearly indicated.
- (g) It is sad to note that though the resolution was passed on 15th February, 1972 a copy thereof was sent to the Deputy Education Adviser (T), Ministry of Education on 28th February, 1973

i.e. after a lapse of more than one year. Surprisingly the Ministry of Education took another one and half years to convey the approval of the Visitor. Finally the reservation orders were given effect to from 5th September, 1974.

Thus, it would be seen that introduction of reservation in service and posts under the Indian Institute of Technology, Kanpur was ignored and avoided in spite of the fact that necessary provision already existed in the Statute. The Chairman of the Board of Governors, Dr. S. Hussain Zaheer had to issue an order on 13-8-1974 stating as to why disciplinary action should not be taken against the Director, Registrar and Deputy Registrar (Administration) for the lapse on their part for not implementing the decision of the Board of Governors taken as long as back as 1965. However, it appears that no action had been taken against the officers concerned. The formal orders regarding reservation for Scheduled Castes and Scheduled Tribes in the services in I.I.T. Kanpur were issued on 28th October, 1974 but by that time a lot of damage had been done to the Scheduled Caste/Scheduled Tribe employees who could not get their due share in the services under the I.I.T. Kanpur. The Commissioner for Scheduled Castes and Scheduled Tribes has also been informed of this position by the representatives of the employees and he strongly feels that responsibility for this lapse should be fixed and suitable disciplinary action should be taken against those officials who are responsible for such a callous attitude.

1. Grouping of Posts:

According to instructions issued by the Government of India, only such of the posts which are filled by direct recruitment and are isolated or consist of small cadres (total strength being less than 20 posts), are to be grouped for the purpose of reservation orders. From the statement furnished to the Team, it was observed that the Board of Governors at its 54th meeting held on 17-11-1975 had approved the scheme of grouping of posts which is not in conformity with the instructions issued by the Government of India. According to this scheme virtually all group 'A' (Class I) posts right to Rs. 1500-2000 (including old scale of Rs. 1600-1800) have been placed in one group. Similarly all Class II from Rs. 700-1300 (including old scale of Rs. 700-1000) posts have been combined to form another group. While there is no objection to grouping of isolated posts and small cadres in both these groups, it is felt that Group 'A' posts can be further divided into two groups, one consisting of posts in the lowest rung of Class I and another consisting of higher grades. But this again is subject to the condition that in these categories only such of the posts which are filled by direct recruitment, should be grouped together. The posts which are totally filled by promotion or partly by promotion and partly by direct recruitment, separate rosters are required to be maintained for the promotion component of the posts irrespective of the small number of posts in such cadres. Group 'B' posts should also be regrouped on similar lines. Particularly, separate rosters can be maintained for the posts of Senior Foreman—S.G. (28 posts), Junior Superintendent (24 posts), Senior Research Assistants (47 posts), Senior Technical Assistants (62 posts) and such other post having a total strength of 20 or more, again keeping in view the fact that promotion component posts are not brought within the scope of grouping. In Group 'C' and Group 'D' posts also, there are number of posts/cadres which justify the maintenance of separate rosters, such as Assistants (69 posts), Research Assistants (154 posts), Technical Assistants (74 posts), Mechanics Grade 'A' (45 posts), Teachers (33 posts), Upper Division Clerks (65 posts), Mechanic 'B' Grade (55 posts), Laboratory Assistants (32 posts), Lower Division Clerks (79 posts), Gestetner Operators Grade I (22 posts), Mechanic Grade 'C' (184 posts) and Work Assistants (67 posts)—all group 'C' posts; Engine Driver (29 posts), Laboratory Atten-

dant (28 posts), Chowkidar Grade I (70 posts), Daftari (33 posts), Mali Grade I (64 posts), Chowkidar (65 posts), Helper (161 posts), and Mazdoor (26 posts)—all Group 'D' posts. It is suggested that entire scheme of grouping of posts should be revised on the above lines.

2. Liaison Officer:

It was learnt that Shri R. G. Seth, Deputy Registrar (Admn) had been nominated as Liaison Officer for work relating to representation of Scheduled Castes and Scheduled Tribes from February, 1976. In his annual inspection report on the maintenance of rosters and other records for the year 1976 which was not on the proper form as prescribed in Appendix 7 of the Brochure, he stated that the position of maintenance of information and record relating to Scheduled Castes/Scheduled Tribes was good but the position of actual appointments of Scheduled Castes/Scheduled Tribes in the services of I.I.T. was far from satisfactory. He strongly recommended in that report that remedial steps suggested by him in the last para of his report may be taken as early as possible. It was, however, not understood who was to take the remedial steps recommended by him; he being the Deputy Registrar (Admn.). Thus the report was an academic exercise. In fact, Registrar should be the Liaison Officer and not the Deputy Registrar, so that report of the Liaison Officer does not create embarrassment to the concerned Officer who is also the implementing authority.

Moreover, the inspection report gave the impression that he himself was not clear about many aspects. For example, he stated that in the year 1976, there were only two appointments in Group 'A' and both of these were against general vacancies. He has himself admitted that the year started with a backlog of 4 positions—3 reserved for Scheduled Castes and one for Scheduled Tribes. At least one of these 4 vacancies could be interpolated and reserved for Scheduled Castes, out of the two vacancies filled in 1976, applying the principle of utilising the earlier vacancies first. Similarly in Group 'B' posts against 7 permanent appointments and 12 temporary appointments, not a single Scheduled Caste or Scheduled Tribe was appointed. As a Liaison Officer, he should have satisfied whether the required steps were taken to recruit Scheduled Caste/Scheduled Tribe candidates.

3. Promotion/Assessment Policy:

Provision of reservation in posts filled by promotion was incorporated in the initial Memorandum dated 28th October, 1974 but this provision remained almost ineffective because there was no firm policy in I.I.T. for giving internal promotions. With the promulgation of "The Non-leaching Staff Recruitment and Promotion Rules, 1977" with effect from 5-8-1977, certain rules were framed for determining the eligibility condition and methodology for recruitment and promotions in Groups 'B', 'C' and 'D' posts. According to Clause 4.2 of these Rules, "all vacant posts included in the cadres falling in the purview of Clause 1.3 (Groups 'B', 'C' and 'D' posts) and proposed to be filled at any time will be advertised first in the Institute. The Institute Employees possessing prescribed qualifications can apply. If a suitable candidate is not found to fill a post, the post will be released for open selection". The intention of this Clause is to throw open all posts first to the employees possessing the requisite qualifications and already working in the Institute. Only after such employees are not available, the Institute will resort to outside recruitment procedures. This means that if the internal candidates found suitable for posts are available, no efforts will be made to recruit candidates from outside. According to figures made available to the Team, actual representation of Scheduled Castes and Scheduled Tribes being very poor, it was not likely that any Scheduled Caste/Scheduled Tribe candidates would become available in future to fill the promotion quota reserved for them. Unless a certain quota is

filled by outside recruitment, the intake of Scheduled Caste/Scheduled Tribe candidates will not improve and it is recommended that the above rules may be modified to allow scope for outside recruitment or also the unfilled reserved quota in promotion posts should be filled by outside recruitment instead of filling them by general candidates internally.

Another flaw in this policy of making all recruitment from internal candidates only is that all those candidates who fulfil the prescribed qualifications and are selected are treated as promotees. This may not be correct in all cases. For example an employee possessing a B.Sc. Degree may be working in a Secretariat post and when a vacancy arises in a technical cadre requiring the minimum qualification of a B.Sc. Degree, he applies being eligible to apply. In the case of his eventual selection, he is deemed to have been promoted whereas there is no direct channel of promotion from a Secretariat post to a technical post. The right course would be to treat such posts as direct recruitment posts and all the prescribed procedure for filling the direct recruitment posts may be followed. Such outside advertisements can be circulated internally also and while making selections, internal candidates can be given some priority. After their selection the internal candidates should be treated as direct recruits for such posts. This method would open the scope for selection of Scheduled Caste/Scheduled Tribe candidates both from within and outside the Institute.

The Chairman of the Assessment Committee I.I.T., Kanpur in his letter dated 7-12-1977 to the Director and Registrar has stated that promotion in Group 'D' posts being to the extent of 100% of eligible persons, there was no need of reservation for Scheduled Caste/Scheduled Tribe candidates. This means that no rosters would be maintained for filling Group 'D' posts by promotion on the basis of seniority. This is not correct. Reservation rosters have to be maintained even though all persons are to be promoted strictly according to seniority. Even if Scheduled Caste/Scheduled Tribe persons are junior, they have to be promoted against the reserved points and during this process the junior Scheduled Caste/Scheduled Tribe can be made clear by an example. Suppose 10 persons employees are likely to march over their seniors. This have to be promoted against points 1 to 10 of the roster out of which two points (1 and 8) are reserved for Scheduled Castes and one (point No. 4) reserved for Scheduled Tribes. In case they are available within the first ten positions according to seniority, they would get promotion strictly according to their inter-se seniority. If they are not available in the first ten positions, then these Scheduled Caste/Scheduled Tribe persons who are available even in the lower positions and fulfil the eligibility conditions will have to be promoted to the extent of posts reserved for them.

4. Dereservation of Reserved Vacancies:

The Team was informed that so far I.I.T. did not feel it necessary to dereserve any post. However, it was observed that a large number of posts have been filled even after 5th September, 1974 and the Liaison Officer has also pointed to the mounting backlog year after year. It was made clear to the officers concerned that in accordance with the instructions contained in Chapter X of the Brochure, whenever a general candidate is appointed against a reserved vacancy whether in direct recruitment or promotion, prior approval of the competent authority has to be obtained and they were supposed to follow the prescribed rules/orders. It is presumed that on the analogy of public sector undertakings, in the case of Group 'A' and 'B' posts prior approval of the Board of Governors is to be taken and in the case of Group 'C' and 'D' posts, prior approval of the Chairman would be necessary.

5. Carry-forward of unfilled Reserved Vacancies:

The Liaison Officer in his inspection report for the year 1976 has stated that posts of Senior Research

Assistants and Research Assistant being purely temporary, appointments were being made on ad-hoc basis for a fixed term and, therefore, carry-over of unfilled reserved vacancies for future was not possible. In this connection attention is invited to instruction contained in para 3 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services according to which reservation orders are applicable to all posts which are filled for a period of 45 days or more and rosters are required to be maintained for such purely temporary posts separately and they should not be combined with other posts which are permanent or are likely to continue indefinitely. When a post is subject to reservation and rosters are maintained for watching the implementation of reservation orders, the unfilled reserved vacancies are subject to carry-over to subsequent three recruitment years. In the event of non-availability of Scheduled Caste/Scheduled Tribe candidates to the full extent of reserved vacancies including those brought forward from previous years, there is a prescribed procedure according to which such vacancies can be got dereserved.

6. Rosters:

Study of rosters revealed the following discrepancies:—

- (a) Points in the rosters for group 'B' posts (permanent appointments) were not earmarked correctly. Point No. 24 was shown as reserved for Scheduled Tribes and Point No. 26 was shown as reserved for Scheduled Castes whereas in the rosters point No. 25 is actually reserved for Scheduled Castes.
- (b) While the vacancies brought forward from previous year were being shown in the beginning of the next year, these were not being added to the current reservation with the result the carry-over vacancies shown at the end of the year were only those which were current and were not filled by the appointment of reserved category candidates. It was explained to the officers concerned that while making recruitment in any year, the vacancies could be reflected on the rosters and current reservation determined accordingly. The brought forward vacancies of previous years should also be interpolated in the roster and total reservation restricted to 50 per cent of the total vacancies filled in that year. (According to cadres as contained in Department of Personnel & Administrative Reforms O.M., dated 27-12-1977 this restriction of 50% has also been modified). Whatever Scheduled Caste/Scheduled Tribe candidates become available for appointment in that year should first be adjusted against the vacancies brought from earlier years in that order which are interpolated in the roster against unreserved points. Remaining unfilled reserved vacancies should be carried forward to subsequent recruitment year after obtaining prior approval of the competent authority. Here it should be noted that dereservation would be involved both for current reserved vacancies and the brought forward vacancies still remaining unfilled even though they were also dereserved in the previous year, since the procedure for dereservation has to be followed in each year of recruitment.
- (c) It has already been stated that procedure for dereservation was not followed in the light of position explained in (b) above.
- (d) Abstract of vacancies filled in a year was being maintained for all groups of posts. It was suggested to the officers that this abstract should be shown below the last entry in a year in the roster for each Group separately and a few more columns were suggested for inclusion in the abstract.

- (e) Principle of exchange of reserved vacancies in the third recruitment year of carry-forward besides the year of occurrence of the vacancy, was not followed. In fact in some cases it was noticed that no Scheduled Caste/Scheduled Tribe candidates could be appointed at all who could be considered for exchange of reservation.
- (f) Entries in the rosters were not signed by the appointing authority as required under the rules.
- (g) In the Group 'D' roster for purely temporary appointments, the posts of sweepers were also shown in the roster, whereas according to recent instructions, the appointment of sweepers are not to be shown in the rosters for Group 'D' post.

7. Representation of Scheduled Castes/Scheduled Tribes as on 1-1-1978:

According to information made available to the Team, there was no Officer belonging to Scheduled Caste/Scheduled Tribe in Group 'A' and in Group 'B' there was only one Scheduled Caste Officer. This clearly shows that not only reservation was not applied in earlier years but also when the reservation actually became effective from 5-9-1974, no sincere efforts were made to attract and appoint Scheduled Caste/Scheduled Tribe persons. Representation of Scheduled Castes in Group 'C' posts also was unsatisfactory since there were only 53 persons out of a total of 1093 yielding a percentage of 4.1. As regards the Scheduled Tribes, there were only 11 employees (1.00 per cent) in Group 'C' posts and only three employees out of a total of 567 in Group 'B' posts. In this connection, it may be stated that complete information was not furnished to the Team particularly in regard to the cadre-wise representation and the recruitments/promotions made in the last three years. It was, therefore, not possible to assess the earnestness on the part of authorities to increase the representation of Scheduled Castes and Scheduled Tribes in various cadres and posts. It is suggested that serious and sincere efforts should be made by the Administration to give due share of employment to the members of Scheduled Castes and Scheduled Tribes. Particularly, for locating Scheduled Tribe candidates, advertisements may be issued in English and local language newspapers of the States/regions having adequate concentration of Scheduled Tribes. Incentives like residential accommodation etc., to those coming from remote tribal areas should also be highlighted in such appointments.

8. Departmental Promotion Committee/Selection Board meetings:

According to available information, 20 meetings of Selection Boards were held in 1975 to consider reserved as well as unreserved candidates but no Scheduled Caste/Scheduled Tribe officer was associated in those meetings. However, in 1976, in 7 out of 12 meetings and in 1977 in 8 out of 11 meetings, Scheduled Caste/Scheduled Tribe officers were associated. There was only one officer in Group 'B' belonging to Scheduled

Castes in the entire strength of Group 'A' & 'B' posts. In this connection, it may be stated that in the event of non-availability of Scheduled Caste/Scheduled Tribe officers in an organisation, Scheduled Caste/Scheduled Tribe Officers from some other offices can be associated in such meetings. This is necessary to create a feeling of confidence in the Scheduled Caste/Scheduled Tribe candidates, besides the Officer exercising a sort of vigilance against any attempt to bypass the application of reservation orders.

9. Requisitions to Employment Exchange and Press Advertisements:

The authorities informed the Team that they were finding it difficult to fill up reserved vacancies particularly technical posts by the Scheduled Caste/Scheduled Tribe candidates. The scrutiny of requisitions sent to Employment Exchange and Press advertisements for the year 1975, 1976 and 1977 revealed that in most cases the exact number of vacancies reserved for Scheduled Caste/Scheduled Tribe candidates were not indicated and whether the posts were reserved for them was not categorically mentioned. The provision of relaxation in qualification regarding experience was not indicated in such requisitions which resulted in poor response from Scheduled Caste/Scheduled Tribe candidates. The authorities were advised to follow the correct procedure and make all such requisitions/advertisements self-contained indicating all the provisions regarding concessions and relaxations for Scheduled Castes and Scheduled Tribes. In case the Employment Exchange fail to sponsor suitable Scheduled Caste/Scheduled Tribe candidates then the Regional Employment Exchange and Central Employment Exchange should be approached. The Press Advertisements should be released in such papers (English and Regional languages) which have wide circulation in the areas having large number of Scheduled Caste/Scheduled Tribe population. Since large number of posts were being filled by the employees of the Institute, the authorities were also advised to mention categorically the total number of vacancies reserved for Scheduled Castes and Scheduled Tribes and the concessions/relaxations in qualification and experience in their internal circulars to attract the attention of the Scheduled Caste/Scheduled Tribe employees of the Institute.

10. A few caste certificates were scrutinised to ensure that the reserved vacancies are not misutilised by general candidates by producing false certificates. It is likely that in the Institute there was no such case, but some of the caste certificates were not in proper form and order. In one case it was observed that an employee produced a certificate wherein it was stated that he belonged to Scheduled Caste community of Madhya Pradesh, but the certificate was not issued by the competent authority. It is suggested that the I.I.T. authority should take initiative in getting the caste certificates verified by the competent authorities, if they are found not in order and place the relevant records in the concerned files.



APPENDIX XXXVIII (Reference para 3.121)

Report of the study into the implementation of safeguards provided for Scheduled Castes and Scheduled Tribes in services under the Indian Institute of Technology, Madras.

In order to assess the implementation of service safeguards provided for Scheduled Castes and Scheduled Tribes in the Indian Institute of Technology, Madras, a Study Team comprising Dr. B. Sen, Research Officer and Shri Waryam Singh, Investigator visited

the Institute on 28th January, '78 and contacted the following officers:—

1. Shri W. H. Rao, Dy. Registrar.
2. Shri Thiagarajan, Asstt. Registrar.

3. Shri G. R. Raghunatha Rao, Asstt. Registrar.
4. Shri R. Gangadharan, Supdt.

For the purpose of study, the roster registers, requisitions sent to the Employment Exchange, employment advertisements issued to the Press and other relevant record was examined.

The Institute is recruiting staff to three types of services i.e. Academic, Technical and Ministerial and is reportedly applying reservation orders to the second and third categories only. According to the statistical information supplied as on 1-1-1977, out of a staff strength of 1564 in various groups of posts, there were only 20 Scheduled Castes and 1 Scheduled Tribe in Group A, B and C posts. In Group D however position was satisfactory with 22% posts manned by Scheduled Castes. No Scheduled Tribe has ever been recruited in Class IV posts. Some of the important observations made during the course of the study have been briefly discussed in the following paragraphs:—

1. *Recruitment Policy*: All appointments in the Indian Institute of Technology, Madras are to be made in accordance with the Acts and Statutes of Indian Institute of Technology i.e. the Institute of Technology Act, 1961, which provide that all appointments at the Institute shall normally be filled by advertisements but, the Board shall have the power to decide, on the recommendations of the Director that a particular post be filled by advertisement or by promotion from amongst the members of the staff of the Institute. During the course of the discussion it was, however, revealed that all appointments were being restricted to the employees of the Institute, reportedly due to the reasons (i) that a decision was taken by the Director to this effect; and (ii) the employees Union resisted against approaching the open market. In this connection it is important to note that there were only few Scheduled Castes in the I.I.T. and as such there was hardly any chance for the authorities to fill up all the reserved vacancies from within the Organisation. Commissioner is strongly of the view that the constitutional safeguards, sacred as they are, should have precedence over any other considerations, administrative or otherwise, in such matters. The orders/instructions issued in pursuance of the constitutional safeguards providing reservation for Scheduled Castes and Scheduled Tribes in appointments/promotions have necessarily to be given precedence over the agreements with the labour unions. It is, therefore strongly recommended that to make up the short-fall in representation of Scheduled Castes and Scheduled Tribes in the Institute, open recruitment should be resorted to till the backlog is cleared.

2. *Rosters for Reservations*: The rosters for various categories of posts in the Institute had been prepared from 1970 onwards without making any provision in the proforma for carry-over and brought forward of unfilled vacancies reserved for Scheduled Castes and Scheduled Tribes. The authorities were advised to maintain rosters on the proper form as illustrated in

Appendix 6 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services (4th Edition) in the Registers so that the carry-over/ brought forward account is correctly shown and adjusted from year to year.

3. *Liaison Officer and Inspection of Rosters*: According to the Government of India instructions as laid down in Chapter XV of the "Brochure", the Deputy Secretary in charge of administration (or any other officer designated for the purpose) is to act as the Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in an establishment and services under its control. There was no such arrangement in the I.I.T. Madras and as such there was no question of submission of the inspection report on the maintenance of rosters. It is strongly felt that an officer of the rank of at least a Deputy Registrar should immediately be appointed as Liaison Officer for the purpose. He will have to ensure submission of various returns showing the number of Scheduled Castes and Scheduled Tribes at various stages and also to submit annual inspection report on the maintenance of rosters in the form given at Appendix '7' of the "Brochure".

4. *Departmental Promotion Committees/Selection Boards*: Departmental promotion Committees and Selection Boards, no doubt, are generally constituted with the departmental officers of appropriate status and background keeping in view the nature of the post/ posts for which promotion/recruitment is made but there is a provision in the rules that as far as possible, efforts should be made to nominate a Scheduled Caste/ Scheduled Tribe officer, while constituting the DPCs/ Selection Boards. It is, therefore, suggested that the I.I.T. which is not following this provision at present should do so immediately.

5. *Exemptions and Exclusions*: During the course of the discussions with the officials of the I.I.T., Madras, it appeared that reservation orders are not being applied to the academic posts at present. The authorities were advised to apply reservation orders to all posts whether academic, technical or ministerial unless exempted from the purview of reservation orders. In this connection it may be pointed out that a particular post can be exempted from the purview of reservation orders with the approval of the Ministry concerned and the Department of Personnel and Administrative Reforms, provided the post in question satisfies the following two conditions:—

- (i) It should be a post in the grades above the lowest rung of Class I classified as "Scientific or technical" in terms of the Department of Personnel and Administrative Reforms O.M. No. 9/2/73-Estt. (SCT), dated 23-6-1975.
- (ii) It must be a post for conducting research or for organising, guiding and directing research.

It is, therefore, suggested that immediate steps should be taken to see that the Scheduled Caste/ Scheduled Tribe candidates are not denied their due share of employment in the Institute.

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APPENDIX XXXIX

(Reference para. 3.121)

Study into the working of Service Safeguards provided for Scheduled Castes and Scheduled Tribes in National Sugar Institute, Kanpur—13th and 14th March, 1978.

The erstwhile Institute of Sugar Technology later named as Indian Institute of Sugar Technology was taken over by the Central Government sometime in 1954 and it was re-named as National Sugar Institute in 1957. Consequent upon its take-over, reservation

orders for Scheduled Castes/Scheduled Tribes became applicable to the appointments made in the Institute.

This Institute has three important functions to perform i.e. teaching, research and advisory in the

field of Sugar Technology. Besides, there is a Sugar Factory which is also run by the Institute. In all, the staff strength of the Institute on 1st January 1978 was 328 in addition to staff appointed on daily-rated basis.

The Team consisting of Dr. Biswajit Sen and Shri B. M. Masand, Research Officers, met Dr. N. A. Ramaiah, Director of the Institute, Shri M. G. Menon, Senior Administrative Officer and Shri J. C. Bhargava, Chief Technologist (Liaison Officer for work relating to the representation of the Scheduled Castes and Scheduled Tribes). It may be mentioned here that the Officers concerned had no time to spare for the Team and an Upper Division Clerk in the Establishment Section was entrusted to produce the records and to attend to the queries from the Team. However, the Team received full cooperation from the concerned staff and the rosters and other relevant records asked for were made available. The observations of the Team are in the following paragraphs :—

1. Liaison Officer and the Special Cell :

According to the Government's instructions, an Officer of the rank of Deputy Secretary or above dealing with administration has to be nominated as Liaison Officer for the purpose. As stated above Shri J. C. Bhargava, Chief Technologist has been nominated as Liaison Officer. It was learnt that he has submitted only one inspection report for the year 1975 and could not conduct the inspection for the years 1976 and 1977 because of the revision of the grouping of the posts as proposed by the Institute. This grouping has not yet been approved by the Ministry and this cannot be considered as a valid reason for non-inspection of records by the Liaison Officer. There is no Special Cell under the Liaison Officer but this work is attended to by the staff in the Establishment Section in addition to their normal duties. Though large number of complaints were received by this Section from the employees belonging to the Scheduled Castes mostly, no register had been maintained particularly regarding the grievances of the Scheduled Castes and Scheduled Tribes. The Team suggests that if it is not possible to set up a Special Cell exclusively for the work relating to the representation of the Scheduled Castes and Scheduled Tribes and for attending to the complaints from the employees belonging to these communities at least one or two persons may be put on this job exclusively.

2. Grouping of Posts :

As recruitment to Class I and Class II posts is being made by the Ministry of Food and Agriculture, no rosters were being maintained for these posts in the Institute. Recruitment to the Class III and IV posts is being made by the Institute. Some promotional posts in Class II like those of Senior R. A. (Organic Chemistry), Senior Research Assistant (Engineering) and Senior Technical Assistant (S. T.) have been grouped with Class III posts in Group 'A' which consists of mostly isolated posts and small cadres. From the list of posts under Group 'A' it was seen that the posts of Office Superintendent, Accountant-General Recorder, Head Draftsman (50% by direct recruitment and 50% by promotion), Foreman, Statistical Assistant and Confidential Assistant and Process Operator which are filled by promotion were also grouped with the direct recruitment posts in Group 'A'. Similarly Group 'B' also consists of promotional as well as direct recruitment posts. The rosters upto 1977 had been maintained on the basis of the above grouping of posts. It was stated that Departmental Promotion Committee at its meeting held on 29th December, 1977 had recommended revised grouping to the Ministry which had not yet been approved by the Ministry but the Institute had started re-casting the rosters according to the proposed new grouping. In this connection, it may be stated that instructions regarding grouping of posts are not

applicable to posts filled by promotion. Separate rosters should, therefore, be maintained for each promotional post.

3. Rosters :

It was found that the rosters were maintained from 1954, the year in which the Government took over the Institute. The rosters for the earlier period were, however, not maintained on the prescribed form. Most of the rosters from 1954 onwards were available but the rosters for the period between 1961 and 1973 and in some cases between 1963 to 1973 were not available. A 40-point roster was maintained for Group 'A' which consists of Class III posts filled on all India basis otherwise than by open competition. The roster for Group 'B' was maintained on the model of 100-point roster prescribed for recruitment on a local or regional basis. The observations of the Team are—

- (i) Although the recruitment to Group 'C' and Group 'D' posts was made on a local or regional basis, a model 40-point roster was maintained for Group 'C' posts in which points 4, 12, 16, 20, 28, 32, 36 and 40 were reserved for Scheduled Castes and Points 8 and 24 were reserved for Scheduled Tribes. In the case of Group 'D' posts, points at No. 4 and 20 were earmarked for Scheduled Tribes instead of points No. 8 and 24 as in the case of Group 'C' posts. It is not understood as to under which Office Memorandum of the Government of India, the 40-Point model roster as referred to above has been prescribed, whereas 100-Point model roster should have been followed;
- (ii) In the earlier period upto 1961/1963 the position of vacancies brought forward from previous years was not indicated at the beginning of each year;
- (iii) The appointments of Scheduled Caste candidates were not shown against the points earmarked for them but in some cases where Scheduled Caste candidates were appointed, a note of adjustment was indicated in the remarks column;
- (iv) The carry-forward position was not shown correctly nor was the abstract shown at the end of the year. The principle of exchange of vacancies between Scheduled Castes and Scheduled Tribes was not applied except in one case of Group 'D' post reserved for Scheduled Tribe brought forward from the year 1970 and exchanged with a Scheduled Caste candidate in 1974 (there being no recruitment during the year 1972);
- (v) The procedure for de-reservation of reserved vacancies was not followed till the year 1977. It was only after this lapse was pointed out by the Liaison Officer in his report for the year 1975 that the Institute authorities became aware about the procedure to be followed. In spite of the observations of the Liaison Officer, the first proposal for de-reservation of reserved vacancy was sent sometime in September, 1977;
- (vi) The entries of appointments made and shown in the rosters were not signed by the appointing authority at any time. Even the Liaison Officer who had inspected the rosters in the year 1976 had not signed the rosters as token of his inspection;
- (vii) The Liaison Officer in his inspection report had pointed out that appointments of less than 45 days duration were to be entered in the roster. He had, therefore, suggested that appointments for the duration of 45 days and more but which were not likely to continue indefinitely should be shown in a separate roster for purely temporary appointments. In pursuance of this observation of the Liaison Officer, separate

rosters were maintained one for permanent appointments and temporary appointments likely to continue indefinitely and the other for purely temporary appointments. But it was found that in some of the posts, the appointments shown in the rosters for purely temporary vacancies continued for a number of years. For example in Group 'A' the post of Senior Technical Assistant could not be filled for want of suitably qualified candidates and therefore, these posts were down-graded and filled up by appointment of two candidates as Research Assistant on ad-hoc basis. As these appointments continued for a long time, the Institute authorities recast the rosters again and brought them on the roster for permanent.

- (viii) In the case of Class IV posts in Group 'D' roster, the posts of sweepers were also shown. In the year 1956, against only two vacancies reserved for Scheduled Castes, 5 persons belonging to this category were appointed which included one Farm Coolie and 4 Sweepers. It seems that the excess of 3 appointments made on the posts of Sweepers was adjusted in the year 1958 and 1959, which is not in order. There is a provision of carry-forward of the short-fall and not the excess. Such an excess number of Scheduled Caste/Scheduled Tribe employees can be shown against un-reserved points;
- (ix) It was only in the case of Group 'D' posts that the roster was revised with effect from 25th March 1970 after the percentages of reservations were enhanced on the basis of revised census figures of population;
- (x) Most of the Class III posts filled by promotion on the basis of seniority subject to fitness to which the reservation orders became applicable towards the end of November, 1972, the rosters were maintained from the year 1975 only. In most cases the single vacancies occurred during the year 1975 which were treated as unreserved being the single vacancy in that year. In some of the cases, if a single vacancy occurred again during the year 1976 and had to be treated as reserved in lieu of the vacancy brought forward from the previous year, the seniormost person belonging to the general category was appointed on ad-hoc basis thus by passing the reservation. In the case of promotion to the post of Assistant Superintendent, the second vacancy in 1976 was reserved for a Scheduled Caste candidate, but a general candidate was appointed on ad-hoc basis. The Director, personally explained the position and stated that the matter was *subjudice* as one of the Upper Division Clerks had got the stay order from the Court. It was stated that the recruitment rules for the post of Upper Division Clerk provided promotion from the Lower Division Clerk grade on the basis of seniority to the extent of 50 per cent and the remaining 50 per cent posts were to be filled on the basis of departmental test. But actually no test was held and all the appointments for the last 10 years had been made on the basis of seniority. It was in this context that one Upper Division Clerk filed a suit in the Court stating that the appointments were not made as per the recruitment rules and therefore, no more promotion should be made on the basis of seniority alone. The Director explained that though the Management and Ministry as well as majority of staff members were agreeable to the continuance of the system of 100 per cent promotion on the basis of seniority, the person who had filed the suit was not withdrawing the case and the stalemate was therefore continuing in spite of the fact that the Director who was satisfied with the performance

of the Scheduled Caste candidate concerned and wanted to promote him against the reserved vacancy.

4. Ad-hoc Appointments :

In the experimental Sugar Factory which started sometime in January, 1977, several persons were appointed on ad-hoc basis in the Class IV category (Group 'D') as Carpenters, Black-smiths, Junior Khalasis, Motor Drivers, Mazdoors, Oilmen, Senior Khalasis, etc. during the period January, 1977 to May, 1977. When the vacancies were being considered to be filled on regular basis in October, 1977 the requisitions indicating total vacancies available in each post and the number of reserved posts were sent to the Employment Exchange for sponsoring Scheduled Caste and Scheduled Tribe candidates. The Employment Exchange sponsored several reserved category candidates but no final selection could be made since there was some dispute between the Management and the employees. The persons who were actually appointed on ad-hoc basis were still continuing on ad-hoc basis and the interests of the Scheduled Caste and Scheduled Tribe candidates were over-looked. It is suggested that an early decision should be taken in this matter and regular appointments should be made keeping in view the reservation for Scheduled Castes and Scheduled Tribes. The authorities should also maintain rosters for such appointments.

5. Requisitions sent to Employment Exchange/Press :

In most of the requisitions sent to Employment Exchange during the years 1976 and 1977 relaxation in experience in favour of Scheduled Caste/Scheduled Tribe candidates was not mentioned. In many of the advertisements issued to the Press it was not clearly indicated whether the posts were reserved for Scheduled Castes or Scheduled Tribes. The provision of payment of travelling allowance was never mentioned. The authorities were advised to clearly indicate that a vacancy was reserved for Scheduled Caste or Scheduled Tribe and that railway/bus fare will be paid to Scheduled Caste/Scheduled Tribe candidates by shortest route for appearing in interview/tests, in order to encourage more Scheduled Caste/Scheduled Tribe candidates to apply.

In some cases for technical posts even when requisitions were sent to Employment Exchange for sponsoring Scheduled Caste/Scheduled Tribe persons such candidates were not sponsored and non-availability certificates were issued. The posts reserved for Scheduled Castes and Scheduled Tribes were filled by general candidates. No attempt has so far been made to approach the recognised Scheduled Castes and Scheduled Tribes Associations for sponsoring the names of Scheduled Caste and Scheduled Tribe candidates nor has the Central Employment Exchange been approached for sponsoring Scheduled Caste and Scheduled Tribe candidates against reserved vacancies. The concerned officials were advised to send copies of requisitions to the recognised Scheduled Castes and Scheduled Tribes Associations, and approach the Central Employment Exchange for giving wide publicity to the reserved vacancies. They have also been advised to issue press advertisements in such regional and local newspapers which have wide circulation in such areas having large concentration of Scheduled Caste/Scheduled Tribe population.

6. Caste/Tribe Certificates :

Several Caste certificates were looked into and it was observed that some of the caste certificates were issued by the Additional Magistrate, Kanpur indicating that the persons referred in the certificate were residents of Kanpur and some certificates were issued on the basis of recommendations made by the M.L.As. While, there is no objection to accept such certificates provisionally, the concerned persons are required to

furnish the certificates from the competent authorities. The Institute should take initiative for getting such certificates verified from the appropriate authorities.

7. Grievances of Scheduled Caste/Scheduled Tribe employees :

Some representations were received in the office of the Commissioner for Scheduled Castes and Scheduled Tribes in respect of grievances of Scheduled Caste/Scheduled Tribe employees. During the course of discussion with the officials and representatives of Scheduled Caste/Scheduled Tribe employees, it was observed that it could be attributed to stagnation in the National Sugar Institute in respect of certain posts. Very few vacancies arose in the quota to be filled by promotion and when reservation was applied to these posts, the earlier vacancies happened to be earmarked for Scheduled Castes/Scheduled Tribes in the rosters with the result the Scheduled Caste/Scheduled Tribe employees were entitled to march over their seniors by virtue of reservation in posts filled by promotion. It appears there was a clash of interests between the Scheduled Caste/Scheduled Tribe employees and others including those concerned with the day-to-day administration, who tried to by-pass the element of reservation by resorting to *ad-hoc* promotions to which reservation orders did not apply. *Ad-hoc* appointments/promotions to as many as six Group 'B' posts, ten Group 'C' posts and two Group 'D' posts have been resorted to during the years 1975 to 1977 on the plea of avoiding dislocation of work but the real intention behind such appointments appears to be the clash of interests. The National Sugar Institute and the Ministry of Agriculture, may take note that marching of Scheduled Caste/Scheduled Tribe employees over their seniors was an inevitable consequence of the scheme of reservation in posts filled by promotion which has also been upheld by the Supreme Court, the highest judicial authority in the country. The authorities were, however, requested to expedite their replies/comments on the individual cases which have been sent to the Management from the Commissioner for Scheduled Castes and Scheduled Tribes Organisation.

8. Exemption of posts from the purview of reservation Orders :

From the information furnished to the Study Team, it was noticed that a large number of posts in the scales of Rs. 1300-1600, Rs. 1100-1400, Rs. 700-1250, Rs. 400-950, Rs. 350-900, and even some non-gazetted posts were exempted from the purview of reservation orders *vide* Department of Food letter No. 3-182/63-Sugar, dated the 4th May 1964. The scheme of exemption had not been reviewed in the light of Department of Personnel and Administrative Reforms Office Memorandum No. 9/2/73-Estt. (SCT.) dated the 23rd June 1975, according to which the posts upto the lowest rung of Class I which were earlier exempted from the purview of reservation orders would no longer be exempted. The concerned officials were advised to review the exemptions already granted in the light of the Office Memorandum referred to above.

9. Posts for which Recruitment Rules do not exist :

It was learnt that there was one Post of Group 'A' (Cane Officer), three posts in Group 'B' (Assistant Engineer-Mech., Welfare Officer and Junior Engineer-Elect.), seven posts in Group 'C' (Head Mistry, General Recorder, Stores, Assistant Foremen-B, Fitter-S. G., Moulder, Godown-cum-Excise Clerk and Assistant Foreman-Elect.) and one post in Group 'D' (Fitter) for which recruitment rules did not exist. It was understood that these posts were in existence for more than one year and the recruitment rules for most of these were pending with the Ministry. It is suggested that these rules may be finalised without any further delay so that benefit of reservation is derived by the Scheduled Castes/Scheduled Tribes in accordance with the Government rules regarding reservation.

10. Departmental Promotion Committee/Selection Board Meetings :

From the figures made available to the Team it is clear that the instructions regarding association of Scheduled Caste/Scheduled Tribe Officer in the meetings of the Selection Boards were not kept in view at all. However, three meetings of the Departmental Promotion Committee were held in 1977 in which a Scheduled Caste Officer was associated. The Institute is advised to ensure that a Scheduled Caste/Tribe Officer is associated in the Selection Board meetings also as the presence of such an officer helps in considering the cases of Scheduled Caste/Scheduled Tribe persons on a proper perspective besides infusing confidence in the Scheduled Caste/Scheduled Tribe candidates appearing before the Selection Board. It was observed that in the Institute there was no Gazetted Officer belonging to Scheduled Caste/Scheduled Tribe community in Class I and II posts who could be associated in the Departmental Promotion Committee/Selection Board meetings. In this context attention is invited to instructions contained in para 57(ii) of the Brochure wherein it has been provided that while associating an Officer from outside there is no objection if a Scheduled Caste/Scheduled Tribe Officer is taken from other Ministry/Department/Office in the event of such an officer not being available in the office itself.

11. Statistical information as on 1-1-1978 :

Following information was furnished in regard to representation of Scheduled Castes and Scheduled Tribes in the Services under the National Sugar Institute, Kanpur.

Class/Group	Total including Sch. Castes/Tribes	Sch. Castes		Sch. Tribes		Percentage of Sch. Castes Tribes	
I (Group A)	31	..	..	..	..		
II (Group B)	33	1	..	3.5	..		
III (Group C)	139	16	..	11.51	..		
IV (Group D) (Excluding Sweepers)	114	15	..	13.15	..		
Sweepers	11	11	..	100.00	..		

It would be seen from the above table that there is no officer of Class I status belonging to Scheduled Castes or Tribes in the Institute. In Class II also there is only one officer, i.e. Senior Technical Assistant-Sugar Technology in the scale of Rs. 550-900. While there is scope for induction of more Scheduled Caste persons in Classes III and IV posts also, there is an urgent need to improve the representation both of Scheduled Castes and Scheduled Tribes in Class I and II posts.

While summarising the main observations it may be highlighted that the inspection reports for the years 1976 and 1977 had not been submitted till the visit of Team. Grouping of posts both for technical and non-technical cadres was made violating the existing rules and in some cases posts filled by promotion and direct recruitment were also grouped which was against the rules. For certain categories of posts instead of 100-point rosters, 40-point rosters were maintained. The carry-forward of reserved vacancies and their adjustments were not properly done. The procedure for de-reservation of reserved vacancies was not followed till the year 1976, and even when the lapse

was pointed out in the Liaison Officer's Report for the year 1975, the first proposal for dereservation was sent in September, 1977. In some of the posts; the appointments shown in the rosters for purely temporary vacancies continued for a number of years, as a result, the interests of the Scheduled Castes/Scheduled Tribes were overlooked. The requisitions sent to the Employment Exchange and the Press advertisements for reserved vacancies were incomplete and not in accordance with the rules. The authorities resorted to *ad-hoc* appointments in most cases on the plea of avoiding dislocation of work but the real intention appeared to be denial of rights of the Scheduled Caste/Scheduled Tribe candidates. Large number of posts were exempted without prior approval of the Department of Personnel and Administrative Reforms from the purview of reservation orders and for many posts recruitment rules were yet to be framed/approved.

In the Departmental Promotion Committees/Selection Board meetings for promoting/Selecting Schedul-

ed Caste/Scheduled Tribe candidates the existing instructions regarding association of Scheduled Caste/Scheduled Tribe officers were not scrupulously followed.

Thus, it may be concluded that the interests of the Scheduled Caste/Scheduled Tribe candidates were overlooked by the concerned officials in the administration, which resulted in poor representation of Scheduled Caste/Scheduled Tribe persons in the Institute, and even when they were in the organisation their promotional prospects were ignored. It is felt that responsibility for overlooking/violating the existing Government's instructions/orders should be fixed and the concerned officers should be dealt with according to the rules. In addition where any Scheduled Caste/Scheduled Tribe Officers have been found to have suffered as a result of non-implementation of reservation etc., such persons should be allowed retrospective benefits in the matter of seniority, confirmation, promotion, etc.



APPENDIX XL

(Reference para. 3.121)

A General study into the working of Service safeguards provided for Scheduled Castes and Scheduled Tribes in the services under the Government of Karnataka including the Office of the Joint Director of Public Instructions, Mysore.

PART I

The programme of the Study Team which visited Bangalore from 14th January 1978 to 21st January 1978 to inspect the rosters etc. of some Public Sector Undertakings was also to include one Department of the Government of Karnataka for study purpose. The Team met Shri K. R. Ramchandran, Commissioner and Secretary, Social Welfare Department, Karnataka and Shri Shiv Raj, Additional Director of Social Welfare on 17th January 1978 and it was decided that the Team would study the working of service safeguards in the Directorate of Public Instructions in Bangalore and one of its 4 Divisions, in Mysore. Afterwards the Team met Shri M. Rachaiah, Director of Public Instructions, Karnataka, Shri Dorai Raju, Director, Social Welfare, Shri Pappan Reddy, Deputy Director, Social Welfare and Shri Basawa Raj, Assistant Director (Employment Cell), Directorate of Social Welfare. The Director of Public Instructions stated that his Directorate was a big organisation and, therefore, it was difficult to furnish the requisite information in such a short time as it had to be collected from various Divisions and various Districts in each Division. However, he furnished the general information.

During the course of discussions, the Team was informed that recruitment of Trained Graduate and Post-graduate teachers for Higher Secondary Schools was being made through the State Public Service Commission, but the recruitment records were maintained by each Division and District. Recruitment of Primary Teachers and other teachers like the Craft Teachers, Physical Education Teachers and Sanskrit Teachers etc. was made by the State level Recruitment Committee of the Directorate of Public Instructions.

The Director of Public Instructions informed the Team that in order to clear the shortfall in the representation of Scheduled Castes, Scheduled Tribes and other backward communities, the Government had sanctioned additional 3000 posts of Primary Teachers in addition to the normal requirement of about 3800 Primary Teachers each year. Out of the total of 6800 vacancies to be filled, as many as 3150 vacancies

had been decided to be filled from among the Scheduled Castes, Scheduled Tribes and other backward communities in the year 1978, in the following proportion :—

(i) Scheduled Castes . . .	56% of 3150
(ii) Scheduled Tribes . . .	12% of 3150
(iii) Backward communities . . .	16% of 3150
(iv) Backward Castes . . .	8% of 3150
(v) Backward Tribes . . .	4% of 3150
(vi) Special Group . . .	4% of 3150

It was stated that qualifications prescribed for the post of Primary Teacher was S. S. L. C. with Teachers Training Certificate. However, if sufficient number of backward community persons having the Teachers Training Certificate were not forthcoming, candidates having the basic qualification of S. S. L. C. would be taken and given necessary training. The Team raised the point as to how the Scheduled Caste/Scheduled Tribe persons would know that S. S. L. C. qualification would be good enough for the post, the Assistant Director (Employment Cell) informed that he had written letters to all the candidates registered in the Employment Cell intimating that the Scheduled Caste/Scheduled Tribe and other backward community candidates having the basic qualification of S. S. L. C. were eligible for the post. The special recruitment was under way and it was learnt that results of this special recruitment would be made available to the Office of the Commissioner for Scheduled Castes and Scheduled Tribes soon after the process of recruitment was finalised.

The Team was informed that the Director of Public Instructions or Additional Director of Public Instructions, during the course of their general annual inspection were looking into the aspect of implementation of reservation orders but on enquiries during the visit of the Team to the Office of the Joint Director of Public Instructions at Mysore, it was learnt that there was no reference to this aspect in the general inspection reports of that Division.

The Director of Public Instructions also informed the Team that with effect from 29th July 1964 aided educational institutions were also required to follow the instructions regarding reservation for Scheduled Castes and Scheduled Tribes and other backward classes. According to him, all appointments of teachers in the aided institutions were subject to the approval of the Education Department. The Team suggested to the Joint Director of Public Instructions at Mysore that the aided institutions may be asked to submit periodic returns about the progress made in the intake of Scheduled Caste/Scheduled Tribe candidates and this aspect should be examined at the time of renewal of the grant to the institution concerned.

In the office of the Director of Public Instructions certain advertisements were scrutinised. In an advertisement dated 23rd June 1977 issued by the Chairman, Recruitment Committee of the Department of Public Instructions, Bangalore, it was noticed that no mention of the maximum upper age limit for Scheduled Castes/Scheduled Tribes was made for the posts of Drawing Master Grade II. In the case of the posts

of Field Assistants (Agriculture), Craft Teachers, Grade II, while the upper age limit for general candidates was shown as 28 years, for Scheduled Castes/Scheduled Tribes it was relaxed by only two years i.e. upto 30 years. Omission of this relaxation or relaxation less than that prescribed by the Government for Scheduled Castes and Scheduled Tribes in that advertisement was not in order and steps should be taken to see that Government instructions in this regard are followed carefully.

No mention was, however, made in the advertisements about the grant of T. A. to Scheduled Caste/Scheduled Tribe candidates called for interview. It was stated that the candidates were recruited at district level and as such grant of T. A. was not considered necessary.

The team visited the Office of the Joint Director of Public Instructions, Mysore on 20th January, 1978 and the observations of the Team on various points discussed and looked into are given in the Part II of this report.

PART II

Directorate of Public Instructions, Mysore

The Team met Shri K. K. Veerappa, Joint Director of Public Instructions, Mysore and Shri Vedanta, Education Officer. In this meeting, Shri Basawa Raj, Assistant Director of Social Welfare (Headquarters) and Shri S. G. Patil, Deputy Director of Social Welfare, Mysore were also present. After preliminary discussions, the Team looked into vacancy registers and other records relating to notification and classification of vacancies etc. The observations of the Study Team are given in the following paragraphs :—

1. Notification :

A notification dated the 19th December 1977 regarding appointment of local candidates for the post of Secondary School Assistants, Grade II was seen. There were 50 vacancies to be filled by graduates in Science and 35 vacancies from Arts graduates. (total 85). It was stated that appointments were purely on temporary basis for a period of 9 months. The exact number of vacancies reserved for Scheduled Caste/Scheduled Tribe candidates was not indicated in the notification. It was simply stated that preference will be given to Scheduled Castes, Scheduled Tribes, etc. The essential qualification required for these posts was a Degree of recognised University in Arts, Science or Commerce with preference for those having a Degree in Education (B.T. or B.Ed.). Maximum age was relaxable for Scheduled Castes and Scheduled Tribes upto 5 years. No specific period of experience was mentioned. The teachers were, however, required to have an experience as a teacher in local bodies schools. The requirement of relaxed experience for Scheduled Castes and Scheduled Tribes as per instructions issued by the Government was not indicated.

2. Rosters/Rotation Cycles :

Some of the vacancy registers maintained in the office of the Joint Director of Public Instructions, Mysore Division for recruitment in that Division were seen. It was noticed that recruitment made prior to 4th March 1977 was also shown in the vacancy registers now maintained on the model of rotation cycle prescribed *vide* Government of Karnataka Order No. DPAR/SBC-77, dated the 4th March, 1977.

The vacancy registers were maintained for direct recruitment as well as promotional vacancies. According to the recruitment rules for the post of First Division Clerks, 50% of the vacancies are to be filled by promotion and as such alternate vacancies in this register were earmarked for being filled by promotion. However, as there is no reservation in posts filled by

promotion, the alternate points in the direct recruitment component were classified as under :—

1. Scheduled Tribes.
2. Scheduled Castes.
3. Backward Classes.
4. Other Communities. Open competition.
5. Backward Classes.
6. Other Communities.
7. Scheduled Castes.
8. Backward Classes.
9. Other Communities.
10. Other Communities.
11. Backward Classes.
12. Other Communities.
13. Other Communities.
14. Scheduled Castes and so on.

In the particular vacancy register for the year 1974-75, vacancy at point 1 reserved for Scheduled Tribe was shown as filled by promotion because the first person selected by the Public Service Commission who was offered the post, did not join. In this connection, it may be stated that instead of filling the vacancy by promotion the vacancy at this point should have been offered to the next Scheduled Tribe person in the Public Service Commission list. Vacancy at point No. 2 reserved for Scheduled Castes was shown as filled by transfer of a non-Scheduled Caste person. The vacancy at point No. 7 reserved for Scheduled Caste was also shown as filled on transfer. Against the vacancy at Point No. 14 reserved for Scheduled Caste, it was indicated that a general candidate was offered the post who also later on did not join and the vacancy was filled by transfer.

It was observed that while the rotation cycle was maintained on the lines of the model roster prescribed in Government Order dated the 4th March 1977, appointments made earlier were also shown therein. The entries made in the vacancy register even for appointments made after 4th March, 1977 did not seem to be in order. The first appointment made on 30th March, 1977 was earmarked in the promotion quota. The second appointment made on 31st May, 1977 was earmarked for direct recruitment but the classification of the vacancy was not indicated there against. In fact the classification was not mentioned at all in the

appointments entered after point No. 20 reserved for other communities i.e. after 31st August 1976. The Team suggested the authority a working plan, for giving effect to the reservation orders. The Government of Karnataka are requested to consider the desirability of adopting it and recommending it to the various offices and departments under its control in order to ensure that the prescribed reservation for Scheduled Castes and Scheduled Tribes and other backward communities is properly implemented. The vacancies that cannot be filled on a particular occasion of recruitment may be carried forward to the next occasion, in accordance with the procedure outlined by the Government of Karnataka in their Government Order, dated the 4th March, 1977. It is hoped if this system is put into practice, it would be possible to have a proper watch on the implementation of reservation orders for Scheduled Caste, Scheduled Tribe and other communities. The Staff meant for conducting inspections should be given proper training to conduct inspections on the desired lines.

Procedure for maintenance of vacancy registers :

Since there is no reservation in posts filled by promotion, the vacancy register should be maintained for direct recruitment posts only and that too separately for each post which has a strength of say 20 or more. Suppose in a particular category 34 vacancies are to be filled: 5 for Scheduled Castes and one for Scheduled Tribes. In such a case, if the list recommended by the Public Service Commission or the State Level Recruitment Committee contains only 2 candidates belonging to Scheduled Castes and one belonging to Scheduled Tribe, then the two Scheduled Caste candidates may be shown against the first two available points in the rotation cycle reserved for that category i.e. points at S. Nos. 2 and 7. Against the remaining 3 vacancies reserved for Scheduled Castes at points Nos. 14, 21 and 28 and one vacancy reserved for Scheduled Tribes at point No. 33 other backward community or general candidates may be shown as the case may be. These three vacancies reserved for Scheduled Castes and one vacancy reserved for Scheduled Tribes should be shown as carried over to the next occasion of recruitment as per rules. The Team also recommends that there should be well defined procedure according to which an appointing authority should be required to explain to some independent authority say the Personnel Department of the Government of Karnataka about the details of the steps taken before appointing other candidates against the vacancies reserved for Scheduled Castes and Scheduled Tribes. This would serve as a deterrent against attempts to by-pass the reservation orders on one or the other pretext. At the end of this particular occasion of recruitment, an abstract should be shown indicating :—

(1) Total number of vacancies filled	34
(2) Number reserved for	
(a) Scheduled Castes	5 (points 2, 14, 21, 28 and 35)
(b) Scheduled Tribes	1 (point No. 33)
(3) Number filled	
(a) Scheduled Castes	2
(b) Scheduled Tribes	Nil
(4) Number carried over to next occasion :	
(a) Scheduled Castes	3 (points 21, 28 and 35)
(b) Scheduled Tribes	1

If on the next occasion another 25 vacancies arise, these will be shown in the vacancy register from point

No. 35 to 59, out of which, according to current reservation 4 vacancies are reserved for Scheduled Castes. Adding the brought forward reservation, total reservation would be 7 for Scheduled Castes (3 + 4) and one for Scheduled Tribes. If on this occasion as many as six Scheduled Castes have been recommended for appointment, four of them should be shown against points Nos. 35 to 38 and remaining 2 against point Nos. 42 and 49. In this connection, it may be noted that earlier reserved vacancies brought forward from previous occasions have to be utilised first and should be shown against the earliest points with a suitable note of adjustment in the vacancy register, e.g. the Scheduled Caste person shown at point No. 35 should be in adjustment of the Scheduled Caste vacancy at point No. 14, the Scheduled Caste person shown at point No. 36 should be in adjustment of point No. 21, the Scheduled Caste person shown at point No. 37 should be in adjustment of point No. 28 and the one shown at point No. 38 should be in adjustment of point No. 35. Abstract at the end of this occasion of recruitment would, therefore, be as under :—

(1) Total number of vacancies filled	25
(2) Number of vacancies reserved on this occasion :	
(a) Scheduled Castes	4 (Points 35, 42, 49 and 56)
(b) Scheduled Tribes	Nil
(3) Number of vacancies brought forward from the previous occasion :	
(a) Scheduled Castes	3 (Points 14, 21 and 28).
(b) Scheduled Tribes	1 (Point No. 33).
(4) Total reservation on this occasion :	
(a) Scheduled Castes	7
(b) Scheduled Tribes	1
(5) Number of vacancies filled	
(a) Scheduled Castes	6
(b) Scheduled Tribes	Nil
(6) Number of vacancies carried forward to the next occasion :	
(a) Scheduled Castes	1 (against point No. 56).
(b) Scheduled Tribes	1 (against point No. 33).

Suppose on the third occasion, there are only 15 vacancies say from point No. 60 to 74 and there are two Scheduled Caste candidates among those recommended, they will be shown as adjusted against point No. 60 (in adjustment of Point No. 56) and Point No. 63. The abstract would be as under :—

(1) Total Number of vacancies	15
(2) Number reserved on this	
(a) Scheduled Castes	2 (Point Nos. 63 and 70).
(b) Scheduled Tribes	1 (Point No. 66).

- (3) Vacancies brought forward from previous occasion :
- | | |
|----------------------|---------------------|
| (a) Scheduled Castes | . 1 (Point No. 56). |
| (b) Scheduled Tribes | . 1 (Point No. 33) |
- (4) Total reservation :
- | | |
|----------------------|-----|
| (a) Scheduled Castes | . 3 |
| (b) Scheduled Tribes | . 2 |
- (5) Number of vacancies filled
- | | |
|----------------------|--|
| (a) Scheduled Castes | . 2 (In adjustment of points 56 and 63). |
|----------------------|--|

- | | |
|----------------------|-------|
| (b) Scheduled Tribes | . Nil |
|----------------------|-------|
- (6) Number of vacancies carried forward :
- | | |
|----------------------|---------------------|
| (a) Scheduled Castes | . 1 (Point No. 70). |
| (b) Scheduled Tribes | . 1 (Point No. 66). |

It should be noted the vacancy of Point No. 33 reserved for Scheduled Tribes will lapse, this being the third occasion of recruitment. But the reservation for Scheduled Castes pertaining to point No. 70 which pertains to this occasion will continue to be carried forward to the next two occasions as per rules. Reservation for Scheduled Tribes against Point No. 60 also pertaining to this occasion will likewise be carried to the next two occasions.

PART III

Department of Social Welfare, Mysore Division, Government of Karnataka.

The Team met Shri S. G. Patil, Deputy Director of Social Welfare, Mysore and Shri P. Y. Siddalingappa, District Social Welfare Officer, Mysore on 20th January 1978 to find out how the Welfare Department was ensuring the implementation of orders regarding reservation for Scheduled Castes, Scheduled Tribes and Backward communities in the Unit Offices situated in Mysore. The Deputy Director informed the Team that some inspections were made in 1972 by the Departmental Officers and thereafter no regular officer of the rank of Deputy Director was posted in this office for about 4 years. As such no further inspection could be made in this regard. Some of the reports pertaining to the year 1972 were seen and it was found that inspecting officers had made certain observations regarding the maintenance of vacancies registers. Though it was stated that compliance reports of such inspections were received from the concerned organisations but no such report could be shown to the Team.

In the Deputy Director's Office a register of Job seekers belonging to Scheduled Castes and Scheduled Tribes was being maintained. The Team was told that the Government of Karnataka had issued orders according to which in case any employer could not get suitable candidates belonging to Scheduled Castes, Scheduled Tribes and other backward classes through the Employment Exchange, he would approach the Directorate of Social Welfare or any of its units located in the District. But normally the candidates sponsored by the District Welfare Office are not considered, unless their names are sponsored by the Employment Exchanges. Thus, except duplication of work no fruitful purpose was served. Following suggestions are made for effective functioning of employment cells of the Directorate of Social Welfare :

- (i) The Government may issue necessary instructions that all employers while sending notification to the Employment Exchange for recruiting Scheduled Caste/Scheduled Tribe candidates should send copies of those to the Employment Cell under the Directorate of Social Welfare, as also to the District Social Welfare Officers;

- (ii) There should be a column in the register indicating the Employment Exchange registration number of the Scheduled Caste and Scheduled Tribe candidates so that the Cell at the Headquarters and District Social Welfare Officer can refer the names of eligible Scheduled Caste/Scheduled Tribe candidates to the Employment Exchange and enquire the fate of such candidates registered with them;
- (iii) Each Cell should also prepare quarterly statistics of the candidates registered with them and the number of candidates provided employment during each quarter. The statistics should also indicate the number of candidates on their live registers. Such statistics may be given wide publicity indicating the availability of the candidates for various trades, in each quarter.
- (iv) Directorate of Public Instructions should issue necessary instructions to all the aided schools that while sending requisitions to the Employment Exchange they should also send copies of these to the Cell under the Directorate of Social Welfare and candidates sponsored by the Welfare Department should be given due attention and importance.
- (v) Alternatively it would be advised that the existing cells under the Directorate of Social Welfare should be made more purposeful by granting the recognition to function on the lines of the Employment Exchange. In other words, the Scheduled Caste and Scheduled Tribe candidates should only register their names with the Cell/Exchanges controlled by the Welfare Department on the pattern of the scheme being run by the Directorate of Social Welfare, Government of Maharashtra;
- (vi) The procedure, finally adopted by the Cells/Exchanges to register the names of Scheduled Caste and Scheduled Tribe candidates should be given wide publicity through various mediums like Press, Radio, etc., to enable the Scheduled Caste/Scheduled Tribe candidates of the State to know about the correct procedure in this regard.

PART IV

Issue of Scheduled Caste/Tribe Certificate—Observations on the Basis of Scrutiny of Certificates and Discussions with Government of Karnataka Officers

On the basis of scrutiny made in different organisations regarding the issue of Caste Certificates and on the basis of discussion with the Deputy Secretary (Services) of Karnataka Government and other officials of the Social Welfare Department, Government of Karnataka, it was observed that:

- (1) The procedure of issue of caste certificates has been liberalised whereby any applicant can

obtain a Scheduled Caste/Scheduled Tribe certificate simply on the basis of his own affidavit. It is true that this procedure would eliminate difficulties experienced by the Scheduled Caste/Scheduled Tribe applicants and also enable them to obtain certificates without much delay, but this liberalisation also opens the floodgates for misuse of this provision. Many persons

would be tempted to procure the certificates on the basis of affidavits. Detection of such cases being rare, only on the basis of complaints, a large number of fake applicants would go scot free and derive benefits intended for Scheduled Castes and Scheduled Tribes. It is, therefore, suggested that certificates should be issued after proper verification by the issuing authorities. In this connection, a copy of the circular letter No. BC-12075/3/76-SCT. I, dated the 29th March 1976 issued by the Ministry of Home Affairs is enclosed. It would be seen therefrom that the authority empowered to issue Caste/Tribe certificates are required to exercise proper care before issuing them. Not only this, they are also subject to disciplinary action and action under Indian Penal Code, if any of them is found to have issued the certificates carelessly and without proper verification. Government of Karnataka are urged to reconsider this matter and adopt a proper procedure following necessary instructions in this regard.

- (2) The Team was also given to understand that there were two types of certificates: (i) for educational purposes; and (ii) for service purposes. If there is no indication on the certificate regarding the purpose for which it has been issued and the appointing authorities are not made aware of this distinction, it is likely that a certificate issued for educational purposes may be used for obtaining the benefit of reservation in service. It is, therefore, suggested that clear instructions should be issued to the effect that while such certificates may be accepted provi-

sionally for service purposes but the applicants should be made to understand clearly that their appointment is subject to submission of proper certificate issued by the competent authority and that his services would be liable to termination in the event of his failure to submit the required certificate. Likewise there should be a proper procedure to grant a certificate for educational purposes so that the benefits are not misused by non-Scheduled Caste/Scheduled Tribe persons.

- (3) In one case, it was noticed that the Tehsildar, Bangalore had issued a certificate to a person who was resident of Dharwar district. It is not understood as to how he can issue such a certificate even though he may have done so on the basis of attestation by some responsible officer. According to rules, he is not competent to issue a certificate to a person not belonging to the area under his jurisdiction. Government of Karnataka may consider the desirability of issuing necessary clarification in this regard.
- (4) There is a loophole in the form of the certificate prescribed for Scheduled Castes/Scheduled Tribes. Para. 2 of the certificate refers to the place of ordinary residence of the applicant. It may so happen that an individual may declare himself to be resident of Bangalore proper but he may actually belong to some other district. It is, therefore, suggested that the provision of "ordinary residence" may be changed to "native place" since it would be very easy to verify whether a particular person belongs to a particular caste or tribe.

APPENDIX XLI

(Reference para. 3.121)

Report of the Study into the Implementation of safe guards provided for Scheduled Castes and Scheduled Tribes in the services under the Government of Tamil Nadu.

With a view to assessing the implementation of safe-guards provided for Scheduled Castes and Scheduled Tribes in services under the Tamil Nadu Government, a Study Team consisting of Dr. B. Sen, Research Officer and Shri Waryam Singh, Investigator from the Office of the Commissioner for Scheduled Castes and Scheduled Tribes met S/Shri P. Kandaswamy, Secretary, and Shivaramakrishna, Under Secretary, Department of Social Welfare, Government of Tamil Nadu and discussed the issue of various service safeguards provided by the State Government to the Scheduled Caste and Scheduled Tribe employees. In the meeting it was decided that the team would study the rosters and relevant records of the Education Department since large number of recruitments are made by that department and that would give a representative picture of implementation of various rules/orders in relation to service safeguards provided to the Scheduled Castes and Scheduled Tribes. The Secondary Education division of the Education Department, was selected and Shri Anandaraja, Joint Director, School Education was contacted for the said purpose. The roster registers, requisitions sent to Employment Exchanges/Press for recruitment and other related records of the division were examined. Some of the important observations made by the Study Team have been discussed in the following paras:

Reservation

According to the Government instructions there is combined reservation for Scheduled Castes and Scheduled Tribes in recruitment to all posts except the Class IV category at the rate of 18 per cent. 31 per

cent of the seats have also been reserved for backward classes. According to the 1971 Census the population of Scheduled Castes alone was about 18 per cent of the total population of the State and as such there should be separate reservation for Scheduled Tribes at least at the rate of 5 per cent as their population was about 1 per cent over and above the population of Scheduled Castes. It is apprehended that the Scheduled Tribes who are few in number and very backward, might suffer in competition with the Scheduled Castes unless a separate reservation quota is kept for them. It was evident from the following table showing representation of Scheduled Caste/Scheduled Tribe teachers in various schools in Tamil Nadu as on 1st August 1976 that there were very few Scheduled Tribe teachers in the schools under the Education Department:

Types of Schools	Total Teachers	Scheduled Castes	Scheduled Tribes
1. High Schools	70907	3895 (5.5%)	23 (.0003%)
2. Middle Schools	67846	7681 (11.3%)	22 (.0003%)
3. Primary Schools	110733	13449 (12.1%)	35 (.000013%)

The Class IV category of posts was excluded from the purview of reservation orders and no reason for

such a step has been given in the rules relating to reservations in posts. This is not in order and it is suggested that urgent steps should be taken to apply reservation to this category of posts. Reservation have also not been made applicable to promotion categories so far.

Rosters and Carry-over

For the purpose of the implementation of reservation orders, a 100-point roster has been adopted by the Government on a prescribed form. It appeared that printed registers had been supplied by the Government to all the Departments and the maintenance of rosters was regular feature on the part of establishment. It was encouraging to note that as part of the regular inspection, the rosters were inspected annually and reports were submitted on a prescribed form.

As regards the question of carry-forward of unfilled reserved vacancies, prior to the issue of orders by the State Personnel and Administrative Reforms Department on 20th December 1977, there was no such provision. It has now been decided that if sufficient number of qualified candidates belonging to Scheduled Castes and Scheduled Tribes are not available for the vacancies reserved for them on any occasion of direct recruitment, then the number of unfilled reserved points shall be carried forward to the next year of recruitment at the end of which the carried forward points if not utilised even by then, will lapse. In this connection it may, however, be pointed out that the forms of the roster register do not contain any columns to show the carried forward/brought forward unfilled points in the absence of which such points were likely to be ignored during the recruitment in the subsequent years. It is, therefore, suggested that a provision should be made in the roster form to provide in the beginning a column to show the brought forward points from the previous recruitment year to be added to the reserved points in the current recruitment year and a summary to that effect prepared at the end of each year, clearly showing number of reserved vacancies, vacancies actually filled by the Scheduled Caste/Scheduled Tribe candidates and the points carried over to the next recruitment year. Reasons for the shortfall may also be recorded in the "remarks" column of the proforma. All the entries in the roster should also be signed by the appointing authority after due verification.

Dereservation

According to the Government instructions the unfilled reserved points are to lapse after carrying over the same for one year. In this connection, it may be observed that there should be some check before the reserved points are actually allowed to lapse in the second recruitment year to ensure that due efforts had been made to recruit requisite number of Scheduled Castes and Scheduled Tribes against reserved vacancies. In the event of non-availability from the Employment Exchange, efforts to be made by advertising the vacancies in the Press. It is, therefore, suggested that before lapsing, the appointing authority should get approval of the State Personnel and Administrative Department through a self-contained note explaining the position about the reserved vacancies and the efforts made by them, alongwith the reasons of shortfall so that the reserved vacancies do

not lapse by default and a check is there in the form of formal dereservation.

Institutions receiving grant from the Government

It is appreciated that the Government had constituted a High Level Committee to review the representation of Scheduled Castes and Scheduled Tribes in the State and Subordinate services and services under local bodies. It was, however, observed that the reservation orders which apply to all educational institutions under the State do not apply to a large number of schools run by various non-Government agencies receiving 100% grants from the State Government. The following Table, indicating the number of aided schools, as on 1st August 1976 will give some idea about the enormous employment opportunities being denied to the Scheduled Caste/Scheduled Tribe persons in those institutions :—

Types of Schools	Mission	Non-Mission
1. High Schools	167 (Boys) 128 (Girls)	440 (Boys) 118 (Girls)
2. Middle Schools	782	1188
3. Primary Schools	2137	2885

The Government of India have already issued instructions to provide reservation for Scheduled Castes and Scheduled Tribes in the services under such organisations and the above decision is kept in view while sanctioning grant-in-aid to such bodies.

It is strongly recommended that the Tamil Nadu Government should insist upon all the agencies who are receiving grant-in-aid from the State Government for running the schools and other institutions that they will have to follow the existing rules of the Government for providing reservations for the Scheduled Caste/Scheduled Tribe persons. Other State Governments, particularly the Government of Karnataka, have taken bold steps in this regard and have been able to throw a vast employment potential open to the Scheduled Caste/Scheduled Tribe persons.

To fall in line with the Karnataka Government, if necessary, "The Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974" may be suitably amended for making it obligatory on the part of private institutions to follow the reservation policy of the State Government and the Central Government and thus honour the constitutional provisions. In case of recalcitrant attitude of the private institutions towards Government policies, the State Government should stop the grant-in-aid to such institutions. Karnataka Government have gone one step forward in this direction and before sanctioning fresh grants they are ensuring the representation of Scheduled Caste/Scheduled Tribe teachers in those aided institutions. It is, therefore, strongly felt that a clause providing for reservation in favour of Scheduled Castes and Scheduled Tribes in the services under the voluntary agencies including the institutions being run by them, should be incorporated in the terms and conditions under which grants-in-aid are given to them by the State Governments, to ensure proper representation of the Scheduled Caste and Scheduled Tribe persons.

APPENDIX XLII
(Reference Para. 3.121)

Report of the Study of the Implementation of Reservation Orders in the Education Department of the Government of West Bengal

The Government of West Bengal passed legislation to provide reservation of vacancies in its services and posts for the members of the Scheduled Castes and Scheduled Tribes in 1976 *vide* "the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1976", since they were not adequately represented in the services and posts of the State Government. Executive instructions to this effect were issued on 15th August 1976 *vide* "West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Rules, 1976" published in the Calcutta Gazette on that date. In order to assess the working of the legislation in favour of the Scheduled Castes and Scheduled Tribes, a Team consisting of Dr. Biswajit Sen, Research Officer and Shri Waryam Singh, Investigator from this office was deputed to conduct an on-the-spot study of the relevant records being maintained by the State Government. For the purpose of the study the State Education Department was selected and during the visits on 21st, 24th, 25th April, and 2nd May, 1978 the Team met the following officers :—

1. Shri G. S. Banerjee, Secretary, Education Department.
2. Shri L. K. Chatterjee, Deputy Secretary, Education Department.
3. Dr. U. K. Ray, Director, Scheduled Castes and Scheduled Tribes Welfare Department.
4. Dr. S. N. Ghoshal, Director, Secondary Education.
5. Prof. Adhir Chakravorty, Deputy Director, (Directorate of Public Instructions).
6. Shri B. K. Ray, Officer on Special Duty, Scheduled Castes and Scheduled Tribes Welfare Department.

During the course of the discussion at various levels, it appeared that very little progress has been achieved during the last two year (since the legislation was passed in August, 1976). In the administrative wing of the Education Department, which is dealing with the appointments, promotions to Class I and Class II, a roster had been started for recruitment and promotion to posts at the district level i.e. for the posts of District Social Education Officer, District Officer for Physical Education, District Inspector of Schools. It was reported that in all the requisitions sent to the State Public Service Commission for recruitment to the above posts, specific mention was made about the reservation of vacancies and concessions available to Scheduled Castes/Scheduled Tribes. Since there were very few entries in the roster register, no assessment could be made about the carry-forward etc.

In the case of the Directorate of Secondary Education, the study revealed that there were 7,838 High and Junior High Schools in the State during the year 1977-78 out of which only 39 were Government schools. All the remaining schools were being run by the voluntary agencies/social or religious organisations receiving grant-in-aid from the Government to the extent of the expenditure on pay and allowances of the staff after deducting the amount collected by the management in the form of fees etc. In addition, some of the reputed aided schools numbering about 58 have been adopted by the State Government as sponsored schools with 100% grant-in-aid without even taking over the management of those schools. Reservation of seats for Scheduled Castes and Scheduled Tribes in respect of appointments of teachers in Government schools is being ensured by the State Public Service Commission who is the recruiting authority

but no roster system has so far been adopted by the authorities to earmark the vacancies reserved for Scheduled Castes and Scheduled Tribes. The authorities were advised to follow the mechanism of the system so that due reservation is allowed to Scheduled Castes and Scheduled Tribes on the lines of the Government policy.

It was interesting to note that in the past the private aided schools had their own independent rules to govern the administration and the Government had no say in the appointment of staff and as such there was no question of implementation of the scheme of reservation in posts and services under those schools. It was only with the passing of the Act which came into force on 15th August 1976 that the Directorate of Secondary Education moved in the matter by forwarding copies of the Act and the rules thereunder to the respective District Inspectors of Schools in December, 1976, requesting them to give wide publicity to the measure and bring the same to the notice of the authorities of all aided secondary schools for observance of the provisions. The District Inspectors were also asked to furnish the information in the prescribed proforma about the implementation of the rules by those schools.

In this connection, it may be observed that even after the lapse of about 2 years of the Legislation the authorities were not sure whether the steps have been taken by the private managements to see that reservation orders are complied with. The authorities, however, assured that speedy measures will be taken to ensure that the implementation of the rules is expeditiously taken up by all the schools, if not already done. In the Directorate of the Public Instructions, it was observed that no steps had so far been taken to start the rosters to implement the safeguards provided for Scheduled Castes/Scheduled Tribes in services and posts under them on the plea that they have already written to the Government to sanction necessary staff for the purpose which had not been sanctioned yet.

Apparently, it appeared that due to the absence of proper machinery at the appropriate level to watch the implementation of the legislative measure, the instructions issued did not yield fruitful results. Unless there is a check to ensure the effectiveness of the system, the desired goal is likely to be missed or ignored. It was observed that according to the executive instructions all the Ministries/Departments including the Education Department were to submit annual reports on the progress of the representation of Scheduled Castes and Scheduled Tribes. But none has submitted any report till the visit of the Team. It is, therefore, suggested that at the departmental level one officer not below the rank of Deputy Secretary should be nominated as Liaison Officer, as provided in the executive instructions, and be made personally responsible to ensure speedy implementation of the various measures in respective Departments. Since Education Department is a large department and it provides maximum employment opportunities, a special Cell with 2/3 officials may be set up so that interests of the Scheduled Caste/Scheduled Tribe candidates/employees do not suffer in future.

There is large employment potential in the aided High and Junior High Schools numbering 7838 and employing 87,450 teachers (as on 1st January 1978). Since all such schools are being financed by the State Government the managements of such institutions should be made to implement the Government policy to ensure due share of employment to Scheduled Castes and Scheduled Tribes. In the Act it has been

clearly indicated that the educational institutions which are aided by the State Government come under the purview of the Act. It has also been clearly indicated in the Act that if an appointing authority violates the provisions of the Act, it shall be punishable with fine. Hence, failure on the part of the management in following the Government orders/rules should be viewed seriously & if necessary, by-laws regulating the payment of grant-in-aid to the schools should be amended to make a provision for an undertaking from the management that they will implement the Government policy and in case of failure would be dealt with in accordance with the provisions of the Act.

For the purpose of the inspection of records and documents at the state level, officers of the Scheduled Castes and Scheduled Tribes Welfare Department have been authorised by the State Government to inspect the records of the appointing authorities, maintained for the implementation of the provisions of the Act. During the course of discussion in the Directorate for the welfare of Scheduled Castes and Scheduled Tribes, it was reported that in spite of special instructions issued to all the Heads of Department at the Chief Secretary's level, no special report on the implementation of the safeguards from the different Departments/Ministries has been received by them. It is, therefore, suggested that at the state level a separate cell should be created in the Scheduled Castes and Scheduled Tribes Welfare Department to look after the

work regarding the implementation of the service safeguards as provided in the Act. The Cell can call for the periodical inspection reports/progress reports from the respective Liaison Officers in this regard. Since it is extremely difficult at present to collect statistical information about the representation of Scheduled Castes and Scheduled Tribes in State services as no such record is being maintained by the administrative Departments, the Cell can also look after the work relating to the collection of statistical information about the representation of Scheduled Castes and Scheduled Tribes in State services at various levels. At the District level, the machinery of the Scheduled Castes and Scheduled Tribes Welfare Department (District Welfare Officers) can also play an effective role to ensure compliance of the legislative measures. The District Welfare Officers should be asked to study/inspect the rosters and other relevant records of the educational institutions (both Government and aided) along with other departments/offices in a routine manner and send gist of all such reports to the Special Cell or Officer on Special Duty who will take necessary action as provided under the Act. Unless there is constant watch and check it would be difficult to ensure that the orders/rules are being implemented. The Cultural Research Institute which is functioning under the Scheduled Caste and Scheduled Tribe Welfare Department should undertake research studies or sample studies into the working of the service safeguards in few selected offices/Undertakings/Organisations.

APPENDIX XLIII

(Reference para 3.124)

STATEMENT NO. I

Statement showing the position of representations in the Ministry/Department taken up since January, 1975 (as on 31-7-78)

Name of the Ministry/Deptt.	1976			1977			1978			Total Grand Total		
	Cases Open	Cases Closed	Cases Pending	Cases Open	Cases Closed	Cases Pending	Cases Open	Cases Closed	Cases pending	Cases Open	Cases Closed	Cases Pending
1	2	3	4	5	6	7	8	9	10	11	12	13
Atomic Energy	..	..	..	..	..	..	1	..	1	1	..	1
Energy	26	15	11	16	6	10	4	2	2	46	23	23
Cab. Sectt.	18	14	4	6	5	1	3	1	2	27	20	7
Commerce	27	18	9	30	12	18	7	3	4	64	33	31
Edu. & SW	44	23	21	37	25	12	17	2	15	98	50	48
H & FP	51	24	27	53	30	23	9	1	8	113	55	58
I & B	70	39	31	33	9	24	16	2	14	119	50	69
Industries	65	44	21	33	13	20	13	3	10	111	60	51
Supp. & Reb.	4	2	2	13	6	7	2	..	2	19	8	11
S.C. Tech.	44	22	22	22	16	6	1	2	5	73	40	33
S. & M.	69	29	40	22	11	11	7	..	7	98	40	58
T & CA	100	76	24	58	28	30	26	6	20	184	110	74
UPSC	5	4	1	1	1	..	..	..	..	6	5	1
MHA	56	41	15	32	12	20	13	2	11	101	55	46
Planning	14	7	7	9	5	4	3	1	2	26	13	13
Petroleum	30	18	12	26	15	11	2	1	1	58	34	24
Fert. & Chem.	..	..	..	..	..	..	3	2	1	3	2	1
IJ & CA	4	2	2	6	4	2	1	..	1	11	6	5
W & H	170	111	59	97	58	39	13	1	12	280	170	110
Sh. & Tr.	82	52	30	40	13	27	11	5	6	133	70	63
Ext. Aff.	2	1	1	2	2	..	1	..	1	5	3	2

STATEMENT NO. 1—Contd.

1	2	3	4	5	5	7	8	9	10	11	12	13
Election Com.	4	2	2	1	1	..	..	..	..	5	3	2
Space	..	..	..	3	3	..	..	..	..	..	..	..
Electronics	..	..	..	..	..	..	2	2	..	2	2	..
Defence	117	50	67	63	25	38	69	16	53	249	091	158
Finance	143	59	84	87	51	36	60	13	47	290	123	167
Railway	586	118	468	165	30	135	107	4	103	858	152	706
Commn.	160	78	82	78	35	43	69	7	62	307	120	187
Agriculture	198	101	97	222	111	111	50	10	40	470	222	248
G.A.G.	17	13	4	..	..	..	..	..	..	17	13	4
L & E	130	67	63	58	33	25	22	8	14	210	108	102
	2,242	1,030	1,206	1,213	558	753	538	94	444	3,987	1,684	2,303

STATEMENT No. 2.

Statement showing the position of cases taken up by the office of the Commissioner for Scheduled Castes and Scheduled Tribes since 1-1-1976 (as on 31-7-1978)
With the State Governments/Union Territory Administrations

Name of the State	1976			1977			1978			Grand Total		
	Cases Opened	Cases Closed	Cases Pending	Cases Opened	Cases Closed	Cases Pending	Cases Opened	Cases Closed	Cases Pending	Cases Opened	Cases Closed	Cases Pending
1. Andhra Pradesh	21	14	7	8	3	5	3	..	3	32	17	15
2. Assam	4	..	4	2	..	2	1	..	1	7	..	7
3. Bihar	16	4	12	20	2	18	10	1	9	46	7	39
4. Gujarat	9	4	5	4	1	3	..	..	..	13	5	8
5. Haryana	22	7	15	10	4	6	5	..	5	37	11	26
6. Himachal Pradesh	8	5	3	10	4	6	1	..	1	19	9	10
7. Jammu & Kashmir	1	..	1	1	..	1	..	..	..	2	..	2
8. Karnataka	11	3	8	7	..	7	1	..	1	19	3	16
9. Kerala	11	5	6	4	..	4	..	..	..	15	5	10
10. Madhya Pradesh	16	5	11	23	6	17	3	..	3	42	11	31
11. Maharashtra	87	30	57	30	14	16	7	..	7	124	44	80
12. Orissa	5	3	2	6	2	4	1	..	1	12	5	7
13. Punjab	23	9	14	11	3	8	3	..	3	37	12	25
14. Rajasthan	15	1	14	6	2	4	6	..	6	27	3	24
15. Tamil Nadu	30	15	15	11	1	10	3	..	3	4	16	28
16. Tripura	2	..	2	..	..	..	2	..	2	4	..	4
17. Uttar Pradesh	43	16	27	12	2	10	3	1	7	63	19	44
18. West Bengal	17	8	9	8	2	6	5	1	4	30	11	19
19. Delhi	154	67	87	85	45	40	33	6	27	272	117	155
20. Goa, Daman & Diu.	2	1	1	2	1	1	..	..	..	4	2	2
21. Pondicherry	3	2	1	2	..	2	2	1	1	7	3	4
22. Lakshdweep	1	..	1	1	1	..	..	..	..	2	1	1
23. Sikkim	..	..	..	1	..	1	..	..	..	1	..	1
24. Chandigarh	2	1	1	..	..	..	..	..	..	2	1	1
25. Manipur	2	..	2	2	..	2	..	..	..	4	..	4
26. Arunachal Pradesh	..	..	..	1	..	1	..	..	..	1	..	1
	505	200	305	267	94	75	94	10	84	866	302	564

APPENDIX XLIV
(Reference para 4.14)
STATEMENT NO. I

Statement showing Fifth Plan Outlay, expenditure incurred during the years, 1974-75, 1975-76, 1976-77 and outlay & expenditure during 1977-78 on the welfare of Scheduled Castes in the State Sector

(Rs. in Lakhs)

S. No.	Name of State	Group	Total 5th Plan Outlay	Exp. incurred during the year			Outlay	Exp.
				1974-75	1975-76	1976-77	1977-78	1977-78 (Estimated)
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	Education . .	627.92	43.29	56.00	101.00	191.75	191.75
		Economic Uplift .	463.50	47.24	60.00	40.00	138.75	138.75
		Health, Housing & Other Schemes etc.	..	..	..	..	..	..
		Total .	1091.42	90.53	116.00	141.00	330.50	330.50
2.	Assam . .	Education . .	..	5.80	9.85	10.00	11.25	9.25
		Economic Uplift .	..	7.50	11.60	13.75	10.75	11.85
		Health, Housing & Other Schemes etc.	+567.00	6.30	11.00	9.45	14.00	15.17
		Total .	567.00	19.60	32.45	33.20	36.00	36.27
3.	Bihar . .	Education . .	379.05	63.119	86.069	99.00	100.80	100.80
		Economic Uplift .	50.00	10.00	5.00	10.00	8.20	8.20
		Health, Housing & Other Schemes etc.	13.00	2.865	14.791	19.00	39.20	39.20
		Total .	442.05	76.004	105.850	128.00	148.20	148.20
4.	Gujarat . .	Education . .	193.77	39.36	33.12	40.00	49.54	49.54
		Economic Uplift .	49.42	7.48	6.42	7.47	15.20	15.20
		Health, Housing & Other Schemes etc.	116.97	28.74	29.44	27.53	21.62	21.26
		Total .	360.16	75.58	68.98	75.00	86.00	86.00
5.	Haryana . .	Education . .	20.00	2.00	7.00	8.68		
		Economic Uplift .	43.20	4.95	3.36	4.57	N.A.	
		Health, Housing & Other Schemes etc.	236.80	14.31	25.31	10.84		
		Total .	300.00	21.26	35.67	24.09		
6.	Himachal Pradesh	Education . .	3.23	0.45	0.21	0.17		
		Economic Uplift .	1.00	0.09	0.47	0.17	N.A.	
		Health, Housing & Other Schemes etc.	2.43	0.39	1.06	0.30		
		Total .	6.66	0.93	1.74	0.64		
7.	Jammu & Kashmir	Education . .	30.27	3.15	3.95	6.11	10.90	7.36
		Economic Uplift .	2.93	0.11	0.18	0.38	1.00	0.24
		Health, Housing & Other Schemes etc.	21.80	0.65	0.65	1.00	1.90	2.41
		Total .	55.00	3.91	4.78	7.49	13.80	10.01

STATEMENT NO. I—Contd.

1	2	3	4	5	6	7	8	9
8.	Karnataka	Education . .	743.61	110.25	98.11	143.15	150.75	150.75
		Economic Uplift .	170.39	34.30	33.96	41.90	49.75	49.75
		Health, Housing & Other Schemes etc.	61.00	17.63	50.59	29.15	27.00	27.00
		Total .	975.00	162.18	182.66	214.20	227.50	227.50
9.	Kerala	Education . .	87.00	11.84	9.80	16.56	18.64	18.64
		Economic Uplift .	23.00	2.15	2.20	5.45	7.37	7.37
		Health, Housing & Other Schemes etc.	103.00	7.66	22.56	27.49	28.95	28.95
		Total .	213.00	21.65	34.56	49.50	54.96	54.96
10.	Madhya Pradesh	Education . .	653.00	70.60	97.65	124.70	159.25	159.25
		Economic Uplift .	503.00	104.80	102.30	97.80	98.30	98.30
		Health, Housing & Other Schemes etc.	310.00	56.60	61.10	62.60	66.10	66.10
		Total .	1460.00	235.00	261.05	285.10	323.65	323.65
11.	Maharashtra	Education . .	116.28	7.54	6.97	25.95	87.67	87.67
		Economic Uplift .	28.76	14.27	5.60	15.31	13.37	13.37
		Health, Housing & Other Schemes etc.	113.80	10.80	26.12	60.16	42.45	42.45
		Total .	258.14	32.61	38.69	101.42	143.49	143.49
12.	Orissa	Education . .	77.49	12.76	14.28	15.50	14.40	14.40
		Economic Uplift .	20.69	1.44	3.05	4.90	4.40	4.40
		Health, Housing & Other Schemes etc.	2.11	0.61	..	0.50	..	..
		Total .	100.29	14.81	17.33	20.90	18.80	18.80
13.	Punjab	Education . .	355.00	5.98	135.99	148.77	65.00	65.00
		Economic Uplift .	177.00	11.12	111.12	99.34	..	..
		Health, Housing & Other Schemes etc.	142.00	224.52	236.75	244.15	12.00	12.00
		Total .	614.00	241.62	483.86	492.56	77.00	77.00
14.	Rajasthan	Education . .	115.00	8.93	18.18	4.09	8.56	8.56
		Economic Uplift .	120.00	12.01	12.03	0.16	..	..
		Health, Housing & Other Schemes etc.	145.00	41.12	2.63	..	10.00	10.00
		Total .	480.00	62.16	32.84	4.25	18.56	18.56
15.	Tamil Nadu	Education . .	646.05	76.95	105.84	141.73	189.91	189.91
		Economic Uplift .	62.50	17.15	24.00	22.63	32.61	32.61
		Health, Housing & Other Schemes etc.	327.00	480.80	1137.41	511.30	530.77	530.77
		Total .	1035.55	574.90	1267.66	675.66	753.29	753.29

STATEMENT NO. I—Concl'd.

1	2	3	4	5	6	7	8	9
16.	Tripura . .	Education . .	Not fixed	2.782	2.978	0.759	3.020	2.429
		Economic Uplift .	Do.	3.238	5.168	0.503	6.430	6.430
		Health, Housing & Other Schemes etc.	Do.	0.950	0.343	0.117	1.450	1.450
		Total .	..	6.970	8.489	1.379	10.900	10.309
17.	Uttar Pradesh .	Education . .	1459.00	164.871	168.586	122.000		
		Economic Uplift .	265.00	44.500	71.450	52.636	N.A.	
		Health, Housing & Other Schemes .	367.00	36.637	46.285	63.514		
		Total .	2091.00	246.008	286.321	238.140		
18.	West Bengal .	Education . .	274.26	39.72	41.38	54.06	64.60	64.60
		Economic Uplift .	88.46	5.69	6.37	50.00	10.40	10.40
		Health, Housing & Other Schemes .	43.98	8.22	7.56	7.20	8.00	8.00
		Total .	406.70	53.63	55.31	11.26	83.00	83.00
19.	Delhi . .	Education . .	35.00	3.16	3.76	7.90	13.00	13.00
		Economic Uplift .	31.50	3.00	..	5.00	17.50	17.50
		Health, Housing & Other Schemes .	91.50	18.51	25.33	21.10	26.50	26.50
		Total .	158.00	24.67	29.09	34.00	57.00	57.00
20.	Goa, Daman & Diu.	Education . .	12.15	0.44	0.49	0.68	0.94	0.54
		Economic Uplift .	9.04	2.14	1.31	1.07	1.20	1.20
		Health, Housing & Other Schemes .	15.61	1.56	2.77	2.22	1.30	1.28
		Total .	36.80	4.14	4.57	3.97	3.44	3.02
21.	Pondicherry .	Education . .	54.31	5.75	6.78	10.66	12.17	16.49
		Economic Uplift .	36.64	0.86	3.35	7.61	6.28	3.01
		Health, Housing & Other Schemes .	44.05	17.57	11.28	12.97	16.54	19.12
		Total .	135.00	24.18	21.41	31.24	34.99	38.62
Gross Total S.C.								
		Education . .	5882.390	679.262	907.193	1081.769	1829.650	1828.480
		Economic Uplift .	2086.030	334.538	469.688	481.299	421.510	418.580
		Health, Housing & Other Schemes .	2157.050	980.442	1714.479	1111.891	847.420	850.660
			10125.470	1994.242	3091.360	2674.959	3098.580	3098.720
			+ 567.00					
			10692.470					

*Combined outlay for SC/ST in Assam.

STATEMENT II
(Reference para. 4.14)

Statement showing Fifth Plan Outlay, expenditure incurred during the years, 1974-75, 1975-76, 1976-77 and outlay & expenditure during 1977-78 on the welfare of Scheduled Tribes in the State Sector.

(Rs. in lakhs)

Sl. No.	Name of the State	Group	Total Fifth Plan Outlay	Expenditure incurred during the year			Outlay	Expenditure
				1974-75	1975-76	1976-77	1977-78	1977-78 (Estimated)
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	Education . . .	435.15	12.87	60.81	77.77	119.42	119.42
		Economic Uplift . .	880.14	31.35	58.25	42.48	128.36	128.36
		Health, Housing & Other Schemes . .	..	24.11	24.67	6.10	..	..
		Total . .	1315.29	68.33	143.73	126.35	247.78	247.78
2.	Assam . . .	Education . . .		10.30	13.52	15.00	19.00	18.00
		Economic Uplift . .	Combined for SC/ST	9.48	11.67	12.45	17.25	28.25
		Health, Housing & Other Schemes . .		20.07	25.20	27.47	17.75	7.75
		Total . .	Combined	39.85	50.39	54.92	54.00	54.00
3.	Bihar . . .	Education . . .	558.20	69.362	86.347	114.00	112.50	112.50
		Economic Uplift . .	60.00	9.442	17.76	15.50	14.50	14.50
		Health, Housing & Other Schemes . .	98.25	11.113	14.003	26.50	21.80	21.80
		Total . .	716.45	89.917	118.110	156.00	148.80	148.80
4.	Gujarat . . .	Education . . .	381.65	71.57	59.18	63.37	101.23	101.23
		Economic Uplift . .	138.77	22.43	11.91	37.04	54.66	54.66
		Health, Housing & Other Schemes . .	93.18	10.69	10.94	24.59	22.61	22.61
		Total . .	613.60	114.69	82.03	125.00	178.50	178.50
5.	Himachal Pradesh	Education . . .	8.52	1.11	1.54	1.99		
		Economic Uplift . .	6.60	0.54	2.08	2.28	N.A.	
		Health, Housing & Other Schemes . .	4.63	1.16	1.87	1.87		
		Total . .	19.75	2.81	5.49	6.14		
6.	Kerala . . .	Education . . .	31.00	1.79	5.29	6.02	7.07	7.07
		Economic Uplift . .	43.00	2.92	3.63	9.24	11.43	11.43
		Health, Housing & Other Schemes . .	20.00	1.23	6.48	5.10	6.50	6.50
		Total . .	94.00	5.94	15.40	20.36	25.00	25.00

STATEMENT NO. II—Contd.

1	2	3	4	5	6	7	8	9
7.	Karnataka	Education . .	94.32	5.01	3.14	9.02	8.57	8.57
		Economic Uplift .	52.93	4.00	3.99	6.02	7.03	7.03
		Health, Housing & Other Schemes .	12.85	1.19	8.37	9.01	5.90	5.90
		Total .	160.00	10.20	15.50	24.05	21.50	21.50
8.	Madhya Pradesh	Education . .	1374.00	199.15	235.35	274.80	309.20	309.20
		Economic Uplift .	1045.00	168.00	230.10	224.70	213.00	213.00
		Health, Housing & Other Schemes .	265.00	44.00	48.50	53.00	57.50	57.50
		Total .	2684.00	411.15	513.95	552.50	580.00	580.00
9.	Maharashtra	Education . .	54.00	7.90	4.99	36.05	17.73	17.73
		Economic Uplift .	17.91	5.09	3.36	5.26	11.01	11.01
		Health, Housing & Other Schemes .	888.55	99.89	116.70	171.25	52.18	52.18
		Total .	960.46	112.88	125.05	212.56	80.92	80.92
10.	Meghalaya	Education . .	..	3.58	5.76	5.00		
		Economic Uplift .	378.00	43.61	48.82	65.00	N.A.	
		Health, Housing & Other Schemes .	..	..	..	..		
		Total .	378.00	47.19	54.58	70.00		
11.	Orissa	Education . .	340.42	37.24	62.87	65.40	76.02	76.02
		Economic Uplift .	42.74	5.84	8.90	9.50	4.00	4.00
		Health, Housing & Other Schemes .	13.30	2.32	2.12	2.15	2.60	2.60
		Total .	396.46	45.40	73.89	77.05	82.62	82.62
12.	Rajasthan	Education . .	105.00	7.60	7.27	2.11	4.25	4.25
		Economic Uplift .	135.00	6.92	5.01	0.24	0.25	0.25
		Health, Housing & Other Schemes .	20.00	3.75	..	..	..	..
		Total .	260.00	18.27	12.28	2.35	4.50	4.50
13.	Tamil Nadu	Education . .	27.40	4.04	2.66	5.277	7.42	7.42
		Economic Uplift .	14.25	5.93	4.57	2.93	3.50	3.50
		Health, Housing & Other Schemes .	42.00	7.67	5.76	4.43	5.35	5.35
		Total .	83.65	17.64	12.99	12.637	16.27	16.27
14.	Tripura	Education . .	Not fixed	2.569	2.124	0.718	2.300	1.210
		Economic Uplift .	Do.	33.626	35.917	7.339	37.900	37.900
		Health, Housing & Other Schemes .	Do.	1.935	0.847	0.256	2.900	2.900
		Total .		38.130	38.888	8.313	43.100	42.010

STATEMENT NO. II—Contd.

1	2	3	4	5	6	7	8	9
15.	Uttar Pradesh .	Education . .	72.60	4.005	4.900	6.900		
		Economic Uplift .	46.00	9.400	11.600	16.600	N.A.	
		Health, Housing & Other Schemes .	36.00	29.829	22.334	41.150		
		Total .	154.60	43.234	38.834	64.650		
16.	West Bengal .	Education . .	161.02	21.33	20.84	24.84	39.25	39.25
		Economic Uplift .	33.97	3.20	3.77	11.51	7.50	7.50
		Health, Housing & Other Schemes .	17.24	5.60	3.47	1.70	2.50	2.50
		Total .	212.23	30.13	28.08	38.05	49.25	49.25
17.	Andaman & Nicobar Islands.	Education . .	..	1.630	1.880	1.750	1.750†	1.750*
		Economic Uplift .	..	0.486	5.651	6.860	3.250	3.250
		Health, Housing & Other Schemes .	23.800*	..	0.250	0.100	..	..
		Total .	23.800*	2.136	7.781	8.710	5.000	5.000
18.	Goa, Daman & Diu	Education . .	Including SC	0.14	0.015	0.38‡	..	0.07
		Economic Uplift .	..	0.09	0.20	0.43	0.30	Nil
		Health, Housing & Other Schemes .	..	0.09	0.05	0.20	0.50	0.40
		Total .	..	0.32	0.265	1.01	0.80	0.47
		Grand Total S.T.						
		Education . .	3643.58	461.216	578.486	710.395	825.710	823.550
		Economic Uplift .	2894.31	362.654	467.188	475.379	513.940	524.640
		Health, Housing & Other Schemes .	1510.90	264.647	291.564	374.876	198.090	187.990
		Total .	8048.79	1088.517	1337.238	1560.650	1537.740	136.180
		+ 23.80						
			8072.59					

Note: * Combined outlay for Education, Eco. Uplift, Health & Housing & Other Schemes.

† Combined outlay for Education & Housing.

‡ Allocated by Govt. of India by both SC/ST.

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APPENDIX XLV

(Reference para. 4.20)

Steps taken by the State Governments to Quantify Funds for Scheduled Castes.

1. *Andhra Pradesh* :—The Director of Harijan Welfare was instructed by the State Government to identify and work out detailed schemes for each Department upto 15% of its budget.

2. *Bihar* :—The Government issued orders to all its Departments directing that 23% of the funds of various Departments should be spent for the welfare of Scheduled Castes and Scheduled Tribes. These instructions were to be applied in respect of schemes like drinking water, house construction, village road construction, agricultural development, minor irrigation, cottage industries, village sanitation and health and animal husbandry. A committee of Secretaries were set up to watch the execution of these instructions.

3. *Assam* :—During 1977-78, the Government quantified an amount of Rs. 267.00 lakhs for the benefit of Scheduled Castes from the general sector on schemes like agriculture, minor irrigation, soil conservation, cooperation, rural electrification, cottage industries, roads, education, water supply and housing etc.

4. *Haryana* :—The task of quantification for Scheduled Castes was entrusted to a committee consisting of the representatives of the various Departments, the Economic and Statistical Advisors, representatives of the Planning and Finance Department and the Director of Social Welfare. A post of Deputy Director (Planning) alongwith supporting staff was provided. A Secretaries Committee under the chairmanship of Chief

Secretary had been set up to review the action taken by various Departments. Besides a Cabinet Sub-Committee under the Chairmanship of Chief Minister had also been set up. Their main function were to review the progress of development programmes for the welfare of Scheduled Castes undertaken by various Departments in the State and watch the progress of quantification made by them.

5. *Gujarat*:—The Government of Gujarat made an allocation of Rs. 283.70 lakhs during 1976-77 for the benefit of Scheduled Castes out of general sector programmes. Similar provisions were made during 1977-78.

6. *Karnataka*:—The Government of Karnataka prepared a sub-plan for the welfare of Scheduled Castes and Scheduled Tribes making a provision of Rs. 26.00 crores by various development departments for the purpose during the fifth five year plan period.

7. *Madhya Pradesh*:—The Government of Madhya Pradesh took a policy decision that at least 14% of the budget provisions of the developmental departments should be earmarked and spent for the welfare of Scheduled Castes. A high powered Coordination Committee of Secretaries, under the Chairmanship of the Chief Secretary was formed to watch and direct the flow of sectoral allocations.

8. *Maharashtra*:—The Zilla Parishads had been directed to spend at least 15% of the funds out of the general sector programmes for the benefit of backward classes.

*Electricity and water supply to Harijan colonies, provision of ESP type of latrines; supply of coconut seedlings to Harijan colonies and beneficiaries of land reforms measures and village roads connecting Harijan colonies and areas.

9. *Kerala*:—Under the existing instructions 10% of the outlay of general sector schemes should be earmarked for the benefit of Scheduled Castes and Scheduled Tribes. In spite of these instructions the progress of implementation of Schemes benefiting Scheduled Castes and Scheduled Tribes was very poor. In September, 1977, the State Government decided that a provision of Rs. 4.00 crores should be spent on six* items exclusively for the benefit of Scheduled Castes/Scheduled Tribes. On a recent review it was found by the State Government that the actual expenditure would be very much less than the provision of Rs. 4.00 crores.

10. *Punjab*:—In Punjab 10% of the plots in all urban estates had been reserved for the Scheduled Castes by the Housing and country Planning Department. The State Government had also decided to reserve 20% of the loans for Scheduled Castes advanced by the Industries Department.

11. *Tamil Nadu*:—Panchayat Unions were required to set apart 20% of the allotment of works exclusively benefiting the Scheduled Castes.

12. *Uttar Pradesh*:—Out of the total outlay of Rs. 2,510 crores of the annual budget for 1977-78, an amount of Rs. 14.40 crores was allotted for the Harijan Welfare Schemes. Out of the remaining Rs. 2,496 crores of the general budget, schemes amounting to Rs. 2.74 crores only could be quantified. The reasons advanced for the poor quantification was that some items meant for these communities provided in the departmental budget might not have been identified.

APPENDIX XLVI

(Reference para 4.20)

Quantification of funds out of General Sector Programme for Scheduled Castes

(Rs. in Lakhs)

Sl. No.	Name of States	Quantification of funds during			
		1974-75	1975-76	1976-77	1977-78
1	Andhra Pradesh	76.70	..	..	241.00
2	Assam	..	..	211.50	267.00
3	Gujarat	..	..	283.70	283.70
4	Haryana	..	..	..	..
5	Himachal Pradesh	1.55	1.86	1.91	3.00
6	Jammu & Kashmir	..	..	..	..
7	Karnataka	..	..	..	..
8	Kerala	..	..	341.64*	400.00
9	Madhya Pradesh	..	..	..	..
10	Maharashtra	..	..	..	..
11	Orissa	..	1.00	2.00	..
12	Punjab	..	..	..	1,700.00
13	Rajasthan	..	..	2,044.00	..
14	Tamil Nadu	..	2,812.97*	2,950.70*	3,200.00*
15	Tripura	..	..	..	..
16	Uttar Pradesh	..	..	..	274.00
17	West Bengal	..	..	..	..
18	Chandigarh	..	..	0.50	..
19	Delhi	..	..	..	..
20	Goa, Daman & Diu	..	..	..	..
21	Pondicherry	..	2.82	6.94	8.01
		78.25	2818.65	5842.89	6376.71

*Figures represent estimates for Scheduled Castes and Scheduled Tribes.

APPENDIX XLVII
(Reference para 4.32)

Statement showing assistance rendered to Scheduled Castes and Scheduled Tribes by the rural banks
(Rs. in lakhs)

Sl. No.	Name of the Regional Rural Bank	Period for which information is given	Scheduled Castes		Scheduled Tribes	
			Number of beneficiaries	Amount sanctioned	Number of beneficiaries	Amount Sanctioned
1	2	3	4	5	6	7
1	*Ballia Kshetriya Gramin Bank	1977-78	143	1.41	Included under previous columns.	
2	*Haryana Kshetriya Gramin Bank	1977-78	603	9.79	..	..
3	Monghyr Kshetriya Gramin Bank	As on 31-12-77	15	0.08	Bank's Branch not opened in tribal belt of the District.	
4	Pragzyotish Gaoulia Bank	1977-78	Bank finance small and marginal farmers irrespective of caste or tribe.			
5	Magadh Gramin Bank	1977-78	190	2.02	..	..
6	Santhal Pargana Gramin Bank	1977-78	304	0.79	502	1.79
7	Rayalaseema Gramin Bank	1977-78	1,425	9.19	230	1.79
8	Marathwada Gramin Bank	1977-78	1,076	13.30	Included under Sch. Castes.	
9	Gorakhpur Kshetriya Gramin Bank	1977-78	2,513	11.27	Included under Sch. Castes.	
10	Gaur Gramin Bank	As on 31-3-71	6,481	31.21	Do.	-Do.-
11	Bolangir Suchalik Gramya Bank	1977-78	5,573	25.48	3,720	18.24
12	Jammu Rural Bank	1977-78	1,165	10.11	..	..
13	Gurgaon Gramin Bank	1977-78	838	9.45	..	..
14	Nagarjuna Gramin Bank	1977-78	14,396	284.77	17,466	291.79
15	Kosi Kshetriya Gramin Bank	1977-78	257	1.99	63	0.35
16	Jaipur Nagaur Suchalik Gramin Bank	1977-78	2,142	27.99	465	8.44
17	Tungbhadra Gramin Bank	1977-78	875	5.00	326	1.97
18	Marwar Gramin Bank	1977-78	1,005	10.05	220	2.51
19	North Malabar Gramin Bank	1977-78	673	2.77	Included under Sch. Castes.	
20	Sultanpur Kshetriya Gramin Bank	1977-78	19	0.17	Do.	Do.
21	Uttar Banga Kshetriya Gramin Bank	1977-78	322	3.22	Do.	Do.
22	Champaran Kshetriya Gramin Bank	Till 31-3-78	967	6.30	41	0.28
23	South Malabar Gramin Bank	1977-78	1,349	3.05	173	0.45
Total			42,332	449.31	23,206	327.61

*Including Scheduled Castes and Scheduled Tribes.

APPENDIX XLVIII
(Reference Para. 5.10)

Report of the Study Team Deputed from The Office of The Commissioner for Scheduled Castes and Scheduled Tribes in April, 1978 to enquire into the happenings of Bishrampur Village, Rohtas District in March, 1978

Incident

On 25th March, 1978, two Harijans, one Kurmi and two Kanus lost their lives in the respective villages of Bishrampur and Kaniari of Rohtas District of Bihar State. Several houses were burnt in the orgy of violence. The State administration denied that these incidents of loot, arson and murder had any caste overtones and characterised them as a clash between two gangs of criminals. But some others termed this incident as "culmination of a long agrarian dispute as the rich, backward community did not like some Harijans having lands". In view of the conflicting reports that appeared in the press, Shri Shishir Kumar Commissioner for Scheduled Castes and Scheduled Tribes decided to make an on-the-spot assessment of this incident through his own agency and deputed a Team from his Headquarters for the purpose.

The Team reached Patna on the morning of 1st April, 1978, and contacted Shri K. N. Ardhanarishwaran, Commissioner (Patna Division) and Shri L. V. Singh, D. I. G. (Central Range). The Commissioner (Patna Division) made available a copy of the joint report submitted by the District Magistrate and Superintendent of Police, Rohtas District.

Brief position regarding the report submitted by the District Magistrate and the Superintendent of Police, Rohtas.

At 10 A.M. on the 25th March, 1978, murder of Hira Kurmi of Kaniari village was committed by Keshwar Dusadh, Nagina Kanu etc. Information was received at Dinara Police Station that some villagers of Bishrampur had forcibly taken away Hira Kurmi. On the orders of Station Incharge Shri S. A. Kambar, Probationary S. I. alongwith armed force left for the place of incident at 12.30 P.M. and reached Kaniari at 2.30 P.M. Meanwhile, he got the news that about 500 to 600 persons belonging to Kurmi community of adjacent villages had surrounded Bishrampur village. So they made arrangements about the supervision of the dead body of Hira Kurmi and proceeded to the village. On reaching Bishrampur they saw that some houses had been set on fire and the persons belonging to Kurmi community had surrounded the village. Some persons were also seen firing from the roof of the house of Bansropan Kanu. The Kurmis were also firing towards the village. The police made efforts to disperse the Kurmis but with no result, and so Shri Kambar ordered a Jawan of the armed party to make some rounds of fire in the air. Realising the gravity of the situation, Shri Kambar informed the Police Station Incharge, Dinara Police Station, to reach alongwith reinforcements. When the armed police parties reached Bishrampur, it was about 6 P.M. and majority of the villagers had fled from the village. The police caught hold of two persons and recovered two rifles from them. The police saw that some houses had been set on fire. The police sought the help of the villagers to extinguish the fire but no one responded to assist.

On investigation they came to know that after the murder of Hira Kurmi, the persons belonging to Kurmi community had started gathering in Kaniari village. These people came to know that the murderers of Hira Kurmi were hiding in Bishrampur village. About 600 Kurmis had collected and use of fire arms was resorted to form both the sides. One person received simple pellet injuries and got treatment at Dinara hospital.

On entering the village it was noticed that houses of 18 persons had been burnt, out of which six houses belonged to Harijans. Two charred bodies were recovered. One of the dead was identified as Bhukhan Dusadh and the other one was the mother of Bansropan Kanu. Ramashray Ram (Harijan) was also mentioned to have been murdered but his body had not been recovered. Sundar Kanu, father of Bansropan Kanu, was untraced. Four heads of cattle were destroyed in the fire. One tractor in the garage of Dr. R. V. P. Sinha's *Chhawni* had also been burnt.

About this incident two cases had been registered in Dinara Police station i.e. Case No. 16(3)/78 u/s 148, 149, 302 I. P. C. and 27 Arms Act and Case No. 17(3)/78 u/s 147, 148, 149, 436, 302, 364, 428 I. P. C. and 27 Arms Act. In the first case names of six persons (Keshwar Dusadh, village Dhanpura, P. S. Nokha, Nagina Kanu, Satyanarain Aheer, Ram Bachan Kahar and Jagdish of village Bishrampur and Shyam Bihari Dusadh of Kaniari village) were mentioned. In the second case names of 33 accused were indicated.

Bansropan Kanu's gang was stated to have murdered Hira Kurmi. About the incident of Bishrampur village (three murders and 18 burnt houses), the persons belonging to Kurmi community and their associates were held responsible. Hira Kurmi and Bansropan Kanu were stated to be the leaders of their respective gangs and had past enmity. Few days earlier, with regard to Kargahar Police Station Case No. 1(3)/78 u/s 302, 308 I. P. C. one diary was recovered on the spot containing the name of Bansropan Kanu, on the basis of which the house of Bansropan was searched and one country made gun was recovered and Dinara Police Station case No. 6(3)/78 u/s 25 Arms Act was registered. There was information that one notorious dacoit Dalpati Nonia used to stay at the house of Bansropan Kanu. His house was searched again. Subsequently Bansropan Kanu was arrested in Sasaram town by the local police and since then he has been confined to jail. The associates of Bansropan suspected Hira Kurmi to be responsible for the raids conducted at the house of Bansropan Kanu. In May, 1977, the tractor driver of Dr. R. V. P. Sinha was murdered in Bishrampur village. About this incident, Hira Kurmi was named accused through the manipulation of Bansropan Kanu, but this was proved wrong subsequently. On the day of Holi, Hira Kurmi was murdered by Nagina Kanu and Keshwar Dusadh who were the members of Bansropan's gang and had criminal records. As regards the murder of three persons and burning of 18 houses, this had been done by way of retaliation by the Kurmis. This cannot be termed as atrocities on Harijans because amongst the persons termed as murderers of Hira Kurmi three culprits are alleged to be from the Scheduled Caste community and about the Bishrampur incident six houses of Harijans were burnt alongwith 12 houses belonging to other communities. So far it has not come to light whether any of the 33 accused persons of Bishrampur happening had any previous enmity with the Scheduled Caste persons of village Bishrampur. Only the houses of supporters of Bansropan Kanu were burnt. Three persons (Keshwar Dusadh, Satyanarayan Aheer, Ram Bachan Kahar) were arrested for the murder of Hira Kurmi. Out of 33 accused persons only two persons (Mahant Kurmi, Ram Dular Rai) had been arrested.

On account of the ineffectiveness of police party two persons Shri S. A. Kambar, P. S. I. and Shri Jagmohan Singh, S. I., had been suspended. One unit of the armed police had been stationed in the village,

Affected persons had been provided with rations, blankets and saris etc. The affected families had also been given aid for construction of houses. It was also under consideration to allot land to the Scheduled Caste persons whose relatives had been killed.

The matter was also investigated by the Commissioner and D. I. G. (Central Range). It was mentioned in their note that there was enough material for preparation of Charge Sheet and the administration was fully conscious to control the situation and the Superintendent of Police had deputed adequate police force for the purpose.

Criminal record of some of the accused persons.

In the joint report submitted by the Collector and Superintendent of Police, a list of containing criminal cases against three persons was attached.* The cases enlisted were as follows :—

Name of the person	Case Number
Hira Kurmi	1. Dinara P.S. Case No. 18 dated 22-5-1977 u/s 457/388 I.P.C. 2. F.I.R. Accused in Dinara P.S. Case No. 2 dated 4-6-1977 u/s 302/34 I.P.C. 3. G. S. Karghar P. S. Case No. 387 : (4)/76 u/s 148/149/307/382 I.P.C. and 27 Arms Act. 4. Major P.S. Case No. 12 (11)77 u/s 147/149/326/336 I.P.C. and 27 Arms Act.
Bansropan Kanu	1. Karghar P.S. Case No. 2(3) 78 u/s 382/380 I.P.C. 2. Dinara P.S. Case No. 6 dated 2-3-1978 u/s 25(A) Arms Act. 3. Dinara P.S. Case No. 9(5)77 u/s 148/452/388 I.P.C.
Ram Bachan Kahar	1. Kinara P.S. Case No. 18(1) 67, 3(3)67, 4(3)67, 4(1) 67 and 1(11)67 u/s 457/388 I.P.C.

In order to obtain the details of the above mentioned cases, the concerned Police Stations were visited.

Hira Kurmi S/o Ramadhar Kurmi of Kaniari Village.

(i) *Dinara P. S. Case No. 10 (wrongly mentioned as 18) dated the 22nd May 1977 u/s 457/380 I.P.C.*

Shiv Mangal Rai of Gazipur Tola complained of the theft of household goods by some unknown persons on the night of 21st/22nd May, 1977. The police suspected Hira Kurmi, Keshwar Kurmi to be responsible for the theft. The case ended with F. R. T. 'No clue'.

(ii) *Dinara P. S. Case No. 2, dated 4th June 1977 u/s 302/34 I. P. C.*

Complainant Awadh Bihari Das stated that on the night of 3rd/4th June, 1977, Hira Kurmi, Nihora Mehto, Keshwar Mehto and Hemraj Mehto of village Kaniari had committed the murder of Ram Janam Dusadh. However, on 28th October, 1977, C. I., Bikramganj, communicated to the S. P., Sasaram, that final report u/s 302 true, but accusation false.

(iii) *Karaghar P. S. Case No. 1 dated 2nd April 1976 u/s 302/307/34/201, I. P. C. and 27 Arms Act.*

Complainant Mudrika Chamar s/o Hari Kishan Chamar of village Badaki Akhori, P. S. Karghar stated that on the night of 1st/2nd April, 1976, Hira Kurmi, Kedar Kurmi, Bhagwan Kurmi, Musafir Kurmi and three other unknown persons had attacked Scheduled Caste persons. It was mentioned that a meeting was held of the Scheduled Caste agricultural labourers and their Kurmi employers in which a demand was made from the side of the workers that they should get one *bojha* out of every 12 *bojhas*, whereas the employers were prepared to offer them one *bojha* out of 16 *bojhas*. As no settlement could be reached, the workers decided to leave the place. But the Kurmis pounced upon Scheduled Caste labourers and one Sukh Bilas Chamar died of bullet injuries, Chandrama Chamar also received bullet injuries in the chest. About this case Charge Sheet No. 28 dated 30th October, 1976, was submitted against Hira Kurmi, Kedar Kurmi, Bhagwan Kurmi, Musafir Kurmi, Ram Badan Kurmi, Shiv Bachan Kurmi and Sita Ram Kurmi showing all of them as absconding.

It may be mentioned here that a note had been recorded about this particular case by the Superintendent of Police, Rohtas on 18th September, 1976, that the allegation of dispute regarding minimum wages was found to be false.

(iv) *Nokha P. S. Case No. 12, dated the 21st November 1977 u/s 147/148/149/226/338, I. P. C. and 26 Arms Act.*

Ramji Chowdhary of Singhwa village complained regarding attack and unlawful assembly and named Ram Dular Rai, Ram Sagar Rai, Shiv Muni Rai, Shiv Bachan Rai, Hira Singh, Dharamraj Rai, Satyanarain Rai, Bhola Singh, Suraj Bansi and Ramchandar Rai as accused persons. The case was pending investigation.

It would be seen from above mentioned description of the criminal record of Hira Kurmi that leaving aside Karghar P. S. Case No. 1 dated 2nd April, 1976, in which charge sheet had been submitted against Hira Kurmi and some of his associates, there is no clear indication of the criminality of the deceased Hira Kurmi.

Bansropan Kanu S/o Sundar Kanu of Bishrampur Village.

(i) *Karghar P. S. Case No. 1, dated the 1st March 1978 u/s 302/380 I. P. C.*

Complainant Raj Kishore Pathak s/o Rup Narain Pathak of village Kapasia stated that some unknown persons had committed the murder of Raj Narain Pathak and a box containing court papers was removed.

A diary was recovered by the police near the place of occurrence containing the name of Bansropan Kanu of Bishrampur village; Shivnath Kanu, Bhor Shah alias Rajeshwar Kanu of Sarosor village P. S. Dinara, Keshwar Dusadh of village Bhanpura, Ram Chander Koiree and Salig Singh Yadav of Dhanchana Panchayat Samit, Dinara.

No charge sheet has been submitted about this case.

(ii) *Dinara P. S. Case No. 6, dated 3rd March 1978 u/s 25, Arms Act.*

On 2nd March, 1978, Ramashankar Singh, S. I. O/I Karghar P. S. raided the house of Bansropan Kanu and recovered country made rifle from Bansropan Kanu's house. Bansropan was taken into custody, and the case is pending investigation.

*The list has been reproduced in the manner it was received.

(iii) *Dinara P. S. Case No. 9, dated 20th May 1977 u/s 148/452/380, I. P. C.*

Ramjanam Singh of village Kusahi complained about unlawful assembly and committing of theft of ornaments, household goods etc. in his house, by Shankar Dusadh, Bali Ram Dusadh, Bansropan Kanu, Badai Dusadh, Ram Lal Chamar, Shyam Lal Chamar, Antu Chamar and Shri Bhagwan Yadav. The case was still under investigation.

The three enlisted cases against Bansropan Kanu do not establish his criminality. No charge sheet has been submitted against Bansropan Kanu in the murder case of Raj Narain Pathak. Two other cases were pending investigation by the police. It may be pointed out here that Bansropan Kanu has been confined to jail since 3rd March, 1978, and the murder of Hira Kurmi and arson and loot was committed at Bishrampur on the 25th March, 1978.

As regards the cases mentioned against Ram Bachan Kahar, no records were available at Dinara Police Station except undermentioned extracts from Crime Diary, which are reproduced below :—

Crime Directory (Part III) Volume-2 containing information regarding activities and happenings from time to time.

This Circle reported the cases of burglaries as the crime was not concentrated rather scattered. The cases which have been reported are 10(1)-67, 3(3)67, 4(3)67, 5(6)67, 4(9)67, and 1(11)67 u/s 457/380, I. P. C.

The active criminals are Rattu Kurmi, Ram Nath Dusadh and Dasrath Teli and Ram Raj Kurmi who are being run down by 110 Cr. P. C. A regular deputation is made at Akorha where from these criminals hail. Ram Raj Kurmi is selling his house and field with a view to settle towards Allahabad with one Dahia Kurmi of Amdaur and has at present shifted to village Churkhi.

At Bishrampur, Ram Bachan has formed another group consisting of criminals of Sisrit, P. S. Nokha. A close watch on these persons has brought good effect from October, 1967.

Sd./-

O/C Dinara Police Station
20-1-1968.

Keshwar Dusadh S/O Devi Dusadh of Dhanpura Village.

Though there is no mention regarding criminal record of Keshwar Dusadh in the Joint report of the Collector and Superintendent of Police, reference to his criminal activities have been made in case diaries etc. It has even been mentioned that this man had been detained under MISA, though no information could be given about the period of his detention. In the course of our talks with the Collector, Sasaram, it was learnt from him that they were checking up their records to confirm whether Bansropan had ever been detained under MISA. Any way five undermentioned cases had been listed against Keshwar Dusadh.

(i) *Karghar P. S. Case No. 10, dated the 15th May 1974 u/s 395, I. P. C.*

Kalika Prasad s/o Banarsi Prasad of Simdhira village complained of dacoity by some unknown persons. The police suspected Keshwar Dusadh along with 6 other persons responsible for the crime. However, the case ended with no clue. F. R. T.

(ii) *Nokha P. S. Case No. 1, dated 1st April 1976 u/s 389/411/25 Arms Act.*

One Hari Narain s/o Baijnath Ram of Dhanpura complained that Keshwar Dusadh and Muraw Dusadh had committed theft. The case related to recovery of

unlicensed arms also. Only Keshwar Dusadh was charge sheeted u/s 25 Arms Act. The case was pending in the court.

(iii) *Karghar P. S. Case No. 6(4)77 u/s 395 I. P. C.*

Sahdeo Pandey s/o Ramjatan Pandey of Namwa village complained that some unknown persons had committed dacoity. The police suspected Keshwar Dusadh and his associates to be responsible for the crime. However, the case ended with no clue, F.R.T.

(iv) *Nokha P. S. Case No. 6(12)/77 u/s 396 I.P.C.*

Shri Raj Kishor Mishra s/o Ram Sagar Mishra complained regarding dacoity at Sisrit village by some unknown persons. The police suspected Keshwar Dusadh of Dhanpura along with four others responsible for the crime. However, the case was pending investigation.

(v) *Nokha P. S. Case No. 11, dated 25th May 1977 u/s 395 I. P. C.*

Brahmdeo Pandey s/o Gamnara complained of dacoity by some unknown persons on the night of 25th May 1977. The police suspected Keshwar Dusadh s/o Devi Dusadh of Dhanpura and Ramashray Dusadh of Arang to be responsible for the crime. Keshwar Dusadh was arrested at Sasaram as suspect but he was released later on as charges could not be proved. The case ended with no clue.

It would be seen from above that leaving aside Nokha P. S. Case No. 1, dated 1st April, 1976 in which Keshwar Dusadh was charge sheeted, no other criminality has been established against him.

Views of some eminent persons.

In the course of this visit, the Team had also an opportunity of contacting under-mentioned persons who happened to be conversant with this incident :—

1. Shri Devendra Prasad Singh
2. Dr. R. V. P. Sinha.
3. Shri R. A. P. Sinha.
4. Shri Bipin Bihari Sinha.
5. Shri Jabir Hussain, Health Minister.
6. Shri Ram Sundar Das.
7. Smt. Kamla Kumari Sinha.
8. Shri R. G. P. Sinha.

1. *Shri Devendra Prasad Singh, ex Vice-Chancellor, Bhagalpur University.*

He came to know from Dr R. V. P. Sinha on 27th March, 1978, that a mob of 500 Kurmis had attacked Harijan Tola of Bishrampur. He was told about a great deal of destruction. According to his information the attack on Harijan Tola was made at about 3 P.M. on 25th March, 1978. He was of the view that tensions must have built up right from morning. As per his information the armed police personnel sent to the village were mere onlookers. He did not entirely rule out the possibility of about some sort of collaboration on the part of the local police. He stated that the information regarding the incident reached Sasaram on the 26th evening which shows the casual attitude of the authorities concerned. Shri Devendra Prasad Singh narrated brutalities of the incident. He thought that the Kurmis had attacked Harijans because they were helping the Kanus. He supported the statement that a meeting of Kurmis had been organised in Rohtas district in which the Kurmi leaders had pleaded for the unity of its members to safeguard the interests of the community and funds were also collected. According to Shri Devendra Prasad Singh, the holding of such a meeting should have been publicised. He was not satisfied with the statement made by the Chief Minister of Bihar that it was a gang warfare, and he expressed desire through

some leading newspapers that a detailed study about Bishrampur incident may be made by the Commissioner for Scheduled Castes and Scheduled Tribes. Shri Devendra Prasad Singh categorically stated that this was not a caste feud but definitely an attempt by Kurmis to assert their superiority over Harijans and others. He also considered that the incident must have some agrarian background either in the form of wage dispute or cultivation of lands. He was of the view that the administration was not genuinely interested in promoting the welfare of weaker sections.

2. Dr. R. V. P. Sinha

Dr. Sinha stated that they are five brothers and possess about 100 bighas of land for the cultivation of which they had brought some families, belonging to castes like Chamar, Kanu, Dusadh and Teli etc. to the village. He called it a well maintained village. The cultivation was done with his tractor which had also been burnt on the day of incident by the mob of the Kurmis. Dr. Sinha stated that they allowed the villagers to make use of their tractor on payment of propulsion charges. It also appeared from the talks of Dr. Sinha that from time to time they had been advancing loans to the villagers some of which had turned out to be bad debts. However, in the past few years criminal activities had increased in the area. He stated that his tractor driver, whom he wanted to lease out some of his land, was done to death about an year back. He added that a few days before his murder, his driver had informed him about the danger to his life. Dr. Sinha felt that a very clever person (whom he refused to name) was behind this crime. He desired that the incident should be properly investigated. Dr. Sinha wanted that to make the village accessible round the year, a road about half a kilometer (even if kutcha) in length should be constructed at the earliest possible. Dr. Sinha called deceased Hira Kurmi as the Robinhood of the area on account of whose fear no dacoity could take place. Dr. Sinha stated that almost all the missing persons except one person named Lallan had been traced. It was learnt later that even this man had returned to the village. According to Dr. Sinha, the fire that had been set by the Kurmis in Bishrampur on 25th March, had not been completely extinguished till the evening of 27th instant. Dr. Sinha expressed desire that the Government should suitably compensate him in respect of the damage caused to his property and tractor, as they were thinking of compensating Harijan sufferers of the village.

3. Shri R. A. P. Sinha ex-Inspector General of Police.

He referred to the Kapasia dacoity and murder case and stated that the complainant could not name any criminal, but Bansropan was involved by the police in this case. His house was searched and whatever articles the poor fellow had collected for the performance of *gauna* ceremony of his daughter, were removed by the police. Bansropan had not been released on bail. According to Shri Sinha, Bansropan did not have any land of his own and neither he was a criminal. His only shortcoming was that he was somewhat rash in his utterances whereas Hira Kurmi was a big land owner and his past was full of criminal activities. He also mentioned that at one stage Hira Kurmi had approached him to allow him to do the cultivation of the lands belonging to Sinha family. He also stated that in the past gun licences had been issued indiscriminately to the persons who paid levy to the Government. Shri Sinha particularly mentioned that the villagers of this area were of revengeful nature and if there remained some laxity in the nabbing of

all the criminals some more persons may be murdered. He did not term it as a gang warfare, but between Kurmis and others.

4. Shri Bipin Bihari Sinha, M. L. A.

He stated that he came to know of this incident from Shri R. A. P. Sinha, retired I.G. of Police, that Bishrampur had been burnt by hooligans. Shri Sinha also sent one Kusdhar Chamar to his place. He mentioned that even on 26th March, 1978, the D. I. G. (Shri L. V. Singh) had no information about this incident. Subsequently Shri Bipin Bihari Sinha accompanied Shri Jabir Hussain, Health Minister of Bihar, Shri Shivnandan Paswan Revenue Minister of Bihar, Shri Raghu-pati, a youth leader and Shri Shiv Punjan Singh, local M. L. A., and all of them reached Dinara Police Station at about 1.30 P.M. On reaching Bishrampur* later they noticed abysmal poverty. There was not even a single brick house in the whole village of Bishrampur. The B. D. O. (Shri Sahai) informed them that the villagers of Bishrampur had themselves set their huts on fire. They found 26 bullet marks on the walls of Bansropan's house. Fire was still burning in some of the huts. On way back to Dinara P. S. they came across the D.I.G. and Commissioner and saw one old man stating before them with folded hands that he had made statements about the Bishrampur incident as per directions of the police and requested D. I. G. to ensure that no harm was done to him. From this Shri Bipin Bihari Sinha suspected that some attempts were being made to suppress truth and perhaps police were torturing the witnesses. At Bishrampur they found about 25 ladies crying. No person below 50 years of age was present in the village. Ramashray's grand mother was wearing blood stained clothes. Shri Bipin Bihari Sinha came to know that while acts of destruction were going on in Bishrampur village, the police had hidden themselves in wheat fields. He stated that Bansropan did not have a clean record. He referred that Shri Abdul Gafoor, ex-Chief Minister of Bihar had stated in the State Assembly that a meeting of Kurmis was organised in village Kochas on 18th March, 1978, in which sizeable funds had been collected and appeals were made for preserving the unity of Kurmis. One of the State Cabinet Members (Shri Jogeshwar Mandal) and Shri Bhola Singh (M. L. A.) had also been invited to this meeting. Shri Bipin Bihari Sinha was requested to make available copy** of the extracts containing this matter. Though he promised to do so, the proceedings could not be collected from him as he was not available in Patna subsequently.

Shri Bipin Bihari Sinha thought that no agrarian factors were behind this incident and neither it was the result of any gang warfare. However, Shri Sinha thought that Hira Kurmi was a notorious criminal and had been killed by his associates. The name of Bansropan was being mentioned without sufficient grounds. Shri Sinha blamed the police for inefficiency and negligence and stated that all the police Stations were equipped with wireless sets and it would not have been difficult for the Dinara Police Station to flash messages about this happening without much loss of time.

5. Shri Jabbir Hussain, Health Minister.

On 27th March, 1978, the local M. L. A. Shri Shiv Pujan Singh telephoned and gave him a horrible account of the happenings at Bishrampur. Before proceeding to Bishrampur he contacted D. I. G. and I. G. to know something about the incident. The I. G. advised him to wait for the first report from the police. He, however, spoke to the Chief Minister who happened to be in Delhi at that time and left for the place of incident alongwith some of his colleagues.

*Out of total population of 219 of Bishrampur, 65 belonged to Scheduled Castes, whereas out of a total population of 677 of Kaniari village, 155 belonged to Scheduled Castes.

**Bihar State Legislative Proceedings dated 29th March, 1978.

However, just before they were leaving the place some preliminary information had been received by the D. I. G. (Intelligence) stating that 18 houses had been burnt at Bishrampur. They reached Dinara Police Station in about four hours time and met the B. D. O. and Circle Officer. He did not support the version of Shri Bipin Bihari Sinha that the B. D. O. had stated that the villagers of Bishrampur had themselves set their houses on fire. D. I. G. and Commissioner had already been to that place. At Bishrampur most of the people who met them did not belong to that village. He also stated that it was wrong to say that the police had been torturing the witnesses, a mention of which was made by Shri Bipin Bihari Sinha. Shri Jabbir Hussain did not see any collaboration on the part of police, but he blamed them for their sheer incompetence. According to him excessive militancy is developing among certain castes and some politicians use it for their survival because they do not have any political ideology to offer.

6. *Views of Shri Ram Sundar Das, Smt. Kamla Kumari Sinha and Shri Bipin Bihari Sinha.*

They did not agree that it was a gang warfare. According to them the whole population of Bishrampur village had been terrified. It would not be correct to call the whole population criminal. On the other side also a mob of more than 500 Kurmis had surrounded the Bishrampur Village. Such a big mob could not be termed criminal. The origin of this dispute could perhaps be traced to some land dispute over gair majurva lands. According to them the labourers in this area were getting minimum agricultural wages. To an extent this could be termed as a caste feud and atrocity on Scheduled Caste persons because most of the sufferers belonged to Harijan community. They had some suspicions about the holding of Kurmi Maha Sammelan and suggested that this matter required a thorough probe by the police.

- (i) Shri Ram Sundar Das referred to the setting up of Harijan Cell by the Government of Bihar and stated that the Special Secretary had been provided a small staff consisting of one Deputy Superintendent of Police, two Inspectors, two clerks and two Peons only to attend to such problems in respect of whole of Bihar. This Cell was not allowed to take up cases directly. The cases had to be referred back to the same police who at one stage had adopted indifferent attitude in such matters. The Cell did not have powers of instituting cases directly. Shri Ram Sundar Das suggested that the Cell should be sufficiently empowered to do so.

- (ii) He suggested aiding voluntary organisations so that they could work for social upliftment of Scheduled Caste persons. He suggested that extra funds should be provided to the voluntary organisations to enable them to make investigations in such incidents.
- (iii) He felt that the villagers of Bishrampur were fear stricken. In order to enable their emotional resettlement and to create confidence in them, one Thana Outpost should be maintained for a period of six months at least.
- (iv) The State Legislature Welfare Committee for Scheduled Castes and Scheduled Tribes was not empowered to investigate such cases, and was required to look into reservation cases only. Shri Sundar Das suggested that this short-coming should be overcome.
- (v) He was critical of the hasty statements made by the Bihar Chief Minister about atrocity cases on Scheduled Castes and belittling such cases by calling them as gang warfares.

8. *Shri R. G. P. Sinha (Jwala Babu) of Surajpura*

He is an old man and was somewhat ill at the time of meeting. He stated that he did not wish to say anything else about the persons involved in Bishrampur incident, except that Bansropan Kanu was the root cause of the incident. He declared that he was not afraid of any of the Kurmis but only of Bansropan. He referred to the damage caused to his property at Bishrampur on 25th February 1978 and desired that he should be suitably compensated by the Government.

Visit to Rohtas District

The Team reached Rohtas District on the evening of 3rd April, 1978 and remained there till 8th April, 1978. Four villages namely Bishrampur, Kanairi, Kochas and Jalwaian were visited. In the course of this period officials such as District Magistrate, Additional District Magistrate, Assistant Superintendent of Police and other police and revenue officials, non-officials and villagers were contacted. Case diaries of the Police regarding murder of Hira Kurmi and Bishrampur incident were consulted.

Incidence of landlessness among Harijans and comparatively better position of Kurmis.

Information regarding the pattern of ownership of cultivable land in the four villages of Turki, Bishrampur, Babhandiah and Kaniari is given below:—

Sl. No.	Village	Cultivable land		Cultivable land in possession of Kurmis		Cultivable land in possession of Scheduled Castes		Others	
		Area	No.	Area	No.	Area	No.	Area	No.
1	Turki	111.38	40	110.88	39	Nil	Nil	0.50	1
2	Bishrampur	403.09	132	244.63	65	6.96	4	151.50	63
3	Babhandiah	163.12	43	87.72	28	4.72	3	70.68	12
4	Kaniari	964.22	343	244.84	62	31.25	11	688.13	270

Mostly the Scheduled Caste persons worked as labourers and remuneration was being paid to them on daily, monthly or yearly basis. The persons who work on yearly basis are also known as Banihars. They are given land measuring upto 2 bighas by their employers for working for them round the year. The

produce of this particular land is considered to be the share of the workers. There are also *manihars* who are eligible to receive share of the produce at pre-negotiated rate. Then there are workers who get payment according to *boihars* (loads) of produce taken from the fields. Normal share of the worker happens

to be one load out of 12 or 16 *bojhas* (loads) of produce. Monthly wages range from Rs. 50 plus meals.

Particulars of some of the leading land owners of the respective villages of Bishrampur & Kaniari.

Village	Name	Holding
1. Kaniari	Shri Hira Prasad Singh Rajput	150 Bighas
	Shri Hira Kurmi	30 do.
	Shri Shankar Dayal Singh Rajput	30 do.
	Shri Nathu Singh Rajput	30 do.
	Shri Bhukhi Singh Rajput	25 do.
	Shri Bansi Dhar Chamar	30 do.

Village	Name	Holding
2. Bishrampur	Shri R. A. P. Sinha S/o Shri Bibhuti Prasad Sinha	8.77 Acres
	Dr. R. V. P. Sinha	10.31 do.
	Shri Ram Ganesh Sinha (Jwala Babu)	9.88 do.
	Shri Ram Rudra Prasad Singh	9.12 do.
	Shri R. H. P. Sinha	9.15 do.
	Joint in the name of 5 brothers	5.18 do.

It was learnt that in the respective villages of Bishrampur and Kaniari only five persons had been allotted land during the last three years out of which three belonged to Scheduled Castes. Details regarding land allotment in these two villages for household and cultivation purposes are undermentioned :—

Allotment of land to Scheduled Castes and others during the last three years in Bishrampur and Kaniari.

Sl.No.	Name of the settler and address	Khata No.	Plot No.	Area	Case No.	Nature of land
1.	Shri Sidhu Ram Dusadh S/o Shri Chantar Ram village Kaniari.	344	959 965 (for house)	0.02 Dcm. 0.03 Dcm. 0.05	2/73 74	Gair Majarua Malik
2.	Shri Dwarika Dusadh S/o Shri Deo Nath Dasadh village Bishrampur.	122	278 (for cultivation)	0.16 Dcm.	45/75 76	do.
3.	Shri Mangru Ram Chamar S/o Shri Saluki Ram village Kaniari.	344	1308 (for cultivation)	0.32 Dcm.	3/77 78	do.
4.	Shri Chabi Kahar S/o Shri Lal Chand Kahar village Bishrampur.	122	446 445 (for house)	0.02 Dcm. 0.01 Dcm. 0.03 Dcm.	4/77 78	do.
5.	Smt. Mosmat Maurajia W/o Shri Bhagwan Kahar Village Bishrampur.	37	56 55 (for cultivation)	0.26 Dcm. 0.06 Dcm. 0.32 Dcm.	5/77 78	do.

Holders of gun licences in Dinara Police Station

There are 641 persons holding gun licences in the jurisdiction of Dinara Police Station. It was learnt from the officers at Dinara Police Station that no villager of Bishrampur was holding a gun licence. But two persons of Kaniari village Hira Kurmi s/o Ramadhar Kurmi and Hira Singh s/o Ramjanam Singh were holders of arms licences. Hira Kurmi was issued licence for Rifle No. 104841 on 31st December, 1973, whereas Hira Singh was issued licence for D. B. B. L. Gun No. 17540 on 20th June, 1958.

Organisation of Kurmi Maha Sammelan

In a village known as Kochas, a Kurmi Maha Sammelan was organised on 18th and 19th March, 1978, in which prominent persons from adjacent villages addressed a sizeable gathering of the members of Kurmi community and it is almost certain that funds were also collected to safeguard the interests of

the members of the community. Demands were made for raising their unit in the Indian Army and stress was laid for ensuring unity amongst Kurmis. It was also understood that a confidential report about the holding of this Sammelan was submitted by the Kochas Police Station to the Superintendent of Police, Sasaram.

Visit to the respective villages of Bishrampur and Kaniari.

The village was visited on 4th April, 1978. One armed unit of Bihar Military Police consisting of one hawaldar named Shri Ramashray and four constables had been stationed in Bishrampur. The unit possessed one stengun and four rifles. Subsequently one more unit having the same composition and ten mounted police personnel under the charge of the Risaldar had been kept at the village since 29th March, 1978.

One Shri Kushdhar Chamar s/o Ram Dayal Chamar informed that he possessed some land of his own and

also cultivated five bighas of land belonging to Sinhas. The Sinhas had also been employing persons like Bhukhan Dusadh and Suresh Dusadh by offering them some portion of land for cultivation on yearly basis. The Sinhas had also been employing many

Harijan labourers on daily wages at the time of busy agricultural season. Information regarding the pattern of livelihood and loss suffered by some of the Scheduled Caste persons of Bishrampur village is given below :—

Sl. No.	Name	Pattern of livelihood	Loss suffered
1.	Kushdhar Chamar S/o Ram Dayal Chamar.	Cultivated 4 bighas of Canal Vibhag land on lease basis. Also worked on 5 bighas of Dr. R.V.P. Sinha's land.	1. One house burnt. 2. One fishing net and household goods removed.
2.	Kesho Dusadh S/o Bhukhan Dusadh	4 Bighas of own land. Cultivated on 2 Bighas of Shri R. A.P. Sinha's land and 1½ Bigha of Dr. Sinha's land.	1. Five Kotharis of his house burnt. 2. Bhukhan Dusadh, his father killed.
3.	Jagdish Dusadh S/o Bhukhan Dusadh.	Cultivated 2 Bighas of Dr. Sinha's land.	1. Eight Kotharis of a house and one cow burnt.
4.	Suresh Dusadh S/o Kesho Dusadh	Cultivated 7 Kathas of Dr. Sinha's land. Also worked on daily wages with other employers.	Three Kotharis of house burnt.
5.	Pargan Dusadh S/o Muharika Dusadh.	Old man. Daily wage earner.	Three Kotharis of house burnt.
6.	Dasrath Dusadh S/o Pargan Dusadh.	Village Chowkidar getting Rs. 100/- per quarter.	Three Kotharis of house burnt.
7.	Dwarika Dusadh S/o Dev Nath .	3 Bighas of own land.	One house partly burnt and a buffalo killed.
8.	Shiv Bachan Dusadh S/o Raj Nath	Used to work on Dr. Sinha's lands, but later on account of physical handicap, started working on daily wage basis.	Household articles removed.
9.	Shankar Dusadh S/o Raj Nath .	7 Kathas of own land. Also worked on the lands of Ram Byas Bania.	do.
10.	Ram Bachan Dusadh S/o Raj Nath	Daily wage earner.	One house burnt.
11.	Budhu Dusadh	Daily wage earner.	do.
12.	Algu Dusadh S/o Ram Jagi Dusadh	3½ Bighas of own land.	Cycle, cloths etc. removed. Received pelet injuries and confined to Sasaram Hospital.
13.	Kedar Dusadh S/o Ram Janam Dusadh.	Daily wage earner.	5 Kotharis of house burnt, 3 goats killed, household goods and paddy removed.
14.	Nagina Dom	Basket making	Grains and utensils removed.

With regard to criminal activities of the villagers of Bishrampur only the name of Jagdish Dusadh s/o Bhukhan Dusadh had figured in the murder case of Hira Kurmi. Reference was made to the land dispute between the villagers of Bishrampur and some Kurmis of Akhori village with regard to settlement on about seven acres of gair majarua malik land on the bank of a *pokhar* (tank). It was learnt that at some stage this land was in the joint possession of Sinha family and some Rajputs. The Sinha family had a share of six annas in a Rupee in respect of this land and the remaining ten annas was the share of the Rajputs. Subsequently this land vested with the Government. About 22 persons of village Bishrampur belonging to communities like Harijan, Kanu, Kahar submitted applications requesting for the settlement of this land to the Circle Officer, Dinara at the time of Dussera festival. However, subsequently when the Circle Officer, Dinara was contacted in this regard, he denied any knowledge of such applications received from the villagers of Bishrampur village. Anyway one man named Awadh Bihari Das, a Yadav by caste, was

reported to have constructed a small kutchra hut on this land but some Kurmis (Ramashray Rai, Sarjoo Rai, Shyam Sundar Rai, Ram Dayal Rai, Inder Dayal Rai, Antu Rai, Nihora Rai, Bikrama Rai, Rampati Rai, Ramji Rai etc.) made an armed attack and demolished the structure. The matter was also stated to have been brought to the notice of the police by the villagers. But they had not kept a copy of this application with them. The police was reported to have lodged a case u/s Cr. P. C. in Dinara Police Station against 19 persons of village Bishrampur and 21 persons of village Akhori. The issue was compromised in the court of S. D. O. two months later.

It was learnt that some of the Scheduled Caste labourers of Bishrampur village used to work on the lands of Kurmis of adjacent villages. One Jhalu Dusadh s/o Ram Bachan Dusadh had been employed by one Ram Naresh Rai of Akhori village for household work but consequent upon Bishrampur happening, he had stopped working with him. Ram Naresh Dusadh, s/o Dasrath Dusadh was reported to be still

working with Satyaranarain Kurmi of Akhori village. These persons were paid at the rate of Rs. 50 per month plus food and clothes.

It was learnt that one Ramayan Chamar of Kaniari village had a wage dispute with one Hari Shankar Pandey. The labourer had demanded an amount of Rs. 16 for four days work whereas his employer was offering him an amount of Rs. 12 only. The matter was reported by one Gupteshwar Ram, an educated Scheduled Caste person of Kaniari village to the authorities concerned. On the intervention of the officials, the matter was amicably settled. But the Scheduled Caste persons stated that the persons belonging to high castes had treated this incident as a blow to their prestige and some of them had been heard as saying that to set right the Scheduled Caste persons they may have to repeat Bishrampur happening in Kaniari village also.

It was also mentioned that some Harijans of village Akhori had complained against their Kurmi employers about lesser payment of wages to the Labour Inspector, Sasaram about three years back. But some Kurmis (Kedar Raj, Bhagwan Rai, Mukteshwar Rai, Ram Badan Rai and Sita Ram Rai) got annoyed over this. On behalf of Kurmis Hira Chowdhary alongwith this other Kurmi associates murdered one Harijan named Sukhbilas Chamar and injured two others named Manaka Chamar and Chandrama Chamar. They also referred to some disputes between Harijans and Rajputs over cultivation of Gair Majarua Malik lands in village Jalwaian.

It was observed at the village that the houses had not been set on fire by the mob of Kurmis indiscriminately*. While burning houses the mob had selected houses possibly on the basis of their estrangement with the villagers of Bishrampur. For instance, the houses of persons like Budhu Dusadh, Shankar Dusadh, Shiv Bachan Dusadh were left untouched whereas the houses of the remaining persons had been burnt and their possessions removed. Smt. Tuleshwari Devi, wife of Bansropan Kanu stated that at the time of attack on her house, she hid herself in the Chawni of Shri R. A. P. Sinha. However, the father and mother of Bansropan were done to death by the mob of Kurmis. She could name Hari Shankar Pandey of Kaniari village, Bhola Chaudhary of Samuhati village and Nihora Rai of Akhori village as the murderers of her father-in-law and mother-in-law.

At Kaniari village S/Shri Jagdish Prasad Kurmi, uncles of deceased Hira Kurmi informed that Hira Kurmi at the time of his death had owned about 30 bighas of land in Kaniari village whereas Bansropan aged about 40 years did not possess any land of his

own in Bishrampur village and had been looking after the lands of Sinhas for the last twenty years. They informed that some persons belonging to Kahar, Sonar communities had been working on their fields and in return were allowed to cultivate small plots for their own use. They alleged that two Scheduled Caste persons namely Bansidhar Chamar and Gupteshwar Chamar were also amongst the murderers of Hira Kurmi. Bishwanath Singh who happened to be one of the complainants to the police about the murder of Hira Kurmi stated that he did not mention the names of these two persons at the earlier stage because on the 25th March he was too disturbed to think of such matters.

Shri Basudeo Pandey who is an old resident of Kaniari village and works as Teacher-cum-Post Master enulogised late Hira Kurmi who according to him, was greatly interested in social activities. He stated that the villagers of Kaniari owed too much to the active involvement of Hira Chowdhary in matters like construction of road linking their village with the main road and setting up of a library in Kaniari village.

Socio-economic condition of Scheduled Caste persons.

The Scheduled Caste persons complained about discrimination in village temples and in common dining arrangements. However, they did not report any incident of untouchability at tea shops etc. They appeared to be satisfied with drinking water arrangements. Most of them were not conscious about educating their children. The highest educated Scheduled Caste person in village Jalwaian was found to have studied upto 3rd standard only. The position was comparatively better in Kaniari village where a Scheduled Caste person was stated to be a graduate and had been employed in postal department at Ranchi.

Relief Measures.

According to the statement made by Shri Charan Singh, Minister of Home Affairs in the Lok Sabha on 30th March, 1978, payment of Rs. 5,000 each had been made to the families of those killed. Payment ranging between Rs. 500 to Rs. 1,000 had been made to each family as house building grant. Atta, rice, clothes and blankets had also been distributed and tarpaulins provided for temporary shelter.

However, it was learnt from Shri Basant Prasad, Collector, Sasaram that the cash disbursements had not been made to the village till 7th April, 1978. It was also understood from the Collector that no proposal was under consideration for allotment of land to the families of the affected persons though it had been mentioned in the joint report of the Collector and

**Persons whose houses were set on fire*

1. Dr. R. V. P. Sinha
2. Awadh Bihari Das
3. Dwarika Dusadh
4. Pargan Dusadh
5. Bhukan Dusadh
6. Basant Dusadh
7. Kesho Dusadh
8. Dasrath Dusadh
9. Jagdish Dusadh
10. Keshav Dusadh
11. Kushdar Chamar

Persons whose houses were not set on fire

1. Budhu Dusadh
2. Shankar Dusadh

12. Shiv Bachan Kahar
13. Suresh Dusadh
14. Ram Bachan Dusadh
15. Kedar Dusadh
16. Paryag Kanu
17. Bansropan Kanu
18. Timil Kanu
19. Badan Kahar
20. Badri Kahar
21. Nothura Kanu
22. Sital Kahar.

3. Shiv Bachan Dusadh
- * 4. Algu Dusadh.

Superintendent of Police that the matter regarding allotment of land to the harijan families who had lost their kith and kin in the incident, was receiving attention.

Conclusion

The role of police in handling situation at Bishrampur village on 25th March, 1978 deserves to be condemned. They took inordinately long time in reaching the place of occurrence from Dinara Police Station, and even after reaching the place took no positive step to protect the villagers of Bishrampur from the fury of invaders. In fact the fire set by the raiders in Bishrampur village on 25th continued to simmer till the next day. On the contrary, they are reported to have hid themselves in the fields to save their one skin. After getting reinforcements also the police were able to apprehend only two criminals out of a large number of persons who participated in the assault.

It appears that in the matter of reporting about Bishrampur incident, attempts have been made in certain quarters to give coloured versions of the tragedy. But from a closer and dispassionate analysis it can be seen that the incident occurred on account of various factors taken together. To refer it as a clash between two gangs of criminals may hold good to a limited extent because the Government of Bihar could list out some cases against 4 or 5 persons only out of more than 500 to 600 persons involved in the incident. It may be stated here that even these cases have not been proved in the courts, whereas the incident resulted in four murder, large scale destruction to property and had its repercussions in the State Legislative Assembly as well as in the Central Parliament. It is still more difficult to call it a gang warfare on the basis of our talks with some of the prominent persons and members of Sinha family. For instance, in respect of the murder case of Ram Janam Dusadh, Dr. R. V. P. Sinha stated that by naming Hira Kurmi and his associates in the F.I.R. definite attempts had been made to put the police on the wrong track through other persons of the village were considered responsible for the crime. The second brother had a high opinion about Bansropan Kanu and condemned Hira Kurmi whereas the third brother Jwala Babu stated that the whole incident had taken place on account of the criminal activities of Bansropan Kanu and did not say anything about Hira Kurmi. In such conditions it becomes difficult to draw any conclusion whether Bansropan Kanu who has been termed as the mastermind behind the murder of Hira Kurmi and was also stated to be the leader of Scheduled Caste persons of Bishrampur village, was actually a criminal or a saviour of the poor. To justify the argument that it was gang warfare it would have been proper for the Government of Bihar to give definite information about the gangs operating in the area, their past criminal activities and about the formation of such gangs. By and large Kurmis organised themselves on caste lines and some of them did have criminal record. It would have been possible that to settle score with some non-Scheduled Caste persons, the Kurmis might have considered this opportunity appropriate to terrorize the Scheduled Caste persons as well. Keeping in view these points and taking into consideration the views expressed by some eminent persons who prefer to call it not exactly a caste feud, but definitely an attempt by Kurmis to assert their superiority over Harijans and others.

It is widely acknowledged that many crimes take place in this district and many murders go unrecorded. Even officials admit that unlicensed arms are kept by the villagers, but whether such unlicensed arms were ever recovered from the Scheduled Caste persons of Bishrampur village, is nowhere on record. Many huts of Scheduled Caste persons had been burnt in the Bishrampur village but there was no mention about the recovery of unlicensed arms at least in this

particular village. Before terming the victims of the incident as members of criminal gang, the Government should have satisfied itself by conducting a house to house search to know if some of them were really in possession of unlicensed arms.

In the absence of clear and definite information in respect of the foregoing points it would not be justifiable to be little the miseries of Scheduled Caste persons of Bishrampur village by calling them criminals and referring the incident as the result of a gang warfare. By and large, the Scheduled Caste sufferers of Bishrampur village were not criminals but the victims of the members of Kurmi community whose only interest was to keep them in subordination so that they should not raise their voices for land allotment or more wages.

The incident was also in some way related to agrarian tensions that took place from time to time between the land owners belonging to Kurmi community and the Scheduled Caste wage earners. There have been some land disputes as well as wage disputes. Even a Scheduled Caste labourer was reported to have been murdered by the Kurmi landlords at the time of conducting negotiations about wage payments. But it is not correct to say that the previous Government in Bihar had allotted some lands to the Scheduled Caste persons and this led to resentment amongst the members of land owning backward communities. Actually no worthwhile effort has been made so far in these villages to improve the condition of Scheduled Caste persons through land allotment drives stated to have been conducted from time to time. It is also equally wrong to say (as was reported in certain newspapers) that 65 Scheduled Caste persons of Bishrampur village were still missing. The number of killed and injured has been correctly reported by the Government of Bihar.

This incident took some shape of a caste feud because subsequent to the murder of Hira Kurmi, his caste people from the adjacent villages collected together in order to punish the villagers of Bishrampur, who they considered responsible for the murder of Hira Kurmi. The joint crusade of Kurmis against the villagers of Bishrampur might also be the result of Kurmi Maha Sammelan at Kochas village in which their leaders had urged the Kurmis to remain united to safeguard the interests of the persons belonging to this particular community and funds were also raised for the purpose.

The Government of Bihar have refuted that this incident of Bishrampur could be considered as atrocities on Scheduled Caste persons. Their reasoning is primarily based on the fact that in the four murders of Bishrampur village, in two cases the victims happened to be non-Scheduled Castes. One point is significant here that in Bishrampur village the population of Scheduled Caste persons is sizeable and some of them had also been working on the lands of Kurmis of adjacent villages and did have some wage disputes with them. Even otherwise it is well known that in the rural areas of our country the Scheduled Caste persons live interspersed with others and they are bound to have common interests and affiliations with other communities inhabiting these places. So mainly on the basis of the argument that some of the victims were also non-Scheduled Caste persons, it cannot be proved that this was in no way an incident of atrocities on Scheduled Caste persons.

Last but not the least, the Government of Bihar should take urgent steps to ensure that the compensation money is distributed to the victims of the affected families without further loss of time. They should also consider the question of allotment of land to the Scheduled Caste families who have lost their kith and kin on account of this unfortunate happening.

APPENDIX XLIX
(Reference para 5.48)

Statement showing benefits derived by small/marginal farmers, Agricultural Labourers belonging to Scheduled Castes and Scheduled Tribes in SFDA/MFAL Agencies during 1977-78

(Rs. in lakhs)

S. No.	Name of the Agency	Number of Beneficiaries				Expenditure during 1977-78 on			
		Scheduled Tribes	Castes	Others	Total	Scheduled Tribes	Castes	Others	Total
1	2	3	4	5	6	7	8	9	10
1	S.F.D.A., Karimnagar (A.P.)	.	.	.	.	.	2.16*	8.69	10.85
2	S.F.D.A., Warangal (A.P.)	.	.	.	.	.	27.97*	45.59	73.56
3	S.F.D.A., Visakhapatnam (A.P.)	1,418	Not available	N.A.	1,418	5.15	Not available	N.A.	5.15
4	S.F.D.A., Hyderabad (A.P.)	2,387	288	3,226	5,901	10.42	1.28	17.57	29.27
5	S.F.D.A., Guntur (A.P.)	711	215	1,301	2,227	3.56	0.69	4.53	8.78
6	S.F.D.A., Adilabad (A.P.)	1,108	787	2,645	4,540	4.84	3.87	14.50	23.21
7	S.F.D.A., Krishna, Vijayawada (A.P.)	430	67	2,307	2,807	2.54	0.58	10.05	13.17
8	S.F.D.A., Khammam (A.P.)	2,017	1,346	4,311	7,664	14.61	11.95	36.84	63.40
9	S.F.D.A., Kakinada (A.P.)	894	Not available	3,812	4,706	14.35	Not available	99.20	113.55
10	S.F.D.A./MFAL, Karbi Anglong, Diphu (Assam)	.	1,682	N.A.	1,682	.	2.09	N.A.	2.09
11	S.F.D.A. West Champaran (Bihar)	7,371	169	37,569	45,109	0.36	Not available	N.A.	4.90
12	S.F.D.A. Nalanda (Bihar Sharif) (Bihar)	8,511	.	31,288	39,799	0.65	.	20.77	21.42
13	S.F.D.A. Purnea (Bihar)	.	194*	2,523	2,717	1.75*	.	17.03	18.78
14	S.F.D.A. Samastipur (Bihar)	1,372	.	6,716	8,088	1.06	.	21.43	22.49
15	S.F.D.A. Santhal Parganas, Dumka (Bihar)	981	8,424	3,455	12,860	0.22	1.79	0.96	2.97
16	S.F.D.A. Singhbhum, Jamshedpur (Bihar)	83	673	358	1,114	0.41	1.18	2.21	3.80
17	S.F.D.A. Giridih (Bihar)	120	80	965	1,165	0.21	0.14	15.73	16.08
18	S.F.D.A. Madhubani (Bihar)	201	.	3,135	3,336	Not available	Not available	N.A.	N.A.
19	S.F.D.A. Surat (Gujarat)	641	4,324	2,808	7,773	2.24	16.37	6.69	25.30
20	S.F.D.A. Vadodara (Gujarat)	2,662	50	7,556	10,268	4.89	Not available	30.02	64.38
21	S.F.D.A. Bharuch (Gujarat)	.	3,043*	2,021	5,064	10.32*	12.37	22.69	22.69
22	S.F.D.A. Valsad (Gujarat)	251	4,089	3,248	7,588	Not available	Not available	N.A.	N.A.
23	S.F.D.A. Hissar (Haryana)	2,800	.	12,363	15,163	12.80	.	23.36	36.16
24	S.F.D.A. Gurgaon (Haryana)	12,292	.	27,879	40,171	11.31	.	37.56	48.87
25	S.F.D.A. Ambala (Haryana)	1,905	.	7,448	9,353	14.25	.	41.20	55.45
26	S.F.D.A. Jammu	636	.	1,774	2,410	1.32	.	4.96	6.28

1	2	3	4	5	6	7	8	9	10
27	S.F.D.A. Quilon (Kerala)	.	.	7,092	10,242		7.64*	30.07	37.71
28	S.F.D.A. Trichur (Kerala)	.	.	14,542	19,049		Not available	N.A.	N.A.
29	S.F.D.A./M.F.A.L. Hassan (Karnataka)	.	.	5,062	5,918		2.51*	9.93	12.44
30	S.F.D.A. Bellary (Karnataka)	.	.	13,674	15,267		1.22*	8.24	9.46
31	S.F.D.A. Tumkur (Karnataka)	.	.	20,506	22,242		3.04*	N.A.	3.04
32	S.F.D.A. Shimoga (Karnataka)	.	.	3,495	5,714	1.37	0.56	6.01	7.94
33	S.F.D.A. Karwar, N.K. (Karnataka)	.	.	2,974	3,195		0.57*	9.76	10.33
34	S.F.D.A./M.F.A.L., Shore-Raisen (Bhopal) (M.P.)	.	.	14,595	15,930		1.11*	17.09	18.20
35	S.F.D.A. Ujjain (M.P.)	.	.	8,690	12,007		18.79*	N.A.	N.A.
36	S.F.D.A. Satna (M.P.)	.	.	12,434	19,766	Not available	Not available	N.A.	N.A.
37	S.F.D.A. Chhindwara (M.P.)	.	.	1,787	5,098	7.58	11.32	28.32	47.13
38	S.F.D.A. Sarguja (M.P.)	.	.	1,582	3,811	0.41	2.66	4.31	7.38
39	S.F.D.A. Parbhani (Maharashtra)	.	.	3,338	4,050		2.11*	18.50	20.61
40	S.F.D.A. Ratnagiri (Maharashtra)	.	.	3,395	3,946		0.95*	6.44	7.39
41	S.F.D.A. Kolhapur (Maharashtra)	.	.	1,839	2,837		4.45*	9.00	13.45
42	S.F.D.A. Chandrapur (Maharashtra)	.	.	542	872	0.62	0.62	2.45	3.69
43	S.F.D.A. Thane (Maharashtra)	.	.	1,599	2,443	0.62	3.40	14.43	18.45
44	S.F.D.A. Satara (Maharashtra)	.	.	6,611	7,320		1.88*	19.09	0.97
45	S.F.D.A. Nanded (Maharashtra)	.	.	2,622	3,318		2.38*	8.66	12.25
46	S.F.D.A. Manipur	.	.	1,297	6,030	0.36	8.88	2.54	11.78
47	S.F.D.A. Kohima (Nagaland)	.	.	Not available	12,843	..	23.83	N.A.	23.83
48	S.F.D.A. Amritsar-Ferozpur (Punjab)	.	.	4,913	6,577		14.29*	18.30	32.59
49	S.F.D.A. Jullundur-Kapurthala (Punjab)	.	.	3,537	4,534	6.88	..	20.06	26.94
50	M.F.A.L. Development Agency Ajmer (Rajasthan)	.	.	1,211	1,552	1.05	0.20	4.96	6.21
51	S.F.D.A. Udaipur (Rajasthan)	.	.	4,270	5,766	14.45	..	25.87	40.32
52	S.F.D.A. Trichirapalli (Tamil Nadu)	.	.	6,114	7,762	2.11	1.96	17.03	21.10
53	S.F.D.A. Kanyakumari (Tamil Nadu)	.	.	6,855	7,230	0.90	0.20	15.25	16.17
54	S.F.D.A. Kancheepuram (Tamil Nadu)	.	.	10,054	11,066		1.90*	16.79	18.69
55	S.F.D.A. Thanjavur (Tamil Nadu)	.	.	6,517	7,356	1.27	..	15.34	16.61
56	S.F.D.A. Coimbatore (Tamil Nadu)	.	.	12,712	13,244		2.05*	21.79	23.84
57	S.F.D.A. Madurai (Tamil Nadu)	.	.	24,154	28,047		5.65*	20.37	26.02
58	S.F.D.A. Chengam North Arcot (Tamil Nadu)	.	.	9,277	11,879	6.40	0.64	24.87	31.91

APPENDIX L
(Reference Para 6.5)

Enrolment of General, S.C. and S.T. Students in Jaipur and Dungarpur Districts during 1977-78

	General			Scheduled Castes			Scheduled Tribes		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
District Jaipur									
(Girls Schools)									
Classes I to V . . .	7,417	19,286	26,703	638	893	1,531	179	277	456
Classes VI to VIII . . .	154	11,262	11,416	18	188	206	1	30	31
Classes IX to XI . . .	..	7,647	7,647	..	70	70	..	16	16
Dungarpur District									
(All Schools)									
Classes I to V . . .	37,712	12,118	49,830	1,508	355	1,863	19,969	3525	23,494
Classes VI to VIII . . .	7,837	1,609	9,446	282	21	303	1,584	120	1,704
Classes IX to XI . . .	4,319	648	4,967	175	3	178	1,246	50	1,296
	49,868	14,375	64,243	1,965	379	2,344	22,799	3,695	26,494

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APPENDIX LI
(Reference para 6.15)

Expenditure incurred during 1976-77 and outlay provided during 1977-78 under the Centrally sponsored scheme of Girls Hostels

(Rs. in Lakhs)

State/U.T.	Expenditure incurred during 1976-77 (Anticipated)	Outlay during 1977-78	State/U.T.	Expenditure incurred during 1976-67 Anticipated	Outlay during 1977-78
Andhra Pradesh . . .	8.25	14.50	Meghalaya . . .	0.75	..
Assam . . .	4.00	4.75	Nagaland . . .	0.50	..
Bihar . . .	3.00	3.50	Orissa . . .	5.75	4.50
Gujarat . . .	3.30	9.00	Punjab . . .	0.50	0.80
Haryana . . .	0.30	0.50	Rajasthan . . .	4.55	6.36
Himachal Pradesh . . .	1.80	1.40	Tamil Nadu. . .	4.35	3.44
Jammu & Kashmir . . .	2.20	1.25	Jaipur . . .	1.50	2.00
Karnataka . . .	1.85	1.85	Uttar Pradesh . . .	7.25	4.35
Kerala . . .	2.25	28.00	West Bengal. . .	10.50	10.20
Madhya Pradesh . . .	3.90	47.40	Dadra & Nagar Haveli . . .	2.00	..
Maharashtra . . .	2.50	3.80	Delhi . . .	1.50	..
Manipur . . .	1.00	1.25	Mizoram . . .	2.50	2.00
			Pondicherry . . .	1.00	..

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APPENDIX LII
(Reference para 6.21)

*Statement showing community-wise break-up of post Matric Scholarship awarded to Scheduled Caste/
Scheduled Tribe Students in Punjab during 1976-77*

Sr. No.	Name of the Caste	Population	No. of scholars at Graduate		Post-graduate		Professional/Technical	
			Total Number	Per 10,000 Population	No.	Per 10,000 population	No.	Per 10,000 population
1	Ramdasia	9,81,471	2,545	26	130	13	467	5
2	Ad-dharmi	4,39,632	2,041	46	128	29	511	12
3	Mezhabi	9,62,546	392	4	14	1	90	1
4	Megh	52,608	273	52	13	25	51	10
5	Kabirpanthi/Julaha . .	37,625	61	16	7	19	21	6
6	Dumna, Mahasha or Doom .	91,685	112	12	2	2	22	2
7	Balmiki	4,01,960	388	10	14	3	60	1
8	Sansi/Bhedkut/Manesh .	39,084	37	9	6	13	6	1
9	Bazigar	75,092	29	4	..	..	4	N
10	Sarora	5,969	20	34	1	17	6	10
11	Bauria or Bawaria . .	42,713	1	N	1	2	..	..
12	Dhanak	27,910	12	4	..	..	1	N
13	Khatik	5,943	9	15	..	..	4	7
14	Bhanjra	1,907	4	21	..	..	..	..
15	Kori/Koli	2,057	..	..	..	..	1	5
16	Batwal	6,210	7	11	1	16	1	2
17	Barar, Burar or Berar . .	1,911	3	16	..	..	1	5
18	Sikriband	1,948	10	51	..	..	4	21
19	Passi	1,713	3	18	..	..	..	..
Total		31,79,534	5,947	19	317	1	1,250	4

APPENDIX LIII
(Reference Para 7.7)

Legal aid programme undertaken by various State Governments.

1. Andhra Pradesh :

District Collectors have been authorised to sanction monetary relief including legal aid to the persons subjected to any disability arising out of untouchability. Legal aid is given to the Scheduled Castes and Scheduled Tribes whose annual income does not exceed Rs. 2,000/- in twin cities and Rs. 1,500/- in mofussil areas.

2. Bihar :

Legal aid is given to the Scheduled Castes and Scheduled Tribes whose annual income does not exceed Rs. 3,600/-. Legal aid is provided for cases connected with land reform laws, minimum wages to agricultural labourers, protection from bonded labour and for protecting other rights.

3. Gujarat :

Legal aid is given to those whose income does not exceed Rs. 2,400/- p.a. and who possess immovable property upto Rs. 5,000/-. When the members of Scheduled Castes attend the courts, they are compensated for loss of earning on such days as per minimum

wages schedule and provided with travelling expenses to and fro by the cheapest mode of conveyance.

4. Orissa :

A Scheduled Caste person whose annual income does not exceed Rs. 2,500 p.a. or who possesses land upto 2 standard acres can get legal aid for eviction or occupancy rights and also for untouchability cases.

5. Rajasthan :

Legal aid is provided in the following cases:—

- When the police refuses to prosecute an accused on the report of the aggrieved person and when such person himself files a complaint in the court;
- When a person is implicated in a criminal case on account of his assertion to avail of the rights arising out of abolition of untouchability and
- When a person files or defends a civil suit as a victim of untouchability.

6. Maharashtra :

Legal aid is given to Scheduled Caste/Scheduled Tribe persons whose annual income does not exceed Rs. 2,400 (2,500 for sessions cases and special cases in Greater Bombay), for civil courts, criminal courts and mamlatdar courts.

7. Madhya Pradesh :

Provision for legal aid exists for landless agricultural labourers and rural artisans whose annual income does not exceed Rs. 2,400/- or to those who possess 1 hectare of irrigated land or 2 hectares of unirrigated land.

8. Uttar Pradesh :

Legal aid is given to Scheduled Castes and Scheduled Tribes in following types of cases:—

- (a) Landless agricultural labourers under the Debt Relief Act.
- (b) Rural Weaver Section (Moratorium and Recovery of Debts) Act.

(c) Uttar Pradesh Prohibition of Bonded Labour Act.

(d) Dowry Protection Act.

(e) Protection of Civil Rights Act.

(f) Cases of land allotted for house construction.

9. Punjab :

Legal aid is provided to the Scheduled Caste landless agricultural labourers, whose annual income does not exceed Rs. 6,000/- or those who possess 1 hectare of irrigated land or 2 hectares of unirrigated land.

10. Tamil Nadu :

A poor Scheduled Caste or Scheduled Tribe is eligible to receive legal aid in all proceedings before the civil and criminal courts in cases of (i) ejectment and eviction, (ii) accidents, (iii) service matters and (iv) social or economic rights including private complaints preferred under the Protection of Civil Rights Act.



APPENDIX LIV

(Reference Para 7.14)

Special machinery set up in the States for untouchability and atrocity cases

1. Andhra Pradesh :

A Scheduled Castes and Scheduled Tribes Cell under the charge of D.I.G. of Police (Crime Branch) has been set up to undertake special investigation of offences under Protection of Civil Rights Act, whenever called for. A cell each has been established in every district police office and also in the office of the Commissioner of Police, Hyderabad.

2. Bihar :

A Harijan Grievance Cell under the supervision of a D.I.G. of Police is functioning. The cell functions through the District Police, and in important cases, the cell takes up enquiry or investigation itself. A special Police Station has also been set up at the Secretariat level for registering cases of atrocity. A special cell with a senior I.A.S. Officer as its secretary has also been set up.

3. Maharashtra :

A cell has been set up in the Chief Minister's Secretariat to deal with the complaints of harassment/atrocity of the Scheduled Castes and Scheduled Tribes. A Cell in the Home Department supervised by a Senior Officer is also functioning. A special cell has been created in the office of the Inspector General of Police with a Deputy Inspector General of Police, designated as DIG of Police (PCR) as its incharge to deal with all complaints of harassment/atrocities on Scheduled Caste etc including the implementation of the Protection of Civil Rights, Act 1955. At the Range level Deputy Superintendents of Police in charge of the Task Forces function under the direct supervision of the Deputy Inspector General Police. At the District level, a Task Force for prohibition and untouchability offences has been set up under the charge of a Deputy Superintendent of Police to coordinate the work in the District, to make enquiries into complaints of an extraordinary nature and to personally investigate complicated cases. The local Crime Branch has also been asked to collect *suo-moto* intelligence, investigate and send special report. 'Duplicate crime Registers' are also maintained.

4. Gujarat :

Two Deputy Superintendents of Police with supporting staff have been appointed in Baroda and Rajkot Police Ranges under the control of the respective DIG, Baroda and Rajkot to take up the investigation of various offences, collection of intelligence and initiation of measures for the prevention of situations that may result in ill-treatment of Harijans and other communities. District vigilance Committees have been entrusted with this work in the districts. The State Director of Social Welfare, the Collectors and the Mamlatdars also supervise the work at State, District and Taluka levels respectively.

5. Madhya Pradesh :

A special cell known as the "Harijan Welfare Cell" has been established in the Police Headquarters under the charge of a D.I.G. of Police. For field enquiry/investigation the cell has under its control seven police stations, each having the concurrent jurisdiction of the Range of D.I.G. (Police). These Police Stations under the charge of Deputy Superintendent of Police are located at Bhopal, Morena, Ujjain, Panna, Jabalpur, Raipur and Bilaspur.

6. Punjab :

A small cell under the charge of a Deputy Superintendent of Police has been set up at the Police Headquarters at Chandigarh.

7. Uttar Pradesh :

A special cell headed by a D.I.G. of Police has been established to investigate and enquire both cognizable and non-cognizable cases. The investigations are conducted through the agency of District Police.

8. Karnataka :

A special cell known as the "Civil Rights Enforcement Cell" in the Department of Police under the charge of a D.I.G. of Police has been created.

9. Kerala :

A special Mobile Police Squad has been constituted at Kasargode in Cannanore district under the administrative control of D.I.G. of Police (Crime), Trivandrum.

10. Orissa :

A cell has been set up in the Crime Branch of the State Police headquarters for this purpose.

11. Rajasthan :

A separate cell in the Home Department has been set up.

12. Tamil Nadu :

A special cell under the charge of a D.I.G. Police has been set up at the State level. Mobile squads have also been set up for South Arcot, Thanjavur, Tiruchirapalli, Madurai, Coimbatore and Tirunelveli districts.

APPENDIX LV (Reference Para 7.16)

Extent of social disabilities and tension resulting there from and the socio-legal framework required to combat it—Paper contributed by Shri S. K. Kaul, Deputy Commissioner for Scheduled Castes and Scheduled Tribes in the seminar on Harijan & Social Welfare Organised at Lucknow.

In many parts of the country temples, public wells, hostels and tea stalls are still inaccessible to the Scheduled Castes. At times Scheduled Castes are made to sit separately in Dharamshalas, village chabutras, Panchayat meetings, cultural programmes and other village functions. Separate cremation grounds exist for them in many parts of Gujarat, Maharashtra, Uttar Pradesh, Madhya Pradesh and Goa. They are also being discriminated while making use of boats or bullock carts. At many places washer-

men and barbers do not serve them. Besides this, they are put to economic disparity and losses by way of payment of less wages, causing damage to their crops, burning their houses and involving them in litigation.

2. Information regarding the cases registered under the Protection of Civil Rights Act, 1955, from 1971 to 1976 and their disposal at the end of each year is given below:—

Year	No. of cases registered with the Police			Disposal of cases at the end of the year		
	Total	Challaned	Convicted	Acquitted	Compounded	Pending
1971	526	439	91	96	138	114
1972	1,515	1,416	631	252	233	299
1973	2,949	2,356	1,207	312	388	499
1974	1,908	1,588	699	247	288	384
1975	3,528	2,588	936	480	611	561
1976	3,099	2,598	86	360	155	1,997

3. According to information received by the Government of India from the State Governments, there were 8905 cases of alleged atrocities on Scheduled Castes during 1977. The highest number of atrocities, i.e., 4974* were reported from Uttar Pradesh. 2133 incidents of atrocities were reported from Madhya Pradesh. Other States which had sizeable incidents happened to be those of Andhra Pradesh (70), Bihar, (421), Gujarat (331), Kerala (136), Maharashtra (367), Rajasthan (179) and Punjab (81). It is generally observed that atrocities on Scheduled Castes take place on account of factors like land disputes, payment of wages at lower rates, indebtedness and forced labour, forcing the Harijans to perform menial jobs and creating obstruction in the use of public places.

4. However, to know the magnitude and seriousness of problem and to suggest measures for its elimination one just cannot rely on figures alone. For instance if no case of discrimination comes to light from a certain area it does not mean that the Scheduled Caste inhabitants of that area have no complaints. It may simply be the case that the system of reporting is not very reliable or the complainants belonging to Sche-

duled Castes and too timid or even deliberate attempts might have been made to suppress the news of such happenings.

5. In this paper an attempt is made to discuss at length the discrimination practised against Scheduled Caste persons in the use of drinking water sources in rural area. Discrimination in the use of water sources in rural areas was widely prevalent before independence. Even now, in many villages the Scheduled Castes are denied access to sources of water and subjected to humiliation in getting water for drinking purposes. The sources of drinking water in rural areas may be wells, ponds, streams or rivers or taps connected to water works. The basis of discrimination in allowing the use of water sources to all sections of the community is the belief that the water sources would be polluted if touched by Scheduled Caste persons. This belief is very widely held by the Caste Hindus in the villages and therefore the Scheduled Castes are discriminated by the Caste Hindus by not allowing them free access to the common drinking water sources. This evil practice is observed even by certain sections among the Scheduled Castes who consider

*From another source it is learnt that the number was 5,739. As compared to this the number of 3,428 respectively.

of atrocities on Scheduled Castes during 1977 in U.P. atrocity cases during 1975 and 1976 were 6,760 and

According to another source 970 cases of atrocities and harassment were reported in Bihar during 1977.

themselves higher in social hierarchy against the Scheduled Castes like Bhangis, Mehtars, Doms, and a few others who are considered lowest in the social ladder. Change of religion has not succeeded in getting equality to Neo-Buddhists in free access to water sources in the villages.

6. After independence, in a large number of villages, Scheduled Castes or groups among them who lived away from the main village settlement or on its outskirts, got separate wells for supply of drinking water. Thus a basic human need was fulfilled but it is not known if, before providing separate wells for Scheduled Castes, the Caste Hindus were persuaded to permit the Scheduled Castes to draw water from the common wells or even take recourse to the available legal provisions for making available to the Scheduled Castes drinking water from existing common water sources. If separate wells are constructed for Scheduled Castes untouchability persists. After independence, the efforts of the representatives of the people and the administration were concentrated in meeting the felt-needs of the people without creating tensions in the rural area. Therefore today we find that in most of the rural areas, the Scheduled Castes and even groups among them have separate wells for their use.

7. Broadly speaking we may group villages in the matter of use of water sources in rural areas as follows:—

1. Villages where the Caste Hindus and Scheduled Castes use common sources for getting drinking water without any discrimination.
2. Villages where the Caste Hindus and Scheduled Castes use common sources for getting drinking water, but there are certain types of restrictions imposed on Scheduled Castes, as given below:—
 - (i) The Scheduled Castes are allowed to make use of the platform for drawing water from the well but they cannot do so when a Caste Hindu is taking water.
 - (ii) The Scheduled Castes cannot draw water from the same side from which Caste Hindus take water.
 - (iii) The Scheduled Castes have separate taps for getting water from the same stand post when the water is supplied from the water works.
3. Villages where separate arrangements have been made for Scheduled Castes to get water because it is believed that the source of water will be polluted by the touch of Scheduled Castes. However, the various forms in which untouchability is observed in the villages may be as follows:—
 - (i) The Scheduled Castes and various sub-castes among them have wells in their own localities.
 - (ii) The Scheduled Castes and various sub-castes among them go to fetch water from wells built for them away from their localities if wells cannot be successfully sunk in their localities.
 - (iii) The Scheduled Castes are required to take water from a lower part of a spring, stream or river compared to the Caste Hindus who draw water from a relatively upper part of the spring, stream or river.
 - (iv) The Scheduled Castes have to get water from small tanks adjacent to cattle ponds as compared to bigger tanks built at a higher level for use by Caste Hindus; water being poured into different tanks by use of bouvine power as has been observed in some of the districts of Rajasthan.

(v) While drawing water from the ponds the Scheduled Castes must draw water from Ghats specifically allotted to them.

(vi) When water is supplied from the water works, separate standpost(s) may be provided for Scheduled Castes in their locality or outside it.

4. Villages where the Scheduled Castes are not allowed to draw water from water sources used by the Caste Hindus. The Scheduled Castes have no water sources of their own and it is believed that water is polluted by the touch of Scheduled Castes. The Scheduled Castes in these villages are at the mercy of other communities for getting drinking water.

8. Untouchability in the matter of use of water sources was more pronounced in the undermentioned districts of various states:—

State	Districts where disability in the matters of using the common sources of drinking water was noticed.
1. Andhra Pradesh	Anantapur, Adilabad, Visakhapatnam, Nizamabad, Kurnool, Warangal, East-Godavari, Nellore, Hyderabad.
2. Bihar	Palamau, Gaya, Shahabad, Chapra, Bhagalpur.
3. Gujarat	Ahmedabad, Mehsana, Baroda, Kaira, Bhavnagar, Jamnagar, Rajkot, Kutch.
4. Haryana	Rohtak.
5. Himachal Pradesh.	Mahasu, Mandi, Kulu, Solan, Sirmur, Bilaspur, Hamirpur, Una, Kangra.
6. Karnataka	Mysore, Coorg, South Kanara, Hasan, Bangalore, Dharwar, Chikmagalur, Raichur.
7. Madhya Pradesh.	Rajgarh, Guna, Ratlam, Panna, Shahdol, Raigarh, Sidhi, Surguja, Mandla, Bastar, Rajnandgaon, Dewas, Shivpur, Bilaspur, Satna, Khargone, Raipur, Sagar, Jabalpur, Mandasaur, Ujjain, Balaghat.
8. Maharashtra	Buldana, Nasik, Nanded, Jalgaon, Parbhani.
9. Punjab	Sangrur.
10. Rajasthan	Jodhpur, Jhunjhunu, Udaipur, Pali, Ganganagar, Bikaner, Churu, Sikar.
11. TamilNadu	Salem, South Arcot, Ramanathapuram, Thanjavur, Tirunelveli, Tiruchirapalli.
12. Uttar Pradesh	Saharanpur, Meerut, Aligarh, Bareilly, Jalaun, Banda, Gonda, Allahabad, Balia, Hardoi, Azamgarh, Varanasi, Gorakhpur, Basti.
13. West Bengal	Birbhum.
14. Delhi	Rural Areas.
15. Goa	Rural Areas.

9. No uniform surveys have been undertaken in different parts of the country to find out the extent and variations in the various forms of untouchability

observed in supply of water to Scheduled Castes in rural areas. However, it is felt that approximate percentage of villages in the four groups may be as follows:—

- | | |
|---|-----|
| I. Villages where Scheduled Castes and Caste Hindus have common sources of drinking water without any discrimination. | 5% |
| II. Villages where Scheduled Castes are allowed to use common sources of drinking water with some restrictions which indicates the prevalence of untouchability. | 10% |
| III. Villages where Scheduled Castes have their own sources of drinking water and indicates the prevalence of untouchability. | 75% |
| IV. Villages where Scheduled Castes are not allowed to use common sources of drinking water. The drinking water is generally poured in their posts by Caste Hindus or the Scheduled Castes have to go to fetch water from agricultural wells or springs and rivers. | 10% |

Thus, untouchability is prevalent in about 95% of villages regarding access to the water sources. It may be stated again that the percentages are not based on any survey but on general observations in the field. We have to examine what organisational strategies and operational procedures should be adopted to root out the prevalence of untouchability in the matter of water sources from villages in Groups II, III and IV. It should be possible to change the mental attitudes of Caste Hindus in villages in Group II by suitable propaganda so that Scheduled Castes can draw water from wells like Caste Hindus without any discrimination.

10. It can be safely stated that full use of the provisions of the Protection of Civil Rights Act, 1955 has not been made by the State Governments in putting a stop to the practice of untouchability in the matter of supply of drinking water to Scheduled Castes in rural areas. It is necessary that this aspect of the matter should be stressed especially in villages in Group IV and the political leaders in cooperation with the social and youth workers and other wings of the administration should launch a concerted drive for changing the ingrained behavioural patterns of caste Hindus, failing which cases against offenders who restrict the access of Scheduled Castes to common sources of water supply should be registered. The State Governments must ensure that the cases registered under the Protection of Civil Rights Act, 1955 in these villages are decided expeditiously.

11. The problem of throwing open public wells in villages in Group III is complex. It has been accentuated by the welfare measures undertaken for providing separate water sources for Scheduled Castes. In some cases, however, there was acute need of providing water to Scheduled Castes near their localities and to that extent the construction of wells was justified. But this opportunity could have also been utilised to throw open public wells to Scheduled Castes. In these villages, through propaganda, public opinion should be created for doing away with the practice of untouchability. Any new water sources that are constructed should be located at such places from where both caste Hindus and Scheduled Castes can draw water. If water works are constructed in these villages, common stand posts should be provided for villagers to get water.

12. There is one aspect of the matter concerning water sources in rural areas which did not appear to have attracted the attention so far. Under the Protection of Civil Rights Act, 1955 "whoever on the ground of untouchability enforces against any person

any disability with regard to the use of, or access to, any river, stream, spring, well, tank, cistern, water tap or other watering place, can be furnished. In many villages, Caste Hindus have got private wells which are not situated within their houses but have been constructed outside the four boundaries of their buildings and even on Gaon Sabha land and are used by the family members of the owners, their caste brethren and members of other communities who belong to similar social status. It is felt that the Act should be suitably amended to make it clear that the Act applies to any property, by whosoever owned and all wells not enclosed in a private building and used by a large number of people, should be treated as public wells and thrown open to all sections of the population.

13. The strategy of social workers should be to persuade the Caste Hindus to give up the practice of untouchability. The social workers no doubt have also helped to register a number of cases under Act but the number of cases in which convictions were secured and fines imposed is not very encouraging. This is partly due to the vulnerable position of Scheduled Castes in the economic set up in the rural areas and partly due to absence of specialised legal staff. In fact, it is felt that a coordinated programme of legal action for throwing open water sources to Scheduled Castes should be launched. A small committee consisting of eminent lawyers may be called to discuss this issue and thereafter services of experienced lawyers may be made available to fight out some important cases registered in problem villages.

14. In the Fifth Five Year Plan, an outlay of Rs. 573 crores was provided for rural water supply schemes under the National Programme of Minimum Needs and it was expected that 1.16 lakh villages identified as having 'no source' or problem villages would be covered and about 61 million people will benefit from this programme during the Fifth Plan period. It is suggested that the new wells and water sources that are constructed for supply of drinking water should be suitably located so that all sections of the community can have easy access to them. Wherever, water works are being constructed it should be made obligatory on the part of the authorities concerned to ensure that no separate water stand posts for Scheduled Castes are provided. A massive programme of fixing tablets in regional languages on all public wells should be undertaken by the authorities concerned and on these tablets it should be inscribed in bold letters that it is a public well (Sarvajnik Kuan)

15. Harijan Conferences at the State and District levels should be organised. Small committees at the State/District/Taluka levels should be constituted by the State Governments consisting of social workers, representatives of Scheduled Castes and officers (including Police Officers) to ensure that all public wells are thrown open to the Scheduled Castes. These committees should visit villages, make on-the spot inspections and take necessary steps to throw open public wells to the Scheduled Castes. These committees should be directed to visit these villages again after an interval of two months to find out whether free access to Scheduled Castes is allowed to these public wells. This is being suggested because it has been observed that after the outsiders have departed, the situation reverts to normal and may result not in sharing the common water sources but in provision of separate water facilities for Scheduled Castes. The Committee should chalk out a suitable programme to cover all the villages. Instead of touring by jeeps, it would be advisable that journeys are performed on foot and night halts are made in the Harijan localities.

16. The Protection of Civil Rights Act has made the penal provisions more stringent, but what is needed is the expeditious disposal of such cases. Since the

cases are allowed to hang over for a long time in the courts and the Scheduled Caste persons are subjected to various kinds of pressurisation many of the cases are either lost or compounded. So far no State Government has set up special courts for the trial of offences as permissible under the Protection of Civil Rights Act. The plea of the State Governments that the number of offences do not warrant the setting up of the special courts is not at all valid. While it is noticed that the number of cases may not be very large at present the disposal of cases is extremely slow. The special courts may dispose of the cases expeditiously and that by itself would have its own impact on the problem of eradicating untouchability.

17. The Protection of Civil Rights Act enjoined upon the Central and State Governments certain duties relating to the enforcement and implementation of the provisions of the Act by creating a proper machinery at various levels. In the Fifth Five Year Plan an outlay of Rs. 5 crores was provided for strengthening of machinery for enforcement of Untouchability Act, but unfortunately, it remained largely unutilised. The Act also provided for periodic surveys on the working of the provisions of the Act and identification of the areas where untouchability was prevalent. But no positive steps have been taken by the State Governments to exactly identify areas where this problem is existing in varying degrees. The work of conducting periodic surveys and identification of disability areas should be entrusted to eminent scholars in the Universities/Research Institutions with necessary technical staff so that their findings are acceptable to all concerned. Such surveys should be taken in hand immediately so that the State Governments can take corrective steps for the better implementation of the provisions of the Act and adopt necessary measures for removal of untouchability in the areas where the prevalence of this practice has been identified. It is good to note that the Government of Uttar Pradesh has decided to draw up the guidelines for re-organising the Harijan Cell after making a door-to-door survey for assessing the nature and genesis of atrocities on Harijans in Banda District which had been chosen for the pilot project survey for atrocities because of the high incidence of atrocities and the presence of a large population of Harijans. It is understood that one team comprising of two police sub-inspectors and four constables were expected to interview and collect information from 35 Harijan families daily and the survey was proposed to be completed within a period of three months. It is also observed that some of the new provisions incorporated in the Protection of Civil Rights Act have not received adequate attention of the concerned authorities. Inadequate amounts are allocated by the State Governments for giving legal aid to Scheduled Castes.

18. The practice of untouchability has also contributed to the incidents of atrocities to a great extent. The victims of this practice feel bitterness on accounts of the ill-treatment accorded by others and the persons who practice untouchability consider themselves to be possessing some exclusive rights so that they can afford to ill treat others. In order to curb atrocities on Scheduled Castes in concerned State Governments/ Union Territory Administrations should list out the incident prone areas. A Special Police Cell should be established at State Headquarters to know the position of harassment and atrocities and to check occurrence of such incidents. Instructions should also be issued to the Superintendents of Police that certain percentage of the Officer-in-charge of Police Stations should be drawn from Scheduled Castes. At places where some special programmes such as allotment of lands, Houses etc. are taken up for Scheduled Castes sufficient care should be taken to see that the vested interests do not succeed in depriving Scheduled Castes from these benefits. Care should also be exercised to see that cases do not keep hanging in Courts indefinitely. If it is found that a large number of cases are pending in

Courts the State Government concerned should consider setting up of special courts.

19. Special attention should be paid in correctly identifying the problems of Scheduled Castes in order to find out the solution for the problems. Problems such as identification of bonded labour and ensuring payment of minimum agricultural wages to the landless workers have not received sufficient attention of the authorities concerned. Many State Governments feel somewhat shy in acknowledging the prevalence of bonded labour amongst the persons belonging to backward classes in their jurisdiction, with the result that the labourers belonging to these communities continue to face hardships as before. Practice of bonded labour is also in existence in the districts of Dehradun, Uttar Kashi and Tehri Garhwal and 2540 families (3575 persons) were reported to have been the victims of this practice. Non-payment of minimum agricultural wages to the labourers has also been one of the factors leading to wage disputes and at times resulting in cases of atrocities. According to reports, except for the States of Punjab and Haryana, minimum agricultural wages were denied to the labourers in most parts of the country. This malady will continue if serious attempts are not made to improve the lot of landless agricultural labourers and make all out efforts to suitably rehabilitate the liberated bonded labourers.

20. In the matter of checking atrocities on Scheduled Castes and to give them protection complete responsibility should lie on the concerned District Magistrates and Superintendents of Police. In the event of laxity on their part action should be taken against the concerned officials. All cases of atrocities published in leading newspapers should be immediately investigated by the officials themselves or other responsible officers. Periodical returns should be submitted about the incidents of atrocities to the State Headquarters and to the Government of India. The authorities concerned should issue instructions for confiscation of fire arms and other lethal weapons from the land owning classes in case of land disputes or apprehension of torture or crimes against Scheduled Castes. However, it is learnt that in case of confiscation of arms the rich persons can always go to the courts for the restoration of their arms. It appears that the existing Arms Act is very liberal and requires some drastic changes. It is also known that majority of the crimes are committed on account of the use of illegal arms which are very cheaply available and are being manufactured in large quantities in certain areas of the country. Complete investigation should be made about possession of illegal arms.

21. Free legal aid should be made available to Scheduled Castes to contest cases of atrocities. The District Magistrates should be empowered that in important cases they can employ good local advocates. The advocate should be capable and sympathetic to the cause of Scheduled Caste persons. The Government should make appeal on behalf of Scheduled Castes who have been evicted from their lands and houses allotted by the Government. However, in practice it is observed that the quantum of legal aid is almost negligible.

22. The State Government should set up police stations at State capitals and in the vicinity of incident prone area to register complaints. Such police stations should have jurisdiction over the entire State and any complaint which cannot be registered in other police stations could be registered with these police stations. In the Personnel and Police Departments special pool of the officers should be established in which selected persons having aptitude for the welfare work amongst Scheduled Castes should be appointed for all the posts at the District/Block levels. Instructions should be issued that in regard to civil and police officials one column should be added in their C.R.s. to reflect their

attitude towards poorer sections of the society. In the training of civil and police officers the syllabus should be so amended that these officers may inculcate sympathy for weaker sections. From time to time seminars should be arranged with regard to the administrative problems concerning Scheduled Castes etc. to make required improvements. A provision should be made that any person giving correct information to the Government about the incidents of atrocities on Scheduled Castes should be given monetary rewards. All the Sub-Divisional Officers should be required to submit to their District Magistrates confidential fortnightly reports containing paragraphs regarding incidence of atrocities on Scheduled Castes together with information regarding action taken by them. Flying squads should be constituted so that the cases of serious nature should be directly investigated by the squads. The authorities concerned must ensure that copies of the Protection of Civil Rights Act are made available to all the police

stations and other concerned officials in their regional languages. Provision should be made to set up relief fund so that the oppressed persons may be given immediate relief by the authorities concerned.

23. The society and the Government should, therefore, view the atrocities against the weaker sections not as mere violations of law but as deep-rooted sins against the society by the predominant sections which law and courts of law may not encounter to the fullest satisfaction in the given context of our social development.

24. It is for consideration that processual reforms are undertaken to treat cases of social injustice as separate from ordinary violation of law, that the law relating to burden of proof, the Evidence Act and Criminal Procedure Code should be suitably amended as in anti-corruption cases and that special courts with mobile units are needed to be set up for cases pertaining to socio-economic justice.

APPENDIX LVI

(Reference para 7.23)

Work done by the Ministry of Information and Broadcasting for the removal of Untouchability during the year 1977-78

1. All India Radio, New Delhi :

The following various radio-programmes were broadcast by the different stations of the All India Radio during the year 1977-78 :—

(i) Plays/Features	450
(ii) Talks	1106
(iii) Discussions	344
(iv) Sketches	61
(v) Songs and Dances	234
(vi) Miscellaneous items	946
	3,141

2. Doordarshan :

A good number of programmes on theme of removal of practice of untouchability given by the 'Doordarshan' were telecast from its various Kendras of Calcutta (West Bengal), Delhi, Gulbarga (Karnataka), Hyderabad (Andhra Pradesh), Lucknow (Uttar Pradesh), Madras (Tamil Nadu), Ahmedabad (Gujarat) during the year 1977-78.

3. Press Information Bureau :

During the year 1977-78, the Press Information Bureau publicised and highlighted the steps taken by the Government of India to ameliorate the socio-economic conditions of the Scheduled Castes and Scheduled Tribes and to eradicate the practice of untouchability under a time-bound programme of five years. In addition, various welfare measures taken by the Government of India for the Scheduled Castes and Scheduled Tribes including the Constitutional and legal safeguards provided for them, were publicised through official press releases, handouts and features. A comprehensive press-release on the measures taken for the welfare of the Scheduled Castes and Scheduled Tribes during the one year of the Janta Party rule, was also issued. Activities of the Ministry of Home Affairs relating to the provisions of protection, to weaker sections with an endeavour to eradicate untouchability within a time bound programme were also publicised. Two reports of the Commissioner for Scheduled Castes and Scheduled Tribes after these were laid on the Table of both Houses of Parliament, were distributed to the Press and publicity secured thereof. In all, 26 press releases including handouts, features, press notes, etc., were issued during the year 1977-78.

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4. Publications Division :

A number of publications on the theme of removal of untouchability were brought out in 'Yojana' in (English, Hindi, Tamil and several other languages), and 'Kurukshetra' in (English and Hindi) and 'Ajkal' in (Urdu and Hindi) during the year 1977-78. Some of the important titles released are reproduced below :—

- (i) Gandhiji Aur Hum.
- (ii) Gandhian Path—the only way for us.
- (iii) Quotations from Mahatma Gandhi about untouchability.
- (iv) Untouchability is a shame to the Nation ; upliftment of Harijans, immediate steps should be taken.
- (v) A poem on untouchability.
- (vi) Special article on Harijan welfare and the evils of untouchability.
- (vii) Protection of land distributed amongst Harijans. A note based on spot light Talk.
- (viii) Welfare of Weaker Sections in Andhra Pradesh.
- (ix) Uplift of Harijans—our immediate duty.
- (x) Article 'Atrocities on Harijans'.
- (xi) Scheduled Castes struggle for Human Rights.
- (xii) Problems of untouchability.
- (xiii) Untouchability—Past and Present.
- (xiv) Conversation with a Harijan leader on the problems of Harijans by a well-known journalist of Bihar.
- (xv) Quotations from Gandhiji on the subject.
- (xvi) Police help in Removal of Untouchability.
- (xvii) Welfare of the Backward Classes.
- (xviii) A report of a symposium on the eradication of untouchability.

Directorate of Field Publicity :

Creation of strong public opinion against the practice of untouchability, is one of the important objectives of the publicity carried by the Directorate of Field publicity through its units. These units carry the national message to the masses living in all the four corners of the country, with various means of film shows, songs & drama programmes, religious discourses, folk recitals, photo-exhibitions, etc. etc.

The documentary films like 'Raidas', 'Chandalika', 'Ancient Curse', 'Andheri Se ujala Mein', 'Brahmin', 'Children of God' and 'Kahen Kabir', and the feature films like 'Punar Milan', 'Sujata', 'Prarthana' and 'Mai Mauli' were extensively screened to expose the theme to the public.

Some of the highlights of the publicity activities on the theme during 1977-78 include the participation of 10 field publicity units in Maharashtra with full vigour in the observance of 'Untouchability Fortnight' during May 1977, conducted by the Maharashtra Government. In Bihar these units arranged programmes during the observance of 'Protection of Weaker sections of society fortnight' in which the rights and privileges enjoyed by the Harijans under the Constitution were highlighted. Similarly publicity campaigns against untouchability continued unabated by these units all over the country during 1977-78.

Song and Drama Division :

Removal of untouchability was one of the important themes on which the programmes of the Song and Drama Division were based. During the year 1977-78, more than 6,000 programmes were presented by this Division and Regional officers of the Directorate of Field Publicity in various folk forms of live entertainment media such as plays, Folk plays, composite programmes, ballads, folk and mythological epics, folk recitals, puppet shows, religious discourses etc.

Special programmes were also arranged by the Field Officers of the Division through registered private parties and departmental troupes, on the subject of removal of untouchability at different places all over the country. A number of fairs and festivals with suitable programmes demanding a particular occasion during the year 1977-78 were also covered.

Film Division :

The following Newsreels coverages having a bearing on removal of untouchability were included in the

INR's during 1977-78 which were released in Public Cinemas all over the country:—

INR. No.	Subject
1491	50th Anniversary of fight against social evils (Maharashtra)
1496	Rehabilitation of Adivasis (Madhya Pradesh)
1503	Murder of Harijan (Andhra Pradesh)
1508	Belchi Incident (Bihar)
1513	Untouchability—A Crime against Humanity
1520	Adivasis join the mainstream
1521	Strange but True
1535	Under the title "Crusade against Casteism" (i) 601st Birth Anniversary of Guru Ravidas (Delhi). (ii) Community Marriage.

In addition to the above Newsreels, a documentary film on eradication of untouchability sponsored by the Ministry of Home Affairs was included in the Production Programmes of Film Division for the year 1977-78. The script of the film is under preparation. The production work of the film will be taken up after the script is prepared and approved by the subject, specialists nominated by the sponsors. This film is also intended for general release in public cinemas all over India.

Directorate of Advertising & Visual Publicity :

The Directorate of Advertising and Visual Publicity took up a number of print jobs for removal of the practice of untouchability. Besides, a display advertisement in 20 cm×3 Colms was issued on 2nd October, 77 the birthday of Mahatma Gandhi, at a cost of Rs. 50,000 in Language papers all over the country.

Research and Reference Division :

During the year 1977, the Research and Reference Division issued one reference paper entitled 'Towards abolition of untouchability'. This paper dealt in depth with the efforts made by the Government to eradicate the practice of untouchability from our society.

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APPENDIX LVII

(Reference para 8.5)

Flow of Funds from Special Central Assistance and State Sector to the Tribal Sub-Plan

(Rs. in Lakhs)

State	1975-76		1976-77		1977-78		1978-79	
	State Sub-plan	Special Central Assistance	State Sub-plan	Special Central Assistance	State Sub-plan	Special Central Assistance	State Sub-plan	Special Central Assistance
1	2	3	4	5	6	7	8	9
1. Andhra Pradesh .	665.00	123.00	960.00	194.75	1,192.52	285.25	1,473.00	253.00
2. Assam .	66.00	100.00	570.00	203.00	734.00	257.00	1,000.00	325.00
3. Bihar .	1,742.00	281.00	4,115.00	614.00	5,378.00	807.50	6,225.00	975.00
4. Gujarat .	800.00	200.00	1,600.00	326.00	3,250.00	473.10	3,350.14	596.00
5. Himachal Pradesh	140.00	31.00	250.00	68.00	372.39	90.00	590.35	130.00
6. Karnataka .	N.Q.*	10.00	100.00	20.00	128.50	24.00	203.00	24.00
7. Kerala .	N.Q.*	15.00	N.A.	26.00	51.00	25.00	91.00	18.00
8. Madhya Pradesh .	2,300.00	506.00	4,000.00	1,097.00	5,324.00	1,554.00	6,354.00	1,826.00
9. Maharashtra .	1,350.00	104.00	2,155.00	231.00	3,272.79	378.25	4,851.81	397.00
10. Manipur .	472.00	43.00	700.00	90.00	869.00	128.00	1,434.00	177.00

*Not Required.

APPENDIX LVII—Contd.

1	2	3	4	5	6	7	8	9
11. Orissa . . .	2,125.00	292.00	2,617.00	587.00	3,360.35	770.15	7,551.60	960.00
12. Rajasthan . . .	629.00	150.00	963.00	246.00	622.25	298.10	1,374.00	327.00
13. Tamil Nadu . . .	N.Q.*	12.00	117.00	44.00	153.27	45.00	159.00	49.00
14. Tripura . . .	234.00	36.00	408.00	68.00	460.00	96.40	722.50	105.00
15. Uttar Pradesh . . .	N.Q.*	5.00	50.00	11.00	25.00	15.00	58.00	17.00
16. West Bengal . . .	387.00	72.00	823.00	149.00	1,352.00	225.00	1,354.60	263.00
17. Andaman & Nicobar Islands . . .	N.Q.*	20.00	..	17.00	41.60	17.00	75.00	36.00
18. Goa, Daman & Diu . . .	N.Q.*	Nil	20.00	8.00	29.07	11.00	45.00	22.00
Total . . .	1,0911.00	2,000.00	19,178.00	4,000.00	2,5721.74	55,00.00	3,4412.00	6,500.00
							(Reserve)+	500.00
								7,000.00

*Not quantified.

APPENDIX LVIII

(Reference para 8.6)

Statement showing the progress of preparation of Integrated Tribal Development Projects

Sl. No.	Name of the State	Integrated Tribal Development Projects	
		Total	No. prepared
1	Andhra Pradesh . . .	7	7
2	Assam	19	1
3	Bihar	14	10
4	Gujarat	9	8
5	Himachal Pradesh . . .	3	3
6	Karnataka	5	3
7	Kerala	5	2
8	Madhya Pradesh . . .	42	40
9	Maharashtra	15	15
10	Manipur	5	..
11	Orissa	23	19
12	Rajasthan	5	4
13	Tamil Nadu	9	9
14	Tripura	3	1
15	Uttar Pradesh	2	1
16	West Bengal	12	6
17	Andaman & Nicobar Islands	1	..
18	Goa, Daman & Diu . . .	1	..
Total		180	129

APPENDIX LIX
(Reference para 8.14)

Statement showing Communities Identified/Propose to be Identified as Primitive Tribes

Name of State/Union Territory	Primitive Tribes			
	So far accepted		Under consideration	
	No.	Names	No.	Names
Andhra Pradesh	3	Chenchu Kolam Konda Reddi	7	Gadaba Konda Dora Kond (Samantha) Porja Savara Thoti Yenadi (Challa)
Bihar	9	Bichor Asrur Birjla Korwa Hill Kharia Parahiya Mal Paharia Savar Sauriya Pahari	..	..
Gujarat	2	Kathodi Kotwalia	2	Pathar Sidhis
Karnataka	..	..	2	Jenu Kuruba Koraga
Kerala	2	Chola Naloken Kurumba	..	..
Madhya Pradesh	4	Abulh Marias Raiga, Bharia, Hill Korwa.	1	Sahariya
Maharashtra	3	Katkari, Kolam Maoria Gond*	..	..
Orissa	9	Bondo, Soura, Kutia Kondh, Paudi Bhuians, Juangs, Mankidia, Ianjia Sauras, Kharia, Dongaria, Kondh.		
Rajasthan	1	Saharias*	..	..
Tamil Nadu	6	Todas Kota, Irulas Kurum- bas, Kattu Naickens, Pani- yas*	4	Kanis, Palingars, Pali- yars, Kanikkaran.
Tripura	1	Riang	..	..
Uttar Pradesh	1	Raji	..	..
West Bengal	3	Birhor*† Tote, Lodha	3	Asur, Rabha, Lepcha†
Andaman & Nicobar . . .	5	Great Andamanese Onges, Jarawas, Sentinelese and Shompen.	..	..
Total	49		19	

†The State Government have been asked to identify the specific sections of these communities which are at a pre-agricultural and at a pre-literate stage of development Assam, Himachal Pradesh, Manipur, Goa, Daman & Diu do not have primitive tribes.

*The communities marked with asterik are common in two or more states.

APPENDIX LX
(Reference para 8.16)

Statement showing amounts released to States regarding Developmental Programmes for Primitive Tribes

(Rs. in lakhs)

	Amount Released		
	1975-76	1976-77	1977-78 (Up to 21-7-77)
Andhra Pradesh	..	10.00	5.00
Bihar . . .	1.00	9.00	1.50
Gujarat . . .	.	1.00	2.50
Karnataka . .	..	..	..
Kerala . . .	1.00	8.00	4.00
Madhya Pradesh	6.00	6.00	9.00
Orissa . . .	2.00	5.00	2.50
Rajasthan . .	1.00	..	0.50
Tamil Nadu . .	..	4.00	2.00
Tripura . . .	..	10.00	5.00
Uttar Pradesh .	..	1.00	0.50
West Bengal . .	..	5.00	2.50
Andaman & Nicobar . . .	20.00	5.00	2.50
	31.00	70.00	33.00

APPENDIX LXI
(Reference para 8.44)

Research studies completed by Tribal Research Institutes during 1977-78

I. Tribal Research and Training Centre, Kozhikode :

1. Restudy on the functioning of the G.R.B.T. Schools.
2. Health & Tribal medicines of Kerala.

II. Tribal Research & Training Institute, Poona :

1. Leprosy problem in Chandrapur District.
2. Benefits to be derived by Scheduled Tribe people from Waghad & Surya Irrigation Projects of Nasik & Thana District.
3. Integrated Tribal Development Project, Kinwat Nanded District.
4. Bonded Labour in Thana District.
5. Health & Nutrition problem of the primitive tribes in Maharashtra.
6. Report on the post-matric scholarships of Halba Tribe of Maharashtra State.
7. Ethnographic notes on the tribes of Maharashtra State.
8. Socio-economic problems of Scheduled Tribes in Maharashtra.

III. Cultural Research Institute, Calcutta :

1. Factors hindering progress of education among the Scheduled Castes and Scheduled Tribes of West Bengal.
2. Socio-economic study of the Santals of West Bengal.
3. Monographic study on the Birhor primitive tribe.
4. Tribal movements in West Bengal.
5. Variation of population of Scheduled Castes and Scheduled Tribes.
6. Literacy and educational levels of Scheduled Castes and Scheduled Tribes in West Bengal.
7. Participation of Scheduled Castes and Scheduled Tribes population in different economic activities.
8. Population size, degree of literacy and occupational dependency of Scheduled Castes and Scheduled Tribes of West Bengal.
9. Marital status of Scheduled Tribes.
10. Scheduled Castes/Scheduled Tribes at a glance containing various types of information.
11. Project Reports on ITDP areas of two districts of 24 Parganas and Murshidabad.

IV. *Tribal Research & Training Institute, Hyderabad:*

1. Study of man power Researches, Adilabad District.
2. Preparation of Sub-plan and Integrated Tribal Development Projects.
3. Review of Sub-plan/ITDP programmes.
4. Statistical compendium on Education of Scheduled Tribes in Andhra Pradesh.
5. Package of incentives & concessions for promotion of industries in Scheduled Areas of Andhra Pradesh.
6. Plans prepared for development of Konda Reddy Kolams.
7. Study of primary school Education among Scheduled Castes.
8. Study of Health Services in Andhra Pradesh.
9. Wife pledging among tribals in Andhra Pradesh.
10. Study of milch cattle distribution in Srikakulam & West Godavari Districts.
11. Bench Mark Survey in I.T.D.P's.
12. Study of consumption pattern among tribals of Andhra Pradesh.
13. Ritual structure of tribals of Adilabad district.
14. Motivational factors in Tribal Education.
15. Study of man power resources in Srikakulam District.
16. Study of man power resources in Visakhapatnam district.

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APPENDIX LXII
(Reference para 8.47)

The list of other Institutes engaged in Research studies on Scheduled Castes & Scheduled Tribes

1. The Director,
A. N. Sinha Institute for Social Studies,
Patna.
2. The Secretary,
National Council of Education,
Research Training,
Tribal Education Unit,
Shri Arbindo Marg, New Delhi.
3. The Director,
Institute for Social and Economic Change,
Post Box 5120, Coolton House,
Palace Road, Bangalore-560 001.
4. The Director,
Indian Council of Social Science Research,
11, P.A. Hostel Indraprastha Estate,
New Delhi.
5. The Director,
National Institute of Community Development,
Rajendranagar,
Hyderabad.
6. The Registrar,
National Council of Applied Economic Research,
Indraprastha Estate, New Delhi.
7. The Director,
National Institute of Bank Management,
85, Nepean Sea Road, Bombay-400 006.
8. The Director,
Institute of Advanced Studies,
Simla.
9. The Registrar General of India,
Social Studies Division,
R. K. Puram, New Delhi.
10. The Director,
Anthropological Survey of India,
27, Jawahar Lal Nehru Road,
Calcutta-13.
11. The Director,
National Institute of Public Cooperation,
and Child Development, C-1/4, Safdarjung
Dev, Area,
Hauz Khas, New Delhi.
12. Director,
Gokhale Institute of
Politics and Economics,
Poona.
13. Director,
National Institute of Mass Communications,
South Extension, New Delhi.
14. Dean,
National Labour Institute,
AB-6, Safdarjung Enclave,
New Delhi.
15. Director,
Tata Institute of
Social Sciences, Deonar,
Bombay.

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APPENDIX LXIII (Reference para 8.47)

Research work done by other Institutes during 1977-78

1. *Gokhale Institute of Politics and Economic Change, Poona:*
 - (i) Wastage and Stagnation in Tribal School Education.
 - (ii) A Sociological Analysis of Neo-Buddhist Movement in India.
2. *A. N. S. Institute of Social Studies, Patna:*
Restudy of the Munda tribe.
3. *National Council of Educational Research and Training, New Delhi:*
 - (i) Psychological Study of the Tribal Children with special reference to the Denotified Tribes of Uttar Pradesh.
 - (ii) Working Holidays Project & Education meets for promoting education among the under-privileged classes.
- (iii) A Study on Educational Development of Lahaul and Spiti.
4. *Anthropological Survey of India, Calcutta:*
 - (i) A special study on 'Tribal Customary Law' in selected tribes of Assam, West Bengal, Bihar, Orissa, Madhya Pradesh, Rajasthan, Gujarat, Maharashtra, Andhra Pradesh, Karnataka, Tamil Nadu and Andaman and Nicobar Islands.
 - (ii) A report on the Socio-economic life of the Banjara of Adilabad district of Andhra Pradesh.
 - (iii) Ethnographic field work on the Soliga of Karnataka, Pengo and Saora of Orissa, Kondakapur of Andhra Pradesh and on Political system of the Gonds of Central India.
 - (iv) A special ethnographic study on the Onge of Little Andaman.



APPENDIX LXIV (Reference Para 9.11)

Tour Report of Shri Shishir Kumar, Commissioner for Scheduled Castes & Scheduled Tribes in the districts of Aurangabad, Parbhani and Nanded regarding the Marathwada incidents in the State of Maharashtra from 11th to 14th August, 1978

Press Reports regarding Marathwada incidents:

In the first week of August, 1978, there were some disquieting newspaper reports like "Harijan youth axed to death in Marathwada", "Fire ball raid on Harijan huts" and "Harijans main target in Marathwada" etc. All the five districts in Marathwada region were reported to be engulfed by a major strife between Neo-Buddhas and caste Hindus over the re-naming of Marathwada University after the late Dr. B. R. Ambedkar. The Police had to resort to firing and curfew was imposed at many places to bring the situation under control.

Statement of MMHA in the Lok Sabha on 7th August, 1978 regarding the Marathwada incidents:

2. On 7th August, 1978, Shri Dhanik Lal Mandal, Minister of State in the Ministry of Home Affairs made a statement in the Lok Sabha in response to the Calling Attention notice regarding incidents of violence and lawlessness over the question of change of the name of Marathwada University as follows:—

"According to the information received from the Government of Maharashtra, there was a long standing demand for a change in the name of the University. This issue was under consideration of Maharashtra Government and it was decided prior to 17th July that resolutions may be moved in both Houses of Legislature in favour of change. Such resolutions were passed on the 27th July in both Houses of the State Legislature in favour of changing the name.

An organisation called "Vidyarthi Kriti Samiti" gave a call for Bund in some towns of Marathwada to coincide with the date of resolution. After passing of the resolution became known, demonstrations turned violent in Aurangabad and Parbhani districts.

Orders under Section 144 Cr. P.C. were promulgated in affected towns. A number of incidents of brick-battling, damaging public property, attacks on Government offices, State Transport and railways and even arson have taken place. A few incidents of

clashes between caste Hindus and Harijans and even attacks on Harijan Bastis have occurred. Police parties have also been attacked on a number of occasions and in one instance, a Police out-post was set on fire and a Police Sub-Inspector was burnt to death. These incidents have occurred in Nanded City, Degloor, Aurangabad, Parbhani and Tuljapor in Osmanabad district. In dealing with these incidents, the Police had to open fire in 15 places between 29th July and 5th August, 1978. Three persons were killed and eight injured in these firings according to available information. According to the State Government, the situation in Marathwada is under control and there has been a slow but definite improvement in the law and order situation there during the last two days.

The Chief Minister of Maharashtra has initiated talks with M.Ps., M.L.As., and M.L.Cs. and other leaders including student leaders and leaders of the student action committee from Marathwada and representatives of Dalit Panther and neo-buddhist organisations. He has already met them on 4th August (afternoon) and on the 5th August (Forenoon). The Chief Minister has requested them to exert their influence to prevent the agitation from assuming any caste or communal colour. According to the latest information it appears that the intervention of the Chief Minister has been successful and the agitation has been suspended. I do hope that it will not be resumed and the organisers will realise the dangers of rousing feelings of caste animosities."

Statement of MMHA in Rajya Sabha on 11th August, 1978 regarding Marathwada incidents:

3. Subsequently the Minister made a statement on 11th August, 1978, in the Rajya Sabha on a Calling Attention Notice giving additional information as follows:—

"According to the State Government, 19 incidents of clashes between Harijans and caste Hindus occurred in Marathwada between 28th July and 7th August, 1978 and 2 Harijans were killed and 15 injured. About

1200 Harijan huts were destroyed or damaged in incidents of arson. Police had to open fire on 17 occasions, including 4 in connection with clashes between Harijans and others. A total of 4 persons were killed and 10 injured in police firings."

Motion adopted by the Lok Sabha on 14th August, 1978 for investigation by Parliamentary Committee on the Welfare of Sch. Castes and Sch. Tribes:

4. On 14th August the Lok Sabha adopted the following motion:—

"This House, having considered the situation arising out of the reported large scale disturbances and some killings in Marathwada in Maharashtra State, expresses its great concern and directs the Parliamentary Committee on the Welfare of the Scheduled Castes and Scheduled Tribes, to investigate into the causes of these incidents and to identify those who are responsible for such incidents, and suggest remedies to meet the present situation as well as to suggest such other remedies to prevent recurrence of such incidents in any part of India in future."

Tour in the Districts of Aurangabad, Parbhani and Nanded:

5. Shri Shishir Kumar, Commissioner for Scheduled Castes and Scheduled Tribes accompanied by Shri S. K. Kaul, Deputy Commissioner undertook a tour in the districts of Aurangabad, Parbhani and Nanded from 11th August to 14th August, 1978. Shri K. L. Pardeep, Director, Social Welfare, Government of Maharashtra accompanied Commissioner through-out the tour. Shri S. L. Dubey, Zonal Director, backward Classes Welfare joined at Nanded. In the course of his tour, Commissioner met officers, non-officials and also visited a number of villages connected with the incidents in the three districts. On the 14th August, Commissioner had a meeting with Shri Sharad Pawar, Chief Minister, Government of Maharashtra at Bombay and apprised him of his impressions and made a number of suggestions for bringing about normalcy in the troubled region.

Visit in Aurangabad District:

6. Before visiting riot affected areas, Commissioner had a detailed discussion with Commissioner, Aurangabad Division, Collector and Chief Executive Officer, Zilla Parishad, Aurangabad and the District Superintendents of Police of all the five districts in Marathwada. Commissioner was acquainted about the disturbances that took place and the measures adopted by the administration to meet the situation throughout the Division. In Aurangabad city, due to tactful handling of the situation no violent incident took place although the students broke the street lights and took out processions against the renaming of the University. Commissioner was informed that the worst affected Districts were Nanded and Parbhani. In more than 100 villages, incidents of violent nature took place, 1,200 houses were set on fire, 6 persons lost their lives on account of police firing and clashes. A number of persons received grievous injuries and were admitted to hospital. Government property like train wagons, buses, jeeps etc., were damaged/burnt and bridges and culverts were damaged to disrupt communications. Telephone lines were also cut at many places. Later on he held meetings with the social workers, Dalit Panther leaders and leaders of Marathwada Vidyarthi Kirti Samiti. He also visited villages of Akola and Kandari in Jalana Tehsil. He also paid a visit to the camp organised for the affected persons at Badnapur and met a number of Neo-Buddhas of Akola village who were reluctant to go back to their village, local officers, prominent public men including justice R. R. Bhole, Shri N. B. Chitnis, ex-Registrar of Marathwada University and others.

Akola Village:

7. At Akola village, 4 houses of persons belonging to Neo-Buddhas were burnt on the night of 2nd August, 1978. Before that they broke a statue of Dr. Ambedkar. The first house that was set on fire belonged to Shri Kasni Nath Borde, a Police Patil who is a owner of 14 acres of agriculture land in the village. He had installed a flour mill and was quite well off. It was reported that he had lost one of his brothers who was serving in the Army in the Indo-Pakistan war in 1971. He was the main target of the fury of the caste Hindus because in his official capacity he had been reporting the cases of harassment of Scheduled Castes to the authorities concerned. His bullock cart and house-hold articles were reduced to ashes. The police reached the spot when the house had already been set on fire and the miscreants had fled from the spot. The fire was put out by the fire brigade and if this had not been done it would have engulfed the neighbouring houses also. The attackers set fire to the houses with machans (torches). The Neo-Buddhas and their women and children in the fields and watched their houses burning. The villagers gave the names of 50 people to the police as responsible for setting their houses on fire. Commissioner was informed that offences had been registered against the offenders under the relevant sections of Indian Penal Code. No arrests were reported to have been made till the time of visit as the concerned persons, according to the Police, were absconding. Some of the Neo-Buddhas, however, stated that the absconders were still moving freely in the area. In the course of the talk with the villagers, it was found that the Neo-Buddhas had a separate well for their use in the village. The labourers were not paid prescribed minimum agricultural wages. It was evident that there were old rivalries in the village and the issue of renaming of the Marathwada University was utilised to settle the old scores. In the past, the fruit trees planted by the Police Patil were cut and his poultry birds poisoned. The Neo-Buddhas were scared because it was the third time that their houses had been attacked by caste Hindus. The first time was a couple of years back, during an Ambedkar Jayanti celebrations the second time when a marriage procession was stoned and statues broken. They were not prepared to return to their village from Badnapur where Commissioner met them. They had been shifted to this place after the happenings of 2nd August and arrangement for their food and shelter had been made by district authorities. To a pointed question from the Commissioner when they would be returning to their village, the Police Patil stated that he and other persons were afraid about the safety of their lives and were not willing to go back to their village. He desired that they may be rehabilitated either at Badnapur or Aurangabad city. In reply to another question from the Commissioner, the Police Patil stated that he would sell his agricultural land rather than go back to his village. Commissioner pleaded with them that they should go back to their village if adequate protection about their safety and dignity is assured.

Kanderi village:

8. In Kanderi Budruk (Big) village, the Scheduled Castes were segregated and were living at the outskirts of the village. The Zilla Parishad had also constructed some houses for the Scheduled Caste persons over the house-sites allotted to them. It was learnt that the trouble in the village started on 4th August, 1978 and the house of Shri Saka Kam, a school teacher was burnt late in the evening. Shri Saka Kam, who is a owner of 5 acres of land, however, did not name any person responsible for this act on account of fear of reprisals. In all 13 houses (9 inside & 4 outside the village) and four cattle sheds were burnt. It was reported that Shri Vishwanath Nandev Borde, a Scheduled Caste person had married the daughter of a Police Patil who belongs to a caste Hindu community some time back which was partly responsible for

bitterness among the caste Hindus and Scheduled Caste persons. However, the house of Shri Borde was not set on fire. In Kanderi Khurd (Small) village, 5 houses were burnt. 2 cases were reported to have been registered against 21 caste Hindus out of which 12 persons were reported to be absconding. Out of a total population of about 2,800 persons in Kanderi Budruk and Kanderi Khurd, 250 persons belong to Scheduled Castes and Neo-Buddhas. It is relevant to mention here that the houses of only those persons were burnt who owned land. In addition to the grant of Rs. 50/- per person for a period of 15 days for food and clothing out of Government funds, the district authorities distributed utensils and one Dhoti and a Saree to each of the affected families by raising public donations. It was reported that in this village, a large acreage of *watan* land allotted to Scheduled Castes and Neo-Buddhas has gone into the possession of the landlords. Commissioner left Badnapur in the evening for Parbhani and on the way noticed that at number of places bridges and culverts had been damaged which could be done only by mobs armed with necessary tools. As a result, communications at many places were disrupted.

Visit in Parbhani District :

9. At Parbhani, the Commissioner met Shri S. G. Nakhate, Minister of State for Transport, who was touring in the area. Later he had a long discussion with the Collector, Superintendent of Police and Chief Executive Officer, Zilla Parishad who gave a detailed report about the riots in different parts of the district. Commissioner was informed that in Parbhani city processions were taken out on 24th & 25th July, 1978 against renaming of Marathwada University. On 26th July, a *Bundh* was organised and shops, educational institutions, etc., remained totally closed. On 26th July about 3,000 students took out a procession and presented a memorandum to the R.D.C. Some of the student leaders are stated to have declared that in case their demand for not changing the name of the University was not conceded they would go to the extent of burning the Marathwada University itself. Again on 27th July, 1978 more than 70% of the shops in the town of Parbhani remained closed. A *Morcha* was organised and a memorandum presented to the District Magistrate. Manmad-Kachiguda train was detained for about 45 minutes. Two buses were damaged on Basmath-Parbhani road. City lights were broken. From 28th July, the movement spread throughout the district. At Sailu, one bogie of Kachiguda-Manmad train and 3 bogies of Manmad-Kachiguda train were burnt. Government property worth more than Rs. 3,22,500 was damaged between 28th July, 1978 to 31st August, 1978. On the night of 3rd August, 1978 some of the student leaders etc., were sent to Bombay to attend the meeting called by the Chief Minister, and they returned to district headquarters on 5th night/6th morning and a meeting was held on the afternoon of the 6th August, 1978 after the news was heard over the radio that Marathwada Vidyapeeth Kirti Samiti had decided to call off agitation and the Parbhani students and the Citizens Action Committee also decided to call off the agitation. The Commissioner was given to understand that the agitation had no support from the leaders of standing. During the entire period of agitation no M.L.A. or M.L.C. visited the district. It was mentioned that Aurangabad students had sent bangles to the representatives of the Students Action Committee in Parbhani to exhort them to be more violent. Private property

in general was not damaged in the course of disturbances except at Gangakhed where Shri T. M. Savant, ex-M.L.A.'s property and Shri Bhalarao, R.P.I. leader's property was damaged by students of Gangakhed. In general, the property of the Irrigation Department offices became the target of general attack.

Adgaon village :

10. 40 villages in Parbhani District were affected by the riots. The Commissioner visited 2 villages, namely, Adgaon and Kawalgaon on 12th August, 1978. In Adgaon village, 43 houses belonging to Neo-Buddhas had been burnt on 2nd August. About 400 Neo-Buddhas and 100 Mangs are living in this village. The affected persons stated that the caste Hindus from the village itself had burnt their houses. The Sarpanch did not know who were the culprits who had burnt the houses. A school teacher named Shri Bapurao Gyanoji Londe, whose house had also been burnt, stated that he did not want to work at this place and he had also submitted an application for transfer. Very few Scheduled Caste persons of this village owned lands and it was understood that wages were not being paid to the agricultural labourers at the prescribed rates. There is a separate drinking water well for Neo-Buddhas.

Kawalgaon village :

11. The riots took place in Kawalgaon village on the morning of 31st July. The total population of the village is about 5,000 out of which the population of Scheduled Castes/Neo-Buddhas is approximately 500. It was reported that in the morning when the Scheduled Castes/Neo-Buddhas had gone to draw water from the well the caste Hindu students assaulted them. Hereafter, the caste Hindus assembled at the temple and the Scheduled Caste persons were asked to come there. When some Neo-Buddhas came to the temple, the caste Hindus started beating them. It was stated that the caste Hindu students who attacked on Neo-Buddhas belong to the village. When the incident took place, the Sarpanch and all the members of the Panchayat were present in the village. It was stated by the Neo-Buddhas that the Sarpanch who tried to come to their rescue could not prevail upon the caste Hindus. One Muslim compounder who tried to come to the rescue of a Neo-Buddha nurse was also beaten. In this village most of the Neo-Buddhas/Scheduled Castes mainly work as labourers and do not get the prescribed minimum agricultural wages. None of them owns land. Most of the Neo-Buddhas/Scheduled Castes work on the land of the caste Hindu landlords and the Sarpanch who owns about 100 acres of land. Commissioner was informed that a number of Neo-Buddhas had fled from the village but have since returned. It was reported that cases have been registered against the miscreants but no arrest had been made till then.

Visit in Nanded District :

12. At Nanded, Commissioner met the Collector who gave him an idea how the situation developed in his district and the steps taken by the administration to meet it. He also met Shri S. S. Sahni, D.I.G. and the Superintendent of Police. Shri Srinivasan, Officer on Special Duty, who was deputed specially from Bombay to chalk out a scheme for the rehabilitation of the affected families also met the Commissioner in the night. During his stay at Nanded, Commissioner met a number of Neo-Buddhas/Scheduled Castes who

*Names of some of their spokesmen are given below.—

1. Prof. Manjramrar Anant, President, Marathwada, R.P.I.
2. Shri Yashwant Ram Chandra Athwad, President, Marathwada Republican Mazdoor Sangh, Nanded.
3. Shri P. K. Sonkamble, President, Degloor Taluka Republican Party, District Nanded.
4. Shri R. N. Gajbhare, Secretary, Degloor P.W.P., Nanded.
5. Shri M. M. Manwate, Chairman, Bharatiya Bandh Maha Sabha, Nanded.
6. Shri Eknathrao Kamble, President, Republican Mill Workers Union.
7. Shri Narendra Gaikwad, Lecturer, Yashwant College, Nanded.

narrated to him the atrocities inflicted upon them. Nanded was the worst affected district during the riots. Out of the 8 talukas in the District, no incidents took place in 2 talukas and of the remaining six, the worst affected talukas were Degloor, Nanded, Kandhar, Biloli and Mukhed areas. At village Sugaon in Nanded Taluka and Tembhurni village in Biloli Taluka, Commissioner saw the burnt houses of the Scheduled Caste persons. At Nanded, the camp of the affected persons was visited. He also paid a visit to the Civil Hospital, Nanded.

13. As per information furnished to the Commissioner, there were indications of unrest in Nanded on the evening of 27th July, 1978 even before the declaration of the unanimous resolution of both the Houses of Legislature in Maharashtra to rename.

Marathwada University was announced. A call for Nanded *bundh* was given on 27th July, 1978. It was reported in the early hours of 28th July, 1978 that fish plates on the railway lines near Limbgaon Railway Station had been removed. Information was received by the District Magistrate on the morning of 28th July, 1978 that a train had been stopped at Limbgaon for about 2 hours by a mob. State transport buses were attacked. A telephone line from Mukhed to Nanded was dislocated between 28th and 29th July, 1978. Attempts were made to burn two government jeeps. Seven buses were detained at a place known as Loha by the mob. A wagon had been set on fire at Chudawa. On the morning of 29th July, 1978 attacks took place on trains and buses at Bhokor, Umri and Kinwat. Two companies of S.R.P. were deployed to control the situation. On the afternoon of 30th July, 1978 the law and order situation in Degloor town deteriorated. On the 31st July, 1978 a train from Manmad to Kachiguda was detained at Dharmabad Railway Station in the early hours and the violent mob attacked Railway Station, Municipal Council, Octroi Naka and the Rest House and destroyed furniture, files and other public property. At a place known as Umri in Bhokor taluka, a government jeep was set on fire and the Rest House attacked. The agitating mob created terror in about 125 villages and 693 houses in 48 villages were burnt to ashes. Many Scheduled Caste persons left their villages and took shelter in Nanded town. On 3rd August, 1978 unruly mob in Nanded town created road obstacles, damaged telephone poles, destroyed government property. Curfew was clamped in town from 3rd August to 6th August, 1978.

14. Nine times the Police had to open fire in the talukas of Kandhar (Loha), Mukhed (Mukhed), Degloor (Degloor), Nanded (Luppa), Biloli (Adampur) and Bhokor (Umri). It was reported that since the morning of 7th August, 1978 the situation started becoming normal and no untoward incidents were reported. Till 9th August, 1978, 952 affected families were provided assistance amounting to Rs. 1,06,701. It is estimated that in Nanded District public property worth Rs. 32.34 lakhs had been damaged in the course of the disturbances.

Sugaon Village :

15. Commissioner visited Sugaon village where 55 houses of Scheduled Castes were burnt in the early hours of 4th August. Commissioner was informed that on the previous night the caste Hindus had assembled to sing devotional songs and at approximately 4 A.M. they surrounded the houses of Scheduled Castes with burning kerosene—and—engine-oil-soaked-balls of powerloom spindles and threw them on their houses and set them on fire. This fact is further corroborated by ex-Sarpanch of Sugaon Budruk. Shri Vithal Awabaji Vaidya who met Commissioner at Nanded Government Hospital and narrated that they were sleeping in their houses and heard the temple bell of Maruti temple ringing in the early hours of the

morning which turned out to be a signal for attack on Neo-Buddhas/Scheduled Castes. He informed that letters were sent earlier to the police station at Limbgaon, the District Superintendent of Police at Nanded and the Collector but no police party was sent to the village in time. 53 persons were beaten out of which 24 were still in the Nanded Hospital. In general, the miscreants did not harm the women and children but a boy of hardly 13 years of age who had received a lathi blow had his right arm in plaster. Even aged persons were not spared. Commissioner saw an old man of 80 years who had multiple injuries on his body. Carts were burnt and all the belongings inside the houses were reduced to ashes. In one of the houses one could see a charred cycle. Remnants of mud pottery and utensils, tins used for storing food-grains and other household goods could be seen. An oil mill was also found burnt.

16. There are 70 families of Scheduled Caste in this village and after the burning of 55 houses 300 Scheduled Castes persons fled from their village to Nanded Camp to save their lives. That this was a pre-planned attack is evident from the fact that the caste Hindus who attacked the houses of Scheduled Castes were wearing red badges so that they may not run into each other. One Scheduled Caste person, Shri Janardhan Jaidev Mawde faced the attackers bravely and was dragged out of his house and ultimately killed.

17. During his talk with the villagers Commissioner enquired about the arrangements for getting drinking water. He was informed that they have a separate well and on the date of occurrence of this incident, the caste Hindus had poisoned the well which had not been cleaned. The local officers who accompanied the Commissioner assured him that on the next day they would pump out the water and ensure that the well water is fit for human use.

Tembhurni Village :

18. At Naygaon a local leader, Shri Balwant Rai Chauhan, M.L.C. met the Commissioner and accompanied him to Tembhurni village in Biloli taluka where 35 houses of Scheduled Castes had been burnt on 4th August, 1978. He was shocked to see that the houses of Scheduled Caste persons were not only set on fire but raised to the ground with detonators. One of the villagers told the Commissioner that his wife along with her newly born baby was dragged out of the house which was later set on fire. About 100 caste Hindus of the village attacked the houses of Scheduled Castes. One person named Pochiram Maripa Kamre was burnt alive in this village. His widow, Smt. Dondibai narrated to the Commissioner how her husband was killed and burnt. Two friends of the deceased came to the house of Shri Kamre and warned him that the caste Hindus are preparing to set fire to their houses and that his life was in danger. They took him to their house and gave him shelter. In the meantime, the caste Hindus descended on the habitations of the Scheduled Castes and set their houses on fire. They enquired from the widow of the deceased Smt. Dondibai about the whereabouts of her husband. After ransacking the houses of the Scheduled Castes and looting their foodgrains, house-hold goods, the caste Hindus reached the house of the friends of the deceased who in the meantime asked Shri Kamre to run away to save his life. It, however, appears that the attackers could know about the whereabouts of Shri Kamre because they dragged him back to the village and put him to death and burnt his body. Thereafter the caste Hindus told the Police Patil that they have killed Shri Kamre and that he should save them. In reply to a pointed question from the Commissioner to the Police Patil whether he reported about the brutal murder of Shri Kamre, the Police Patil replied that he had reported about the incident of burning of the houses verbally to the police through his Kotwal on 6th August (burning of houses and murder

took place on 4th August) and that he was not aware of the murder. It was alleged by the Scheduled Castes that the Police Patil as well as his brother and other villagers were associated in this crime and looting and burning of their houses. It was reported that 22 persons had been arrested. The district authorities had paid Rs. 1,000/- to the widow of the deceased.

19. Commissioner was informed by many responsible public men that a large number of Scheduled Castes/Neo-Buddhas from Degloor taluka had migrated to the neighbouring district in Andhra Pradesh for safety. Some persons suggested that the number of persons who had fled to Andhra Pradesh may be around 5,000 to 6,000. Shri Balwant Rao Chauhan, M.L.C., a local leader stated that at least 2,000 persons might have migrated to Andhra Pradesh. On return to Nanded, Commissioner brought this fact to the notice of D.I.G. (Police) and Collector and asked them to verify this exodus and persuade the Scheduled Castes to return to their villages.

Visit to Nanded Camp :

20. Commissioner visited the camp in Nanded city where 1,400 persons from a number of affected villages were housed temporarily in the Multi-Purpose High School building and free food and other facilities were provided to them for two days. Thereafter each person was being given Rs. 1.50 per day for food and an amount of Rs. 27.50 per head for purchase of clothes. It was learnt that at the peak of disturbances there were 1,825 persons from 17 villages (4 from Nanded Taluka, 11 Kandhar Taluka and 2 Biloli Taluka) in this camp. These persons were feeling insecure in their villages and had migrated to Nanded City for safety. Some of them have returned to their villages. The persons who met the Commissioner stated that they would be willing to go back to their villages only when full protection of their life and property could be guaranteed and steps initiated for their economic rehabilitation. They also complained that the meagre help that is being given to them was too inadequate and needs to be raised substantially and demanded that adequate arrangements should be made for the construction of their houses and that they should be fully compensated for their losses. A large number of these affected persons came from Balrampur (M.I.D.C.) village. Some of these persons are working in private and public sector undertakings.

Visit to Nanded Hospital :

21. Commissioner paid a visit to Nanded Government Hospital, where the injured persons had been admitted. The Commissioner met one Shri Mahajanrao Patil, who had tried to protect the Harijans of his village Kahala Buzrug at personal risk. Although he had forewarned the police about evil designs of the villagers against Neo-Buddhas/Scheduled Castes, no action was taken by the police in the matter. Ultimately Mahajan Patil alongwith his 80 years old father, mother, sister-in-law and mother-in-law were subjected to brutal attack and they were still lying in Nanded Hospital. The exemplary courage shown by Mahajan Patil in coming to the defence of the Neo-Buddhas deserves high appreciation.

22. On the night of 13th August when Commissioner returned to Aurangabad, he had another long meeting with the Divisional Commissioner, local officials and some non-official.

Discussions with the Chief Minister :

23. On the 14th August, Commissioner met the Chief Minister of Maharashtra at Bombay and gave him his impressions about the incidents. Those present during the discussions included Shri M. I. Jamkhanwala, Minister of State for Finance and Miss Shanti Naik, Minister of State for Social Welfare and Housing, Secretaries of Home and Social Welfare Department and Director Social Welfare Department. Commissioner made the following suggestions to the Chief Minister :—

- (i) To instil much needed sense of security in the minds of the Scheduled Castes/Neo-Buddhas in the affected villages and other parts of Maharashtra, it is desirable that collective fines may be imposed on the villages where atrocities were committed on the Scheduled Castes/Neo-Buddhas. He explained that even though the violent disturbances had stopped for the time being the Scheduled Castes/Neo-Buddhas do not feel secure and apprehend trouble in future. He further suggested that expeditious investigation and registration of cases against the offenders should be launched and the efforts of the Government should be supplemented by seeking cooperation of voluntary organisations and social workers.
- (ii) The quantum of help that is being given to the persons who have been rendered almost destitutes should be suitably raised. Efforts should be made to help them in their proper economic rehabilitation.
- (iii) The amount of Rs. 1,500/- that is proposed to be spent on construction of a house is too meagre and needs to be increased to at least Rs. 5,000/- per house. It was also necessary that immediate steps should be taken to construct temporary sheds till their houses are constructed as the rains have set in.

The Chief Minister agreed to all the suggestions of the Commissioner except that the implications of the question of imposition of collective fines will require to be examined before anything could be said about it.

24. When asked by the Chief Minister to state his views about the appointment of a Judicial Commission in such cases, the Commissioner stated that from the press reports it appears that a suggestion for appointment of a Judicial Commission has been made by an eminent person like Shri S. M. Joshi, Chairman of the Maharashtra Janata Party and a similar demand has been voiced by Justice R. R. Bhole. He told the Chief Minister that according to him a Judicial Commission, as understood in the normal sense may not be enough in such cases involving socio-economic reasons. The atrocities on Scheduled Castes/Neo-Buddhas in Marathwada are too eloquent to need a probe through merely a legal lens. What is needed was to go into the motivation of the basic causes for prevalent socio-economic tensions pertaining to the incidents and suggested that a three-men Enquiry Commission with all the necessary powers under the Commission of Enquiries Act consisting of a Judge and atleast two social scientists may be appointed.

APPENDIX LXV

(Reference para 9.26)

Report of the study team of the office of the Commissioner for Scheduled Castes and Scheduled Tribes on the incidents of firing, lathi charge on Scheduled Castes in Agra City on 1st and 2nd May, 1978.

Reports about the incidents:

Reports appeared in newspapers that a number of Scheduled Caste persons were killed and injured on account of police firing at various places in Agra City on 1st and 2nd May, 1978. Curfew was imposed in the city on 1st May, 1978 and Army called to guard vital installations and assist the civil administration in ensuring law and order. This incident came up for discussion in both the Houses of Uttar Pradesh Legislature; also in both the Houses of Parliament, matter was raised through a Calling Attention Notice.

Investigation by the Study Team of the office of the Commissioner for Scheduled Castes and Scheduled Tribes:

2. Shri Shishir Kumar, Commissioner for Scheduled Castes and Scheduled Tribes decided that an on-the-spot enquiry should be conducted by a Study Team headed by Shri K. Zaknuna, Deputy Commissioner for Scheduled Castes and Scheduled Tribes with the assistance of one Research Officer and one Investigator. The team reached Agra on 4th May, 1978 and remained there upto 7th May, 1978 and during this period met a number of officials, non-officials and visited the various localities inhabited by the Scheduled Caste persons where firing took place, the District Jail, District Hospital and Sarojini Naidu Hospital as well as some other places connected with the incident (Annexure I).

3. According to 1971 Census, the total population of Agra City was 0.28 lakhs out of which the Scheduled Castes numbered 1.58 lakhs and formed 22 per cent of the total population. Majority of the Scheduled Caste persons belonging to Jatav community are engaged in leather work. Unlike many other places the Scheduled Caste people here are more organised and conscious of their rights. Some of them are also economically well placed.

Discussions with officials:

4. In the course of the discussions, the District Magistrate, Agra informed the Study Team that on 14th April, 1978 a huge procession was taken out to celebrate the birth-day of Dr. Baba Saheb Ambedkar. Necessary permission for taking out the procession had been obtained from the district authorities. The procession passed through more than 20 main places of the city. However, when the tail end of the procession was passing through a place known as Rawatpara at about 11.00 p.m. some stones and a wooden log were hurled at the processionists. Some of the processionists in a mood of anger entered the tea/pan shops and caused some damage. On 15th April, 1978 some* caste Hindu shopkeepers of Rawatpara lodged an F.I.R. with the local police complaining that their shops had been looted and damage caused to their shops. There was resentment among Scheduled Caste persons about the hurling of stones on the procession and the complaint lodged by caste Hindus to the police, the members of Scheduled Caste took out a silent procession on 23rd April, about which it was agreed that the procession would go through Johri Bazar and not through Rawatpara. However, some of the processionists diverted themselves towards Rawatpara, and the district authorities ordered for a

lathi-charge on the processionists. Some of the processionists including some of their leaders were arrested. A police truck accompanying the processionists at the rear was also stated to have been burnt. From 24th April to 29th April, 1978 persons belonging to the Scheduled Caste started courting arrest before the Collectorate by violating Section 144 Cr.P.C. On 1st May, 1978, about 200 persons belonging to Scheduled Castes became violent before the Collectorate and damaged the doors and window panes of the building. The police were ordered to make a lathi charge. Subsequently, these persons spread towards different directions and places and started causing damage to public property like buses, lamp posts and post offices etc. It was alleged that some of them attempted to remove fishplates from the railway track near the Collectorate. About six buses were burnt and the post office at Machhli Bazar was damaged. On account of these developments, the district administration considered it necessary to order lathi charge and open fire. Curfew was also imposed during night time and Army assistance was sought to bring about normalcy. There were 8 casualties as a result of police firings. Two Head-Constables were seriously injured and 7 Constables were admitted to the hospital. Condition of two police personnel was stated to be causing anxiety. He also stated that the unruly mob indulged in violent activities as a result of which the hands of a driver of P.A.C. truck were burnt and 3 scooters were set ablaze.

Reluctance of the District Magistrate and other officers in giving information regarding the incident:

5. The District Magistrate was requested to make available to the Study Team some related papers and reports in order to know the details of the incident. The District Magistrate desired that the request should be made in writing. Accordingly a demi-official communication (Annexure-II) was handed over to him, but then he stated that a clearance would have to be obtained from the State Government for supplying the required information. It is, however, regretted that no reply has been received till the time of submission of this report. The only official document shown to the Study Team related to the police arrangements made for the procession on the 14th April, 1978.

6. The Divisional Commissioner, Agra was apprised of the stand taken by the District Magistrate about furnishing the information. The Study Team also held meetings with Shri S.P.N. Sinha, Senior Superintendent of Police, Shri H. P. Mishra, Superintendent of Police (City) on 6th May, 1978. The District Magistrate was also there for some time. These officers were requested to indicate the details of the incident of 1st May, but they replied that they had no ready information and it had to be collected from different sources. Accordingly, at their suggestion, an appointment was fixed with them for the next day. But when the Study Team went at the appointed time they could not meet them as they were held up in a meeting with the Divisional Commissioner. However, another meeting was fixed when they could be available only for about 15 minutes. It would, thus be seen that the efforts of the Study Team to discuss the matter in detail with the district officials could not fructify. It appeared that the district authorities were not very keen in discussing the details of the incident with the Study Team.

*1. Harish Chand Jain—Pan Shop.

2. Hira Lal Balani—Apsara Hotel.

3. Rajender Kumar—Grain Merchant.

4. Gangadhar Yadav—Milk Seller.

5. Raj Kumar—Bhagwan Hotel.

6. Madal Lal—Halwai.

7. Laxmi Chand—Pavement Seller.

8. Ram Babu—Vegetable seller.

9. Smt. Shyam Devi—Vegetable seller and two others.

7. Sri Ram Kumar Kunwar, the Additional District Magistrate was approached to know the reasons for issuing the orders to open fire. He stated that the mob was indulging in violent activities and causing damage to public property. He also characterised these persons as hardened criminals who, he said, had to be dealt with firmly.

Discussion in Parliament on the incident :

8. The Minister in the Ministry of Home Affairs made a statement on 3rd May, 1978 in the Lok Sabha in response to a Calling Attention Notice on the happenings at Agra on 1st May, 1978. A somewhat similar statement was also made by the Minister in the Rajya Sabha when this issue was raised through Calling Attention Notice on 4th May, 1978 as follows:—

"The deplorable incidents of violence in Agra have caused understandable concern and deserve strong condemnation.

According to reports received from the Government of Uttar Pradesh, when a procession taken out on the eve of the birth anniversary of Dr. Ambedkar on 14th April, 1978, was passing through Kawaitpara and Peepal Mandi in Agra, there was some stone throwing and damage was caused to some shops. The police intervened and the procession passed on peacefully. Under the aegis of Dr. Ambedkar Jayanti Samiti some persons proposed to take out a procession on 23rd April, 1978, on the same route which was opposed by the shop keepers of Kawaitpara and Peepal Mandi. In view of the prevailing tension, the district authorities suggested to the sponsors of the procession to take an alternative route and also imposed prohibitory orders under Section 144 Cr.P.C. as a precautionary measure. A procession of about 3,000 persons was taken out on 23rd April, 1978 and after some persuasion the leaders of the procession appeared agreeable to avoid the prohibited area. However, when the procession reached the vicinity of Kawaitpara and Peepal Mandi, the crowd became violent and attempted to break the police cordon and force its way towards the prohibited area. The police fired tear gas shells and made a mild lathi charge to disperse the crowd. The dispersed crowd set fire to a PAC truck and reportedly pushed its driver into a burning tar-pentine of the truck causing seven burn injuries and head injuries. 35 persons were arrested and two cases were registered.

On 1st May, 1978, about 80 persons reportedly belonging to the Jatav community demonstrated at the Collectorate, entered the court of the Additional District Magistrate, indulged in rowdiness, broke glass panes, damaged furniture and assaulted a clerk of the Court. The police intervened and arrested the demonstrators. When the arrested persons were being shifted to the police station, about 100 demonstrators, who had since collected at the spot, became violent and the police dispersed them by brandishing lathis. A section of the crowd, while dispersing set fire to a Roadways bus which was passing through. Some demonstrators indulged in heavy brickbattling on the police. One of the demonstrators allegedly fired on a police Inspector and the police Officer returned the fire in self-defence killing him on the spot. A number of scooters and buses were set on fire. An attempt was made to attack the regional workshop of the Roadways and set fire to a Power House, a Branch Post Office as well as a Petrol Depot of Indian Oil but these were foiled by timely intervention by the police. In view of the continued brickbattling from the house-tops and widespread attempt to damage public property, the police opened fire at two places to control the situation. Curfew was

imposed and the Army was called out to help the civil administration. 5 persons were killed and 34 persons from the public admitted to hospital with injuries as a result of incidents on the 1st of May. 4 policemen have also been admitted to hospital and the condition of two of them is reported to be serious.

The curfew was relaxed on 2nd May from 5 p.m. to 7 p.m. but no untoward incident was reported during this period. However, when a police party went to Jagdishpura to announce the re-imposition of curfew in the evening, some miscreants set up road blocks, indulged in heavy brickbattling and fired on the police vehicle from house-tops. The police returned the fire in self-defence resulting in the death of one person and serious injuries to another, who succumbed to the injuries next morning. Some persons also pelted stones on a cinema building and set fire to a nearby wood 'lai' in the evening. The police intervened and chased away the miscreants. With the death of one of the injured, the total death toll in these incidents has risen to eight.

The curfew was again relaxed on the morning of 3rd May from 5.00 a.m. in all localities except Jagdishpura. No untoward incident was reported yesterday. Central Government had rushed units of Central Reserve Police at the request of the State Government. The situation is reportedly to be under control and gradually returning to normal."

9. Replying to the points raised by the Members of Parliament in the Rajya Sabha the Minister stated:—

"Law and order was primarily the concern of the State Government and the only moral obligation of the Centre was to collect information from the State and place it before Parliament" "....." permission for the procession must have been taken. The peltung of stones on the peaceful procession was condemnable. The police intervened and permitted the procession to go on peacefully. The Government did not have information about the names of the owners of the houses from which stones were pelted nor did it know about their political leanings. The police did not make any arrests because it did not want tension to increase.

Thirty-five persons were arrested after the incidents in which tear-gas was used and lathi-charge was made on the 23rd April, 1978. During the agitation from 23rd April to 30th April, 280 persons were arrested out of whom 220 were released on bail.

In all firing was resorted to at four places and total 35 rounds were fired. This was with the permission of the Additional District Magistrate.

It was an inference that these incidents were pre-planned and organised. However, nothing could be said at this stage. This would be clear only after the inquiry had been completed. The suggestion that a commission should be appointed in this connection would be forwarded to the State Government for their consideration.

It was, no doubt, a tragic incident in which a number of precious lives had been lost" "Law and order was a state Subject and the Union Government had to make its statements on such incidents on the basis of the information received from the concerned State Government. There was no charge against the DIG, PAC for which he could be suspended. However, if some concrete allegations were brought forward against the said officer, that would be investigated into and proper action would be taken.

There was no question of fighting shy of holding an inquiry into the incident. Under the Commissions of Enquiry Act, the Union Government had no power to appoint a Commission to enquire into an item relating to law and order which was a State Subject. However, the Minister would convey the feelings of the Members of the House to the Chief Minister of Uttar Pradesh".

Genesis of the incident and subsequent happenings:

10. The genesis of the incident can be traced to the untoward happenings on 14th April, 1978 when persons belonging to Scheduled Caste took out a procession to celebrate the birthday of Dr. Baba Saheb Ambedkar. It may be mentioned that since 1957 every year a procession is taken out in Agra through quite a number of areas of the City. Over the years, it has become an important event when people from rural areas also visit Agra City to participate in the celebrations. It was understood that necessary permission of the district authorities had been taken in advance for taking out the procession and the authorities concerned had also made arrangements to maintain law and order situation. The procession started from a place known as Tila Shekh Mannu and covered more than 20 places before returning to the place of start. The procession of 14th April started at about 8 p.m. and terminated at 10 a.m. next morning. There were 45 tableaux, 4 elephants and 22 bands in the procession. A decorated portrait of Dr. Baba Saheb Ambedkar had been placed on an elephant. When the tail end of the procession was passing through a place known as Rawatpara, 3 stones and a wooden log were allegedly thrown on the processionists from the roof of a three-storeyed building, but no one was hurt. However, the log or wood fell on a police vehicle and a beggar who also had joined the procession got some minor injuries. The processionists wanted the police authorities to round up the miscreants from the roof of the house from where the mischief had been done. This incident took place at about 11 p.m. and at that time except for some small tea and pan shops the rest of the shops had closed down. It was reported that some of the processionists became angry and caused some damage to some tea and pan shops. But the main procession passed off without further trouble.

11. According to the information provided to the Study Team, some Caste Hindu shopkeepers of Rawatpara lodged an F.I.R. with the local police on 15th April, 1978 alleging that their shops had been looted on the earlier day. But no F.I.R. was reported to have been lodged by the processionists complaining about the stone throwing on the procession.

12. In protest to the incident of April 14th, members of the Scheduled Caste wanted to take out a silent procession on 23rd April, 1978 through a route including Rawatpara. On the 22nd April, 1978 there was discussion between the District Authorities and the leaders of the Scheduled Castes which lasted upto 2 a.m. The District authorities tried to persuade them not to take out the procession; if they insisted the procession must not pass through Rawatpara. The District Authorities informed the team that the leaders of the Scheduled Caste had promised not to take the procession through Rawatpara but through Jahauri Bazar. The Scheduled Caste leaders, however, when asked, stated that they had never promised that the procession in no case should be taken to Rawatpara but only agreed to persuade the processionists to avoid Rawatpara. In view of these conflicting versions the Study Team wanted to have a copy of written permission indicating the route of procession. The District authorities, however, did not provide the team with any such papers. However, when the procession reached the diversion of Rawatpara in Jahauri Bazar at about 11 a.m. some of the processionists wanted the procession to pass through

Rawatpara bazar. The district authorities tried to persuade the processionists not to go through Rawatpara Bazar and they were reportedly joined by some of the leaders of the Scheduled Castes in their efforts. But some of the processionists were adamant and as soon as the procession proceeded towards Rawatpara Bazar, the district authorities ordered a lathi-charge. It was alleged that the lathi-charge was not confined to that section of the procession trying to enter Rawatpara bazar, but the entire procession front, middle and rear were simultaneously lathi-charged. The district Magistrate denied this allegation and said that only that part of the procession which tried to enter Rawatpara was lathi-charged. But the version of the lathi charge as given out by the Additional District Magistrate (City) to the Study Team appears to provide some support to the allegation. He stated that when lathi-charge was ordered it was carried out simultaneously at every point. This would be evident from the fact that the lathi-charge was carried out by the P.A.C. and local police personnel who were stationed at Rawatpara crossing and by those who accompanied the procession. The Scheduled Caste leaders complained that the lathi charge was ruthlessly carried out. A police truck accompanying the procession was burnt. Some of the processionists including their leaders were arrested. The District Magistrate informed that the procession was supposed to be a silent one but some slogans were also raised stating 'come what may the procession would pass through' Rawatpara. It is not known at what stage the slogans were raised whether during the tension at the crossing of Rawatpara and Jahauri Bazar or earlier as alleged by the District Magistrate.

13. From 24th April, 1978 onwards the Scheduled Castes decided to court arrest at the Collectorate by peacefully violating Section 144 Cr.P.C. This process continued upto the 29th April, 1978. However, it could not be known from the district authorities as to how many persons courted arrest during this period. 30th April, 1978 happened to be Sunday and there were no arrests.

14. The Team was informed that on 1st May, 1978 about 200 Scheduled Caste persons reached District Collectorate at about 10.30 a.m. about two truck loads of them were arrested and sent away and the remaining were not transported but kept waiting. It seems that some persons belonging to Scheduled Castes entered the Court premises and there were unpleasant exchanges between the Scheduled Caste persons and the District authorities. The Scheduled Caste persons complained that one Police Inspector had insulted their advocate by using derogatory words against their caste and grabbed their advocate by the Collar of his shirt. This seemed to have enraged the mob which broke the window panes and upturned furniture. The police lathi-charged these people and chased them away from the Collectorate. People assembled in large numbers on hearing about the lathi-charge and some buses were burnt at various places and attempts were also made to remove fish-plates from the railway lines near the Collectorate. Probably they also threw a highly inflammable matter used in the manufacture of shoes at some places and the trouble spread in the city.

Description of police firing killing/injury of Scheduled Castes and burning of their houses, as narrated to the Study Team:

15. Orders to open fire on the mob were given at places like Chakipat Bazar and Kazipara on 1st May, 1978. At about 12.30 p.m. Ashok Babu, s/o Shri Ram Singh, who happened to be returning after appearing in his Matriculation examination died on account of police firing at Chakipat Bazar. The father of the boy stated that his son was fired at and killed on the spot by the Caste Hindu Sub-Inspector of Police, named

Shri B. K. Tyagi of Hari Prabat Police Station Agra. However, one Police Inspector named Hari Ram Labh of Rakabganj police station informed the Study Team that Ashok had died from gun shot injuries when he had to open fire in self-defence. He added that the boy was armed. It has been acknowledged that the deceased Ashok Babu was involved in a police case and had been arrested earlier. Additional District Magistrate (City) who came on the spot ordered firing to disperse the mob. As a result Ashok's elder brother Bharat Singh also received bullet injuries and was lying wounded at his home. Another person named Daya Singh got bullet injuries and had been admitted to the All India Institute of Medical Sciences, New Delhi.

16. Kazipara is an adjacent Harijan habitation. In this Mohalla a Scheduled Caste lady named Smt. Rameshri was killed on account of police firing inside a room of the first storey of a building. Some of the Scheduled Caste persons stated that the firing by the police jawans including P.A.C. constables was done from a place owned by one businessman named Bansal who was in league with the police. It was even suspected that the deceased Smt. Rameshri was killed by the associates of this businessman. Three persons belonging to Scheduled Castes were stated to have received bullet injuries and about 30 Scheduled Caste persons got injuries on account of lathi-charge etc. When Shri Ram Kumar Kanwar, Additional District Magistrate was questioned about police firing and the death of Smt. Rameshri inside a room on the 1st floor of a building, he informed that though he was present it was not possible to see everything what happened.

17. From Chakipat Bazar the PAC force proceeded towards a Harijan habitation known as Chakipat Mohalla in Machhli Bazar which is located behind the city Transport Building. At this place, 7 houses of Scheduled Castes and 2 of Muslims were burnt and their belongings like carpets, leather goods were also allegedly burnt by the police and some employees on the Transport Corporation as well as by some Caste Hindus. One Shri Nathi Lal, about 30 years of age, was fired at while standing on the roof of his house. After he was fired at he fell from the roof and was left unattended to die after some time. His dead body was taken away by the police to the hospital. The aged mother of the deceased Nathi Lal and some other Scheduled Caste persons of the Mohalla were also reported to have been beaten up by the police. It was alleged before the Team that the articles collected for the marriage ceremony of the deceased younger brother Shri Dwarka were also taken away by the police. Generally, when an unruly mob commits acts of arson, the targets normally are Government properties and those belonging to well-to-do sections. But it appears curious to note that in this case, the houses burnt were small hutments, belonging to the poor labouring classes and shoe makers and it was alleged by the authorities that the burning to the houses was done by the owners of these houses, one of whom died as a result of police firing.

18. It was alleged that the brutalities on Scheduled Caste persons were committed by the police in the various Harijan habitations of the city simultaneously. Some such localities were visited by the Study Team. At a place known as Shoe Dasani Nagar about 50 persons belonging to Scheduled Castes got injuries on account of lathi-charge and police firing. Two Scheduled Caste youngmen named Ganesh s/o Samrati Lal and Ravinder s/o Babu Lal lost their lives. It was also alleged that the police entered the houses of the Scheduled Caste persons and damaged and looted their property. A Scheduled Caste employee of Posts and Telegraphs Department was also caught and severely beaten by the police. The ornaments and the wrist watch belonging to his wife were snatched away by one P.A.C. Jawan. She and her mother-in-law were beaten up. The motor-cycle belonging to a Scheduled

Caste person named Rattan Singh of this Mohalla was also burnt by the police. Some finished pair of shoes and cash belonging to Rattan Singh had been taken away by the P.A.C. Jawans. The Study Team saw at least 10 houses belonging to Scheduled Caste persons in which the police personnel had, as alleged, forcibly entered and caused damage to their property. The Study Team was also shown the injuries inflicted on the persons of the inmates of the locality including women and a baby.

19. At a place known as Prakash Nagar, one married Scheduled Caste young girl named Meena wife of Shri Moti Lal informed the Study Team that some members of the PAC force had forcibly entered their house and taken her to the Hari Prabat Police Station alongwith 14 other Scheduled Caste persons. She complained that her ornaments and other articles worth Rs. 25,000/- were taken away by the police. Clothes worn by her had been torn and she was helped by a Scheduled Caste person who gave her a set of bushirt and payjama to wrap round her body. Her mother and aunt were also beaten up by the police. She stated that she had been kept at the police station alongwith 14 other Scheduled Caste persons for about 24 hours and in the course of this period they were not even provided with drinking water. It was further alleged that Sub-Inspector, Shri Tyagi also tried to misbehave with this girl and after midnight Shri Tyagi kept his cot beside the girl. Meena informed the Team that she had asked all the 14 Harijan persons who were with her that they should not sleep during the whole night. It was done because of a fear that she would be humiliated by Shri Tyagi. She also informed that no assault was committed on her. After this 24 hours of remand they were sent to jail where the girl was kept for three days and subsequently released from the jail. The Team was shown in the house the broken doors which were made of strong wood and damage done to the big steel trunk said to have been broken by the police. It was alleged that the main gate of the house was broken, opened by the police with the help of a hammer. The Study Team was shown four other broken doors and a damaged steel trunk said to have been done by the police. The injuries inflicted on the mother, aunt and on Meena herself were shown to us. These injuries were said to be inflicted by the police.

20. The inhabitant known as Bara Khamba, a predominantly Scheduled Caste locality complained that their area was attacked jointly by the local police of Police Post Sarai Khawaza and PAC on 1-5-1978. 15 persons were said to have received bullet injuries and more than 100 persons received injuries by lathi blows. The property of the Scheduled Caste persons of this area bitterly looted by the police personnel. Scheduled Caste person was also reported to have been complained about the behaviour of one Sub-Inspector named Chauhan of Sarai Khawaza Post. He was reported to be the person responsible behind lathi-charge.

21. Yet in another predominantly Scheduled Caste area like Jagdishpura about 100 persons were reported to have received injuries and 10 out of them got bullet injuries as a result of police firing and lathi charge on 2nd May, 1978. 2 Scheduled Caste persons named Ram Swaroon aged about 40 years and Roop Singh aged about 25 years, were killed in police firing. The police also did not allow the bodies to be lifted from the spot where they fell. The people stated that the police firing was unprovoked as these two persons were out to purchase medicine and household needs and did nothing to cause provoking the police to fire. The curfew was reimposed after the firing for the whole night, and during this period, the PAC jawans, it was alleged attacked the Scheduled Castes for forcibly entering their houses, beating them and looting their properties. The injuries caused by bullets and lathis were seen by the Team during the course of their visit to this place.

Visit to the District Jail :

22. The Study Team visited District Jail, Agra on 5th May, 1978 and held discussions with Shri P. S. Sisodia, Superintendent of District Jail, Agra, who informed that 249 persons belonging to Scheduled Castes had been put in the Jail. 242 persons had been arrested under substantive sections i.e. 147, 148, 149, 332, 436 and other sections of the I.P.C. The remaining 7 persons were arrested u/s 188 of I.P.C. The Study Team were given to understand by the Medical Officer of the District Jail that he had prepared the list of injured persons. Many of them appeared to be quite seriously injured. When asked if jail authority had a list of seriously injured persons, the Medical Officer replied that they had no separate list of seriously injured of 57 injured persons, one was reported to be suffering from tuberculosis and two others from paralytic stroke. One student was also inside the jail who was to appear in the Board examination. A boy of about 20 years of age had been beaten so seriously that he could not stand and walk.

Visit to the Hospitals :

23. The Study Team visited two hospitals namely District Hospital and Sarojini Naidu Hospital. At the District Hospital 8 Scheduled Caste persons were found to be suffering from serious gun shot injuries and one PAC Jawan had head injury caused, as stated, by brick throwing. On the date of the visit 32 injured Scheduled Caste persons were reported to have been discharged after giving first aid on 1st May, 1978. The Medical Superintendent informed the Study Team that 18 injured persons were admitted to the Hospital out of which 1 died, 2 transferred to Sarojini Naidu Hospital and the rest got discharged, including one against medical advice. 73 police personnel were brought to the hospital between 1st to 5th May, 1978. However, it is significant to note that most of these police personnel were brought to the hospital after 3rd May, 1978. Upto 3rd May, only injured police personnel came to the hospital. All were discharged after first aid except one PAC Jawan who had head injury as mentioned in preceding paragraph.

24. At the Sarojini Naidu Hospital as many as 21 injured Scheduled Caste persons from various localities were admitted out of which 13 were having gun shot injuries and 8 others had sustained injuries by blunt weapons. All of them were admitted on 1st May, 1978. On the other hand on 2nd May, 1978, 7 constables belonging to PAC Police Force were admitted. 5 had sustained simple and 2 serious injuries.

25. The exact details about the injuries suffered by the persons belonging to Scheduled Caste could not be known by the Study Team. The District Authorities merely stated that 34 Scheduled Caste persons had received injuries and the news was duly published in the newspapers. However, at the Jail it was learnt that at least 57 injured Scheduled Caste persons were brought to the Jail. There were many more who were treated by private doctors in various localities. It was estimated by the Study Team that the figure of injured persons belonging to Scheduled Caste ran into hundreds and the figure of 8 Scheduled Caste persons who lost their lives as a result of police firing seems to be correct.

Meeting with Members of Parliament etc. :

26. On 4th May, 1978, the Team met Shri Ramji Lal Suman, M.P. He felt that the District Administration as well as the leaders of the Scheduled Castes should have acted in some responsible manner during the celebration of birth anniversary of Dr. Baba Saheb Ambedkar on 14-4-1978. He held the view that Dr. Ambedkar being a celebrated national leader, the Scheduled Caste persons should have associated some non-Scheduled Caste people with the celebrations as was done in the earlier years. Similarly the District

Administration lacked the necessary vigilance of earlier years. He was of the view that had the district officials taken necessary precautions on the very first day of the occurrence of the incident, i.e. 14th April, 1978 and rounded up anti-social elements the situation could have been brought under control. He was also not satisfied with the action taken by the State Government.

27. Shri S. N. Chaturvedi, M.P. informed the Study Team that he had left Agra on 30th April, '78 and was not present in the city on 1st May. However, he was of the view that the Scheduled Caste persons could have invited other reputed persons belonging to various sections of the non-Scheduled caste communities in the birth day celebrations of Dr. Baba Saheb Ambedkar, as used to be done in the earlier years. He also stated that as per his information some loss had been suffered by the non-Scheduled Caste shopkeepers of Rawatpara Bazar on 14th April, 1978 and they had also lodged their complaint with the police to this effect. According to him the confrontation was only between the Scheduled Caste persons on the one hand and local police and PAC force on the other. He felt that the district administration had not handled the situation adequately but however he justified their action.

28. Shri Gulab Chand Sehare, MLA was of the opinion that the Caste Hindus have become jealous on account of the prosperity of the Scheduled Caste persons. He thought it possible that the stones thrown at the procession on 14th April, '78 might have been hurled by persons belonging to R.S.S. According to him the police should have rounded up the miscreants and those who created resentment amongst Scheduled Caste Persons. He was of the view that excesses were committed by the PAC Jawans on account of caste prejudices because the PAC force consisted mostly of persons belonging to Jat and Yadav communities. He also did not believe that the objection to the taking out of procession by some elements at Rawatpara was due to the location of a Shiv Temple there, as alleged by some members of the Scheduled Caste, but because of the influence of RSS elements.

29. Shri S. D. Paliwal, MLA appeared to have analysed the situation systematically and logically. He was of the view that the district administration had not handled the situation properly. He pointed out that the places where public properties like buses etc. were damaged, there was no firing. For example, in the areas known as Sunderpara and adjacent to the railway track where buses were burnt or fish plates allegedly removed, no firings were resorted to, but in the local habitations of the Scheduled Caste persons where there was no such indulgence in violent activities or arson, firing was resorted to.

Action taken by the authorities :

30. The District Magistrate informed that on the request of Jatavas, P.A.C. had been withdrawn and C.R.P. had been posted in Harijan mohallas. The Study Team observed that the Scheduled Caste persons were quite satisfied with the posting of C.R.P. It is also learnt that Government of Uttar Pradesh have transferred the District Magistrate and S.S.P. from Agra. As far as the victims are concerned, it has been reported in the newspapers that the State Government has decided to pay cash relief at the rate of Rs. 5,000/- each to the relatives of the persons who were killed. An amount of Rs. 2,000/- will be given in case of seriously injured and Rs. 500/- each to those who sustained simple injuries. It was also learnt from the District Magistrate that a meeting was held under the chairmanship of the Divisional Commissioner inviting local leaders, Inspector General of Police, district level officers, local M.P.s. and M.L.As. and prominent persons of different communities to discuss measures for restoring normalcy in the city.

Conclusion :

31. In the course of the discussions held by the Study Team with the members of the public, leaders of the Scheduled Castes, people's representatives and officials of the Agra District, the Study Team heard many versions of the incidents. The Study Team also visited the spots where police firings had been resorted to and the houses of the harijans which were allegedly either burnt, ransacked or looted by the police personnel. The Team also went to the two hospitals where the injured persons were given treatment and also the District Jail.

32. It is felt that the district administration could have taken more comprehensive measures to prevent the occurrence of this incident at the sensitive area called Rawatpara when the procession was to be taken on 14th April, 1978. The Team was informed that there had been some trouble at this place even on earlier occasions at the time of celebrations of birth anniversary of Dr. Baba Saheb Ambedkar during 1974. The Team was informed that precautionary measures were taken in the subsequent years to avoid recurrence of trouble on the occasion of taking out of procession to celebrate the birth anniversary of Dr. Ambedkar. Although in 1977, according to some Scheduled Caste leaders, an attempt was made to put out of action the generator to supply electricity at the same place. The District authorities ought to have taken these facts into consideration and at least after the incident of stone throwing on 14th April, 1978, the police could have taken more sincere and visible action to apprehend the culprits so as to assuage the feelings of the Scheduled Castes. Some Scheduled Caste leaders stated that there was an objection on the part of the people living at Rawatpara because of the location of Shiv Mandir near the route of the procession. The Study Team also visited the temple and they talked to a few people. The Team would find no solid support to this notion. However, it may be difficult to rule out the possibility of the temple being one of the reasons of tension without a more thorough probe.

33. So far as the incident of 23rd April is concerned, it would appear that the district authorities had correctly decided not to allow the procession to pass through Rawatpara in view of the potential trouble. However, the lathi charge seemed to be indiscriminate and excessive if the versions of the Scheduled Caste people were to be given any weight. It was also gathered that some caste Hindus assembled at Rawatpara obviously to create trouble if the procession were to pass through Rawatpara. It was not known what action had been taken by the police against these people and if they had taken no action the reasons for such inaction.

34. So far as the incidents of 1st May are concerned, it is difficult to reconstruct the sequence of all events in detail. There were many incidents at various localities of the city almost simultaneously. However, one could easily arrive at the conclusion from information collected by the Study Team that the police actions were far in excess. Some of these incidents have already been given in detail. Some of the pertinent observations of the Team are as follows:—

(a) It is a fact that on 1st May, 1978 some buses were burnt at various places and other acts of hooliganism committed by some people. It is observed that no firing had taken place at any of the spots where buses were burnt or where the fish plates of railway lines were said to have been removed. On the other hand the firings were resorted to in about 5 mohallas of the

harijans. Except in two or three places, the firings were resorted to in the bye-lanes or inside mohallas killing people inside or on the roofs of the houses. Normally, it would be expected that firings were resorted to against mobs when confronted with the police in an open place like streets. But here the police seem to have hunted down some of the harijans inside their mohallas and fired indiscriminately into the houses and by-lanes.

- (b) As already observed the case of Chakipat mohalla is peculiar. Here seven houses belonging to poor harijans against whom the police resorted to firing were burnt. The allegations of the harijans that police fired from the roof of the transport building into the harijan habitation killing at least one person and that after the firing was done, some people who were in league with police came and burnt down their hutments, seems to be quite possible, even probable especially when the district authorities could have no other version or explanation.
- (c) It was observed that the police did enter the harijan mohallas during and outside the curfew hours and assaulted people and forcibly entered their houses. The allegation that the police personnel also resorted to looting of materials and cash seems to be correct at least in some cases.
- (d) A view has been expressed in some quarters that all these incidents were pre-planned. But the Study Team is of the view that these incidents were spontaneous and did not come across any evidence of planned preparation.
- (e) It was observed that the police had also not only entered the houses of the harijans but mercilessly beaten innocent women in their houses. The case of Smt. Meena has been mentioned in the report. The Study Team met many Scheduled Caste persons who had suffered serious physical injuries at various places.
- (f) However, in these incidents the Team found the injuries suffered by the police were very light as compared to the injuries suffered by the Scheduled Castes. Though the figure of injured persons was stated to be only 34 by the district authorities, the actual figure of the injured persons ran into hundreds. On the other hand the injured persons among the police were very few. Only about half a dozen were admitted to the hospital.
- (g) While many incidents occurred on 1st May and only one incident on 2nd May, it was not understood why the bulk of the police personnel, who were supposed to get injuries, reported themselves to the hospital on 4th May, and afterwards.

35. The Study Team strongly feels that a judicial enquiry is called for to enquire into these incidents impartially to find out the truth. The Government should not be afraid to bring out the truth so that any lapses on the part of the district administration could be rectified. There was a definite feeling amongst Scheduled Caste persons that the action taken by the State Government against the defaulting district authorities was far from satisfactory. The Team feels that there is simmering discontentment among the Scheduled Castes and signs of a potential conflict are still there. If a judicial enquiry is instituted, it will instill and restore confidence among the Scheduled Castes.

Annexure I

List of officials, non-officials and institutions visited by the Study Team:—

I. Officials

1. Shri A. H. Abidin . . . Commissioner.
2. Shri V. N. Channa . . . District Magistrate, Agra.
3. Shri P. S. Sinha . . . Sr. Superintendent of Police.
4. Shri H. P. Misra . . . Superintendent of Police.
5. Shri Ram Kumar Kanwar . . . Asstt. District Magistrate.
6. Shri D. S. Sisodiya . . . Superintendent, Jail.
7. Shri Hari Ram Labh . . . Inspector Rakab Ganj Police Station.

II. Non-officials

1. Shri Ramji Lal Suman . . . M.P.
 2. Shri S. N. Chaturvedi . . . M.P.
 3. Shri Gulab Chand Sehra . . . M.L.A.
 4. Shri Shyam Dutta Paliwal . . . M.L.A.
 5. Shri B. L. Bipra . . . ex-M.L.A. }
 6. Shri Khemchand Sougath . . . ex-M.L.A. }
 7. Shri Daya Singh Jarrari . . . }
 8. Shri Karan Singh Verma . . . }
 9. Shri Hari Ram Bharati . . . }
 10. Shri Seth Laxman Das . . . }
 11. Shri Kartar Singh Bharti . . . Advocate }
- } Contacted in Jail.

III. Institutions Visited

District Hospital—

1. Dr. Narendra Lal . . . Chief Medical Officer
2. Dr. R. B. Mathur . . . Medical Superintendent of Hospital.

Patients

Police—

1. Shri Dhani Ram . . . Constable, having bullet injury.

Others—

- | | Age | Place | Nature of Injury |
|----------------------------------|------------|--------------------|-----------------------------------|
| 1. S/Shri Pappu S/o Shri Babulal | 15 ys. | Barakhamba | Multiple injury + Gun shot injury |
| 2. Laxmi Narayan S/o Haridas | 18 ys. | Fakirchand Mohalla | Do. |
| 3. Nemichand S/o Bhagi Ram | 20 ys. | Barakhamba | Do. |
| 4. Santosh Bhayalal. | S/o 23 ys. | Nadota | Gun shot injury. |
| 5. Pultu Ram S/o Gunani Ram. | 23 ys. | Nadota | Multiple + Gunshot injury. |
| 6. Nemi Shankar S/o Lekhraj | 22 ys. | Nagla Chauk | Do. |
| 7. Sunherilal Ramsharan | S/o 25 ys. | Naglal Sing | Gun Shot Injury. |
| 8. Ramjilal Ramdin. | S/o 50 ys. | Nawibagh | Do. |

Sarojini Naidu Hospital:

- 7 PAC/Police persons admitted on 2-5-1978.
- 13 Jatavs admitted on 1-5-1978 with Gun Short injury.
- 8 Jatavs admitted on 1-5-1978 with simple injuries.

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Annexure II

Copy of D.O. letter No. 7/U.P.-27/78-R.U. III., dated the 5th May, 1978 addressed by Shri R. Zakhu-ma, Deputy Commissioner for Scheduled Castes and Scheduled Tribes, to Shri Vivak Narian Channa, District Magistrate, Agra:

As already discussed with you on the 4th May, 1978, I would request you to kindly supply the following documents and information in order to help us in finding out the actual happenings before and after 1st May, 1978 and also assessing the situation:—

- (i) Sitrepsin connection with the incidents on the 14th, 15th April and 23 April to 3rd May, '78.
- (ii) Police reports to the District authorities, Inspector General of Police or Government of Uttar Pradesh on the above incidents.
- (iii) Reports of the District Magistrate to higher authorities like Government of Uttar Pradesh on the above incidents.

- (iv) Orders imposing section 144 of Cr. P.C. in Agra City on the 23rd April and afterwards.
- (v) Orders/Permit allowing the processionists to pass through the town on 23rd April, 1978.
- (vi) Minutes of the meeting of the Divisional Commissioner, District Magistrate, Additional Inspector General of Police etc. with the Members of Parliament, Members of Legislative Assembly and the leaders of the city on the 3rd May, 1978.
- (vii) Any relief measures proposed to be taken for the families of the deceased due to police firings and for the injured.
- (viii) Copies of relevant papers/documents, if any, and action taken/proposed to be taken in connection with the incidents.

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Price : (Inland) Rs. 10.00 (Foreign) £ 1.17 or \$ 3 60 Cents.