

REPORT  
OF  
THE COMMISSION  
FOR  
SCHEDULED CASTES  
AND  
SCHEDULED TRIBES

(JULY 1978—MARCH 1979)

FIRST REPORT



भारत सरकार

अनुसूचित जाति तथा अनुसूचित आदिमजाति आयोग

GOVERNMENT OF INDIA

COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

Bhola Paswan Shastri, M.P.,  
Chairman

पांचवीं मंजिल, लोकनायक भवन  
नई दिल्ली-110003  
Floor V, Loknayak Bhawan,  
New Delhi-110003

February 8, 1980.

My dear Shri Zail Singh,

As required under para 6 of the Resolution of the Government of India setting up the Commission for Scheduled Castes and Scheduled Tribes, it is my privilege to forward herewith the First Annual Report of the Commission for the year 1978-79.

With best regards,

Yours sincerely,

*Bhola Paswan Shastri*

(Bhola Paswan Shastri)

Shri Zail Singh,  
Minister of Home Affairs,  
New Delhi.

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## CHAPTER 1

### SETTING UP OF THE COMMISSION AND THEIR FUNCTIONS

The Commission for Scheduled Castes and Scheduled Tribes were set up vide the Ministry of Home Affairs, Government of India, Resolution No. 13013/9/77-SCT(I) dated 21st July, 1978 (copy at Annexure I). The Resolution states :

“Article 338 of the Constitution provides for the appointment of a Special Officer for the Scheduled Castes and Scheduled Tribes who is charged with the duty to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President upon the working of these safeguards at prescribed intervals. In pursuance thereto, a Special Officer, commonly known as Commissioner for Scheduled Castes and Scheduled Tribes, is appointed by the President from time to time. Considering the magnitude of the problem, the Government are of the view that in addition to the functioning and authority of the Special Officer, these matters should appropriately be entrusted to a high level Commission consisting of persons of eminence and status in public life. The functioning of the Commission will not be lessening the authority of the Special Officer.”

1.2 With the above mentioned object in view the Government decided to set up the Commission for Scheduled Castes and Scheduled Tribes which consists of a Chairman and not more than four other Members, including the Special Officer appointed under Article 338 of the Constitution. The term of office of the Chairman and the Members of the Commission will not ordinarily exceed three years. Shri Bhola Paswan Shastri, Member, Rajya Sabha, took over as Chairman of the Commission on 15th August, 1978. The names of the other Members and the dates on which they took over are : Shri Shishir Kumar, former M.P. and at present Commissioner for Scheduled Castes and Scheduled Tribes (15th August, 1978), Shri A. Jayaraman, former Member of Parliament (30th August, 1978), Shri T. S. Negi\*, MLA, Himachal Pradesh (1st August, 1978) and Shri S. K. Mallick, ICS(Retd.) (7th August, 1978). Shri R. P. Khanna, IAS, Deputy Chairman, Bihar State Planning Board, was appointed Secretary to the Commission with effect from 5th November, 1978. A post of Joint Secretary along with personal staff was also sanctioned by the Government on 24th November, 1978 and Shri A.

Padmanabhan, IAS took over charge of this post on 18th January, 1979.

### FUNCTIONS OF THE COMMISSION

1.3 The Government of India Resolution dated 21st July, 1978 setting up the Commission mentions that the functions of the Commission will broadly correspond with the functions at present entrusted to the Commissioner for Scheduled Castes and Scheduled Tribes and will be as follows :

- (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, *inter alia*, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes are, in practice, implemented.
- (ii) To study the implementation of the Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
- (iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences.
- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

1.4 The Commission have been authorised to devise their own procedure in the discharge of their functions. The Ministry of Home Affairs have also requested all the Ministries and Departments of the Government of India to furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The Government of India have also expressed their belief that the State Governments and Union Territory Administrations

\*Shri T. S. Negi was elected Speaker of Himachal Pradesh Vidhan Sabha on 8-5-79.



and others concerned will extend their fullest cooperation and assistance to the Commission. In the above mentioned Resolution the Commission are required to submit an Annual Report to the President detailing their activities and recommendations. Besides they may submit reports to the Government at any time they consider necessary on matters within their scope of work. Their Annual Report together with the Memorandum outlining the action taken on their recommendations and explaining the reasons for non-acceptance of recommendations, if any, in so far as these relate to the Central Government, is required to be laid before each House of Parliament.

1.5 On 29th September, 1978 the Deputy Director, Backward Classes Welfare, Patna, was transferred along with the post to the Headquarters office of the Director General, Backward Classes Welfare, Ministry of Home Affairs, to function as Head of Office and Drawing and Disbursing Officer for the Commission. He was entrusted with the task of setting up the office of the Commission and received full cooperation from the officers of the Ministry of Home Affairs in this regard. With effect from 1st December, 1978 the field offices under the Director General, Backward Classes Welfare, were also transferred to the Commission but the post of Director General, BCW, was not transferred. While transferring these field offices to the Commission the Ministry of Home Affairs laid down the conditions that these field offices would continue to be available to the Government for the following purposes :

- (i) Specific surveys/studies required by the Government;
- (ii) Supply of relevant statistics from time to time;
- (iii) Information regarding proper utilisation of grants-in-aid and other types of help given to the non-official/social organisations; and
- (iv) Any other matters/information/enquiry in the field needed by the Government.

The field staff transferred to the Commission were working in the five offices of the Zonal Directors at Chandigarh, Bhopal, Patna, Ahmedabad and Madras and in three branch offices headed by Deputy Directors at Lucknow (under the Zonal Office at Bhopal) and at Shillong and Bhubaneswar (under the Zonal Office at Patna). These posts included one post of Zonal Director, BCW, which were temporarily transferred a few years back from Chandigarh to the Headquarters Office, one post each of Deputy Director and Research Officer which were transferred from Ahmedabad to the Headquarters Office and some non-gazetted staff. One post each of Deputy Director, Research Officer and Stenographer were transferred to the Commission on 23rd February, 1979. The post of Zonal Director (Headquarters) and his personal staff were transferred to the Commission on 1st September, 1979. Thus, for more than a year since the inception of the Commission the only posts sanctioned for the Commission's Headquarters were those of the Secretary (5th November, 1978), of the Joint Secretary (24th November,

1978) and of their personal staff, besides those of the personal staff of the Chairman and the Members.

The office of the Commission was temporarily located in a few rooms in Vigyan Bhawan Annexe.

1.6 During the period under report (July 1978 to March 1979) the Commission was, therefore, greatly handicapped in their functioning due to want of staff and accommodation. While some make-shift arrangements could be made for office accommodation, staff position continued to be difficult throughout this period. The Commission, however, tried to make the best use of the limited staff resources available with them by encouraging the skeleton staff at the Headquarters and those called on tour from the field offices to put in hard and sustained work. The Commission are glad to note that, generally, their staff rose to the occasion and gave their best in assisting the Commission in the discharge of their responsibilities.

1.7 On 22nd November, 1978 the Commission sent to the Government detailed staff proposals for their Headquarters and the field organisation to enable them to discharge their functions efficiently and effectively. These proposals were discussed at various levels a number of times and finally the Ministry of Home Affairs sanctioned 75 posts for the Headquarters office of the Commission and 103 posts for the field offices on 19th October, 1979 to start with. Details in this regard will appear later in this Report.

1.8 There is a statutory organisation of the Commissioner for Scheduled Castes and Scheduled Tribes which has been in existence since 1951. On the other hand this Commission, which has the Commissioner for Scheduled Castes and Scheduled Tribes as one of its Members and which, according to the Resolution dated 21st July, 1978, is required to perform functions broadly corresponding to those of the Commissioner for Scheduled Castes and Scheduled Tribes, has been set up by an executive order.

The intention of the Government of India has been that the Commission should be the permanent Constitutional body and the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes should merge with that of the Commission. With this objective in view, the Government of India had formulated the Constitution (Forty-sixth) Amendment Bill, 1978 (Bill No. 119 of 1978) (copy of the Bill at Annexure II). This Bill was introduced in the Lok Sabha on 3rd August, 1978 and was intended to replace the existing Article 338 along with Article 350(B). For lack of time this Bill could not be taken up in the 1978 winter session of the Parliament. It was brought up again in the Lok Sabha as the Constitution (Fifty-first) Amendment Bill, 1979. This Bill was debated in the Lok Sabha on May 16 and 17, 1979 and was put to vote on 17th May, 1979 but it could not secure the requisite majority of the total membership of the House and fell through. However, the Government were quite keen to get the Bill passed at the earliest and with this object in view the July 1979 session of the Parliament was advanced by a week primarily to get this Bill passed. The Lok Sabha assembled on 9th July, 1979 but before any other business could be taken up a no-confidence motion

was moved against the Government. The then Government resigned before a vote on the no-confidence motion could be taken. This Commission hope that the new Government would bring up a Bill before Parliament at the earliest to confer statutory status on the Commission. This is necessary as the co-existence of the Commission's and the Commissioner's organisations has been leading to duplication of work.

1.9 Clause (3) of the Constitution (Forty-sixth) Amendment Bill, 1978, indicated the duties of the Commission as follows :

- “(a) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution ;
- (b) to submit to the President, at such intervals as he may direct, reports upon the working of those safeguards ;
- (c) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards ; and
- (d) to discharge such other functions in relation to the protection and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify”.

1.10 The Bill further provided under clause (4) that the President would cause all such reports to be laid before each House of Parliament alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation. Clause (5) stated that where any such report, or any part thereof, related to any matter with which any State Government was concerned, a copy of such report would be forwarded to the Governor of the State who would cause it to be laid before the Legislature of the State alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

1.11 There were two main differences in the existing Article 338 and the above mentioned Bill. One of these was that the reports of the Commission were required to be placed before the Parliament by the President alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation. A similar provision was proposed in respect of the State Governments. This would highlight not merely the recommendations of the Commission but also the action taken by the Government thereon and would also bring out any point on which the Union or the State Governments might differ with the recommendations of the Commission. Such a provision did not exist before. The proposed provision in the Bill was more or less on the lines of the provi-

sions prescribed for the Union and the State Public Services Commissions and this would have ensured that the recommendations of this Commission received due attention at the hands of the Union and the State Governments.

1.12 Another distinguishing feature of the Bill was the provision for entrusting such other functions to the Commission as the President might by rule prescribe not merely for the protection of the safeguards but also for the 'advancement' of the Scheduled Castes and Scheduled Tribes. This was a positive improvement over the existing provisions as subject to the President so prescribing, it would enable the Commission to look into the socio-economic development of the Scheduled Castes and Scheduled Tribes in depth.

1.13 The Commission, however, felt that some amendments to the Bill were necessary, particularly in respect of the provision relating to the association of the Commission with the socio-economic development of the Scheduled Castes and Scheduled Tribes. The Commission feel that the main objective of State policy should be to ensure that vigorous and adequate measures are taken for the socio-economic development of these disadvantaged groups so that in course of time they reach a level which ultimately does away with the necessity of providing any special safeguards or protection to them. The Commission, therefore, feel that rather than leaving it to the rule making authority of the President for vesting the powers necessary for looking into the advancement of the Scheduled Castes and Scheduled Tribes, which itself may depend on political considerations of the Government of the day, this particular provision should specifically be included in the Constitution itself, so that the authority enabling the Commission to look into the socio-economic development of these disadvantaged groups is not withheld or diluted on political considerations. Therefore, the Commission suggest that when the new Government bring up a fresh Bill to amend Article 338 it should include the following sub-clause while indicating the functions of the Commission :

“To participate in and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to monitor and evaluate the progress of implementation thereof both in respect of the Union and the States.”

1.14 The Commission also felt that the reports to be submitted by them to the President should not relate only to the working of safeguards provided for the Scheduled Castes and Scheduled Tribes, but should cover all matters within the purview of the Commission (including the socio-economic development of the Scheduled Castes and Scheduled Tribes). The Commission also felt that they might submit to the President reports not only at such intervals as the President might direct but also whenever they found it necessary to do so. Similarly suitable amendment to the Bill would be needed under sub-clause (c) of Clause (3) to cover socio-economic development of the Scheduled Castes and Scheduled Tribes.

1.15 A major amendment to the Bill that the Commission felt to be necessary was in respect of investigations into cases of atrocities. Until the Commission had the legal authority to summon witnesses and call for documents, their investigations were bound to be ineffective or even fruitless. Therefore, the Commission felt that for purposes of holding investigations they should have the same status and powers as a Commission of Inquiry under the Commission of Inquiries Act, 1952.

1.16 The Commission thought that it would be expedient to include another provision in the Bill to the effect that the Union and the State Governments must consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes.

1.17 The Commission conveyed their views on the Constitution (Forty-sixth) Amendment Bill, 1978, and suggested amendments on the above lines, in a letter dated 22nd November, 1978 addressed to the Minister of State in the Ministry of Home Affairs and in a letter dated 27th November, 1978 addressed to the Prime Minister. A copy of the letter to the Prime Minister alongwith its attached note may be seen at

Annexure III. The Prime Minister was good enough to invite the Chairman of the Commission for discussions on the subject on 16th December, 1978. Some of the views of the Commission were appreciated by the Prime Minister. Subsequently the Government, on their own, incorporated certain changes in the Bill which was renumbered as the Constitution (Fifty-first) Amendment Bill, 1979, and was intended to be introduced in the Lok Sabha as a fresh Bill in the second week of July 1979 as referred to earlier. A copy of this Bill alongwith the Statement of Objects and Reasons and the Financial Memorandum accompanying it may be seen at Annexure IV. The Commission were not fully satisfied with the provisions in Clause (3) of the new Bill which made only some minor verbal changes in the previous Bill and added only one new sub-clause regarding examination of specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes. The provisions of Clause(3) of the original Bill introduced in the Lok Sabha on 3rd August, 1978, the provisions of Clause (3) of the new Bill which was intended to be introduced and debated in the second week of July 1979 and the provisions of Clause (3) of the Bill as these ought to be in the view of the Commission are given in the following table :

| In the original Bill introduced in Lok Sabha on 3-8-78                                                                                                                                                       | In the Constitution (Fifty-first) Amendment Bill, 1979 (that could not be introduced in July 1979)                                                                                                                                           | In the form proposed by the Commission for Scheduled Castes and Scheduled Tribes                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (3) It shall be the duty of the Commission—                                                                                                                                                                  |                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                         |
| (a) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution ;                                                                   | (a) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force and to evaluate the working of such safeguards ; | (a) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force and to evaluate the working of such safeguards ;                                                                                                                                                            |
| (b) to submit to the President at such intervals as he may direct, reports upon the working of those safeguards ;                                                                                            | (b) to examine specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes ;                                                                                                   | (b) to examine specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes ;                                                                                                                                                                                                                                                              |
| (c) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards ; and | (c) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards ;                                                                                             | (c) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards and other functions within the purview of the Commission ;                                                                                                                                                                                               |
| (d) to discharge such other functions in relation to the protection and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify.                                       | (d) to make in such reports such recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards ; and                                                                | (d) to make in such reports such recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other functions within the purview of the Commission ;                                                                                                                                                                      |
|                                                                                                                                                                                                              | (e) to discharge such other functions in relation to the protection, welfare and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify.                                                              | (e) to function as a Commission of Inquiry under the Commission of Inquiries Act, 1952, as amended, for the purpose of holding investigation ; and                                                                                                                                                                                                                                                      |
|                                                                                                                                                                                                              |                                                                                                                                                                                                                                              | (f) to discharge other functions in relation to the protection, welfare and advancement of the Scheduled Castes and Scheduled Tribes, and in particular to participate in and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to monitor and evaluate the progress of implementation thereof both in respect of the Union and the States. |

1.18 As indicated in para 1.16 above, the Commission recommend that a new Clause (6) may be added to the Bill, which may read as follows :

“(6) The Union and the State Governments shall consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes.”

Accordingly the existing Clause (6) in the Constitution (Fifty-first) Amendment Bill, 1979, may be renumbered as Clause (7).

1.19 The Commission are of firm view that in order to make them effective the Constitution (Amendment) Bill to be introduced by the new Government to confer statutory status on the Commission must contain, *inter alia*, the provisions relating to (i) participation of the Commission in the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and monitoring and evaluation of the progress of implementation thereof both in respect of the Union and the States, (ii) vesting the Commission with the status and powers of a Commission of Inquiry under the Commission of Inquiries Act, 1952, and (iii) consultation by the Union and the State Governments with the Commission on all major policy matters

affecting the Scheduled Castes and Scheduled Tribes. These three provisions are particularly essential for imparting strength and credibility to the Commission.

### STATUS OF THE COMMISSION

1.20 Keeping in view the magnitude of the problems relating to the Scheduled Castes and the Scheduled Tribes, the Government had set up this high level Commission so that the problems of these weaker sections of the community received adequate attention at appropriate levels. In this context, in August 1978, the Chairman of the Commission had written to the then Prime Minister that though undue importance to rank and status need not be given, it could safely be asserted that this matter did count much in providing effectiveness and raising the needed level of communication with the Ministries, the Planning Commission and the State Governments. He had, therefore, suggested that keeping in view the duties and responsibilities of this Commission, the Chairman of this Commission should be ranked with a Cabinet Minister of the Union Government and the Members with Ministers of State of the Union Government. This suggestion was made on the lines of the status accorded to the Planning Commission. The Government, however, have not accepted this.

## ANNEXURE I

[To be published in the Gazette of India, Part 1, Section (i)]

### MINISTRY OF HOME AFFAIRS (GRIH MANTRALAYA)

New Delhi-110001  
Dated 21 July, 1978/30 Asadha, 1900

### RESOLUTION

No. 13013/9/77-SCT. I

Article 338 of the Constitution provides for the appointment of a Special Officer for the Scheduled Castes and Scheduled Tribes who is charged with the duty to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President upon the working of these safeguards at prescribed intervals. In pursuance thereto, a Special Officer, commonly known as Commissioner for Scheduled Castes and Scheduled Tribes, is appointed by the President from time to time. Considering the magnitude of the problem, the Government are of the view that in addition to the functioning and authority of the Special Officer, these matters should appropriately be entrusted to a high level Commission consisting of persons of eminence and status in public life. The functioning of the Commission will not be lessening the authority of the Special Officer.

2. Government have accordingly decided to set up a Commission for this purpose which shall consist of a Chairman and not more than four other Members, including the Special Officer appointed under Article 338 of the Constitution. The term of office of the Chairman and the Member of the Commission will not ordinarily exceed three years.

3. The headquarters of the Commission will be located at New Delhi.

4. The functions of the proposed Commission will broadly correspond with the functions at present entrusted to the Special Officer under Article 338 of the Constitution and will be as follows:—

- (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, *inter alia*, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes, are, in practice, implemented.
- (ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
- (iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences.
- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

5. The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Commission.

6. The Commission will submit an Annual Report to the President detailing its activities and recommendations. This will, however, not preclude the Commission from submitting Reports to the Government at any time they consider necessary on matters within their scope of work. The Annual Report together with a memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of recommendations, if any, insofar as it relates to the Central Government will be laid before each House of Parliament.

### ORDER

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-  
(B. G. DESHMUKH)  
ADDITIONAL SECRETARY

## ANNEXURE II

*As Introduced in Lok Sabha on 3 August, 1978*

Bill No. 119 of 1978

### THE CONSTITUTION (FORTY-SIXTH AMENDMENT) BILL, 1978

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1.(1) This Act may be called the Constitution (Forty-sixth Amendment) Act, 1978.

Short title and  
commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. For article 338 of the Constitution, the following articles shall be substituted, namely :—

Substitution of  
new articles for  
article 338.

“338. (1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes.

Commission for  
Scheduled Castes  
and Scheduled  
Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such person or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution ;

(b) to submit to the President, at such intervals as he may direct, reports upon the working of those safeguards ;

(c) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards ; and

(d) to discharge such other functions in relation to the protection and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded, to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

(6) In this article, reference to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on a receipt of the report of a Commission appointed under clause (1) of article 340, by order specify.

338A. (1) There shall be a Commission for the minorities to be known as the Minorities Commission.

Minorities Com-  
mission

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such person or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the minorities under this Constitution ;

(b) to submit to the President, at such intervals as he may direct, reports upon the working of those safeguards ;

(c) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards ; and

(d) to discharge such other functions in relation to the protection of the minorities as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation."

Commission of  
article 350B.

3. Article 350B of the Constitution shall be omitted.

#### STATEMENT OF OBJECTS AND REASONS

Article 338 of the Constitution provides that there shall be a Special Officer for the Scheduled Castes and Scheduled Tribes whose duty it shall be to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report upon the working of those safeguards at prescribed intervals. Accordingly, the President has appointed a Special Officer designated as the Commissioner for the Scheduled Castes and Scheduled Tribes. However, considering the magnitude of the problem, it has been felt that instead of having one officer reporting on the safeguards, it will inspire greater confidence if the matters relating to the Scheduled Castes and the Scheduled Tribes are entrusted to a Commission consisting of persons of eminence and status.

2. Similarly, the Constitution provides in article 350B for a Special Officer for Linguistic Minorities. The Government are of the view that appointment of a Commission to safeguard the interests of all minorities, whether based on religion or language, would provide a more satisfactory institutional arrangement for achieving the desired objective. A Minorities Commission was, therefore, set up by an executive order. Such a Commission would, if set up in pursuance of Constitutional provisions, inspire greater confidence among the minorities.

3. It is, therefore, proposed to amend the Constitution to substitute for article 338 two new articles to provide for the aforementioned Commissions and to omit article 350B.

4. The Bill seeks to achieve the above objects.

NEW DELHI ;

The 20th July, 1978.

DHANIK LAL MANDAL

## **FINANCIAL MEMORANDUM**

Clause 3 of the Bill seeks to substitute for article 338 new articles 338 and 338A.

2. New Article 338 provides for a Commission for the Scheduled Castes and Scheduled Tribes in place of the Special Officer for the Scheduled Castes and Scheduled Tribes. It is proposed to merge the existing organisation of the Commissioner for the Scheduled Castes and Scheduled Tribes with the proposed new Commission. Even so, the provisions of new article 338 will involve additional expenditure as the Commission will be a multi-member Commission. Further, it will be necessary to augment the strength of the existing organisation of the Commissioner for the Scheduled Castes and Scheduled Tribes. The details of the additional staff requirements and the organisational set up of the Commission for the Scheduled Castes and Scheduled Tribes would be settled after the Commission is set up. It is therefore, not possible to give a precise estimate of the additional expenditure involved, at this stage. It is, however, estimated that the non-recurring expenditure which may be involved would be about Rs. 4.3 lakhs and the recurring expenditure would be about Rs. 5.7 lakhs per annum.

3. New article 338A provides for a Commission for the Minorities in place of the Special Officer for Linguistic Minorities under article 350B. Even now a Minorities Commission set up by an executive order is functioning. The office of the Commissioner for Linguistic Minorities, which came into existence in 1957 will stand abolished with the setting up of the Minorities Commission under new article 338A. It is estimated that the non-recurring expenditure in respect of the Minorities Commission is likely to be of the order of Rs. 6.3 lakhs while the recurring expenditure is likely to be Rs. 8.2 lakhs per annum.

4. The provisions of the Bill do not involve any other expenditure of a recurring or non-recurring nature.



ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

Special Officer for  
Scheduled Castes,  
Scheduled Tribes,  
etc.

338. (1) There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

(3) In this article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also to the Anglo-Indian community.

\* \* \* \* \*

Special Officer  
for linguistic  
minorities.

350B. (1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

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

\* \* \* \* \*

ANNEXURE III

D.O. No. 64/1/78-Adm.

GOVERNMENT OF INDIA

COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

BHOLA PASWAN SHASTRI  
Chairman

Room No. 320-A  
Vigyan Bhawan Annexe  
New Delhi-110011

27th November, 1978

Respected Shri Morarjibhai,

In their meeting held on the 20th instant the Commission considered the provisions of the Constitution (Forty-sixth Amendment) Bill, 1978. After careful consideration the Commission were of the view that the proposed Article 338 of the Bill should be suitably amended so as to enable the Commission not merely to perform the functions of looking after the safeguards provided for the Scheduled Castes and the Scheduled Tribes but also their socio-economic development. I enclose, herewith, a note containing the recommendations of the Commission.

The Commission would be grateful if the Bill in this proposed amended form is passed in the current session of the Parliament.

With kind regards,

Yours sincerely,

Sd/  
(Bhola Paswan Shastri)

Shri Morarji Desai  
Prime Minister of India,  
New Delhi.

## COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

*A note proposing amendments to the Constitution (Forty-sixth) Amendment Bill, 1978*

Under Article 338 of the Constitution of India the Special Officer for the Scheduled Castes and Scheduled Tribes has been assigned the duty of investigation into all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct and the President has to cause all such reports to be laid before each House of the Parliament.

2. In the proposed amendment to the Constitution a provision has been made for a Commission for the Scheduled Castes and Scheduled Tribes and the functions of the Commission as defined in the Constitution more or less relate to investigation of matters concerning the safeguards provided for the Scheduled Castes and Scheduled Tribes and submission of reports, along with the recommendations of the Commission, on the working of such safeguards. There are, however, two main differences which have been further spelt out in the proposed amendment *vis-a-vis* the existing provision in the Constitution. One of them relates to the provision for entrusting such other functions to the Commission as the President may by rule prescribe not merely for the protection of the safeguards but also for the advancement of the Scheduled Castes and Scheduled Tribes. This is a positive improvement over the existing provisions as subject to the President so prescribing, it would also enable the Commission to look into the socio-economic development of the Scheduled Castes and Scheduled Tribes.

3. Another distinguishing feature of the proposed amendment is that the Report of the Commission shall be caused to be placed before the Parliament by the President along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation. A similar provision has been made in respect of the State Governments. This would highlight not merely the recommendations of the Commission but also the action taken by the Government thereon and would also bring out any point on which the Union or the State Government may differ from the recommendations of the Commission. Such a provision did not exist before and this also is a positive improvement on the existing provisions. This is more or less on the lines of the provisions prescribed for the Union and the State Public Service Commissions and this should be deemed to be sufficient for ensuring that the recommendations of the Commission receive due attention at the hands of the Union and the State Governments.

4. It is in respect of the provision relating to the vesting in the Commission the authority to look into the socio-economic development of the Scheduled Castes and Scheduled Tribes that some amendments to the proposed amendment in the Constitution seem to be necessary. The main objective of the State policy should be to see that vigorous and adequate measures are taken for the socio-economic development of these disadvantaged groups so that in course of time they reach a level which ultimately does away with the necessity of providing any special safeguards or protection for them. This should, therefore, be a very important task of the Commission and it is felt that rather than leaving it to the rule-making authority of the President for vesting the powers necessary for looking into the advancement of the Scheduled Castes and Scheduled Tribes, which itself may depend on political considerations of the Government of the day, we may suggest that this particular provisions may specifically be included in the Constitution itself, so that the authority enabling the Commission to look into socio-economic development of these disadvantaged groups is not withheld or diluted on political considerations. It is, therefore, proposed that the following amendments may be suggested in the proposed Article 338 :

(i) Sub-clause (a) of clause (3) may be rearranged as below:

“(a) to study, review and investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution;”

(ii) After Sub-clause (a), and Sub-clause (b) as follows:

“(b) to participate in and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to monitor and evaluate the progress of implementation thereof both in respect of the Union and the States;”

(iii) Sub-clause (b) may be renumbered as Sub-clause (c) and may read as follows:

“(c) to submit to the President at such intervals as he may direct and, specially, whenever found necessary by the Commission on their own motion, reports upon matters within the purview of the Commission;”

(iv) Sub-clause (c) may be renumbered as Sub-clause (d) and may read as follows:

“(d) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution as also for their socio-economic development; and”

(v) Sub-clause (d) may be renumbered as Sub-clause (e).

(vi) A new clause (6) may be added as follows:

“(6) For purposes of holding investigations the Commission shall have the same status and powers as a Commission of Inquiry under the Commission of Inquiries Act, 1952, as amended”.

(vii) A new clause (7) may be added as follows:

“(7) The Union and the State Governments shall consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes.”

(viii) A new clause (8) may be added as follows :

“(8) The Union and the State Governments shall extend to the Commission their full cooperation and assistance to enable the Commission to perform their duties as prescribed in the Constitution and shall comply with such requests as the Commission may make for the furnishing of reports, returns and such data as the Commission may need in the performance of their duties.”

The existing clause (6) may be renumbered as (9).

5. To sum up, the proposed Article 338 of the Bill may read as follows:

“338. (1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such person or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission :

- (a) to study, review and investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution ;
- (b) to participate in and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to monitor and evaluate the progress of implementation thereof both in respect of the Union and the States;
- (c) to submit to the President at such intervals as he may direct and, specially, whenever found necessary by the Commission on their own motion, reports upon matters within the purview of the Commission;
- (d) to make in such reports such recommendations as the Commission may deem fit as to the measures that should be taken by the Union or any State for the effective implementation of the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution as also for their socio-economic development; and
- (e) to discharge such other functions in relation to the protection and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

(6) For purposes of holding investigations the Commission shall have the same status and powers as a Commission of Inquiry under the Commission of Inquiries Act, 1952, as amended.

(7) The Union and the State Governments shall consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes.

(8) The Union and the State Governments shall extend to the Commission their full co-operation and assistance to enable the Commission to perform their duties as prescribed in the Constitution and shall comply with such requests as the Commission may make for the furnishing of reports, returns and such data as the Commission may need in the performance of their duties.

(9) In this article, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify.”

## ANNEXURE IV

### *The Constitution (Fifty-first Amendment) Bill, 1979*

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Thirtieth year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Constitution (Fifty-first Amendment) Act, 1979.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of  
new articles for  
article 338.

2. For article 338 of the Constitution, the following articles shall be substituted, namely:—

Commission  
for Scheduled  
Castes and  
Scheduled  
Tribes.

“338.(1) There shall be a Commission for Scheduled Castes and Scheduled Tribes to be known as the Commission for the Scheduled Castes and Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such person or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force and to evaluate the working of such safeguards;

(b) to examine specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(c) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(d) to make in such reports such recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards; and

(e) to discharge such other functions in relation to the protection, welfare and advancement of the Scheduled Castes and Scheduled Tribes as the President may by rule specify.

(4) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.

(5) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation.

(6) In this article, references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify.

Minorities  
Commission.

338A. (1) There shall be a Commission for the minorities to be known as the Minorities Commission.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of such persons or persons as the President may appoint and the conditions of service and tenure of office of the person or persons so appointed shall be such as the President may by rule determine.

(3) It shall be the duty of the Commission—

(a) to investigate all matters relating to the safeguards provided for the minorities under this Constitution or under any other law for the time being in force and to evaluate the working of such safeguards;

- (b) to examine specific complaints with respect to the deprivation of rights and safeguards of the minorities;
  - (c) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
  - (d) to make in such reports such recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards; and
  - (e) to discharge such other functions in relation to the protection, welfare and advancement of the minorities as the President may by rule specify.
- (4) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendation.
- (5) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation."

3. Article 350B of the Constitution shall be omitted.

Omission article  
330 B.

## MINISTRY OF HOME AFFAIRS

### STATEMENT OF OBJECTS AND REASONS

Article 338 of the Constitution provides that there shall be a Special Officer for the Scheduled Castes and Scheduled Tribes whose duty it shall be to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report upon the working of those safeguards at prescribed intervals. Accordingly, the President has appointed a Special Officer designated as the Commissioner for the Scheduled Castes and Scheduled Tribes. However, considering the magnitude of the problem, it has been felt that instead of having one officer reporting on the safeguards, it will inspire greater confidence if the matters relating to the Scheduled Castes and Scheduled Tribes are entrusted to a Commission consisting of persons of eminence and status.

2. Similarly, the Constitution provides in article 350B for a Special Officer for Linguistic Minorities. The Government are of the view that appointment of a Commission to safeguard the interests of all minorities, whether based on religion or language, would provide a more satisfactory institutional arrangement for achieving the desired objective. A Minorities Commission was, therefore, set up by an executive order. Such a Commission would, if set up in pursuance of Constitutional provisions, inspire greater confidence among the minorities.

3. It is, therefore, proposed to amend the Constitution to substitute for article 338 two new articles to provide for the aforementioned Commissions and to omit article 350B.

4. The Bill seeks to achieve the above objects.

Sd/-  
DHANIK LAL MANDAL

New Delhi.  
the 5th July, 1979.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to substitute for article 338 new articles 338 and 338A.

2. New article 338 provides for a Commission for the Scheduled Castes and Scheduled Tribes in place of a Special Officer for the Scheduled Castes and Scheduled Tribes. It is proposed to merge the existing organisation of the Commissioner for the Commission. Even so, the provisions of new article 338 will involve additional expenditure as the Commission will be multi-member Commission. Further, it will be necessary to augment the strength of the existing organisation of the Commissioner for the Scheduled Castes and Scheduled Tribes. The estimated non-recurring expenditure which may be involved would be about Rs. 5.50 lakhs and the recurring expenditure would be about Rs. 24.49 lakhs per annum.

3. New article 338A provides for a Commission for the Minorities in place of the Special Officer for linguistic minorities under article 350B. Even now a Minorities Commission<sup>set</sup> up by an executive order is functioning. The office of the Commissioner for Linguistic Minorities, which came into existence in 1957, will stand abolished with the setting up of the Minorities Commission under new article 338A. It is estimated that the non-recurring expenditure in respect of the Minorities Commission is likely to be of the order of Rs. 3.50 lakhs while the recurring expenditure is likely to be Rs. 7.83 lakhs per annum.

4. The provisions of the Bill do not involve any other expenditure of a recurring or non-recurring nature.



## CHAPTER II

### ORGANISATIONAL SET-UP OF THE COMMISSION

The set-up of any organisation is expected to reflect the functions to be performed by it. The functions of this Commission as laid down in the Resolution dated 21st July, 1978 and the Constitution (Forty-sixth) Amendment Bill 1978—amended and renumbered as the Constitution (Fifty-first) Amendment Bill 1979—have been discussed at length in Chapter I. However, some of the important functions proposed for the Commission are being highlighted and spelt out in detail in this Chapter.

One of the important duties of the Commission would be to investigate into cases of atrocities on and offences against the Scheduled Castes and Scheduled Tribes. This is a very sensitive sphere of the functions of the Commission and would need special attention of the Commission. The proposed organisational set-up of the Commission should, therefore, make appropriate and adequate provision to enable the Commission to perform their duties in this regard.

2.2 Both in the Resolution and the Bill referred to above the functions of the Commission cover, by and large, important safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution. In so far as the Government Resolution setting up this Commission is concerned, it does not specifically refer to the role of the Commission *vis-a-vis* the efforts of the State for the advancement of socially or educationally backward citizens or for the Scheduled Castes or Scheduled Tribes [cf. Articles 15(4) and 46 of the Constitution]. The Bill, however, provides that such other functions relating to the protection, welfare and advancement of the Scheduled Castes and Scheduled Tribes may be entrusted to the Commission as the President may by rule specify.

2.3 The Commission are of the view that they should be actively involved in the planning process and monitoring and evaluation of the development programme for the Scheduled Castes and the Scheduled Tribes. For this purpose the Commission would also have to act as a Think-Tank and assist the Government in advance planning for the socio-economic development of the Scheduled Castes and the Scheduled Tribes.

The Commission fully agree with the views of the Planning Commission as expressed in the Draft Sixth Plan (Para 1.20, Chapter I) and attach great importance to the need for raising the living standards of the Scheduled Castes and the Scheduled Tribes and their social and economic status. The Commission held a series of discussions with the various Ministries and the Planning Commission soon after their appointment and proposed to the Planning Commission that this Commission should be associated

with all the relevant sectors of the Plan, that the Central Ministries also should have Tribal Sub-Plans on the lines of the Tribal Sub-Plans of the States and that both the Central Ministries and the State Governments should have Special Component Plans for the Scheduled Castes in their Plans.

#### *Brief history of the set-up of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes*

2.4 Since the Office of the Commissioner for Scheduled Castes and Scheduled Tribes is to be merged with the Commission after the amendment of Article 338 it would be useful to give here a brief history of that organisation. The first Commissioner for Scheduled Castes and Scheduled Tribes was appointed on 18th November, 1950. The first Regional Officer designated as Assistant Commissioner for Scheduled Castes and Scheduled Tribes was appointed in January 1952 at Shillong. By 1965 there were as many as 17 Regional Offices and the Assistant Commissioners were redesignated as Deputy Commissioners for Scheduled Castes and Scheduled Tribes in July 1965. These field offices were located at Shillong, Ranchi, Baroda, Bhopal, Madras, Hyderabad, Chandigarh, Jaipur, Bhubaneswar, Lucknow, Poona, Bilaspur, Bangalore, Trivandrum, Kalyani, Jorhat and Simla. With effect from 15th June, 1967 the field organisation of the Commissioner was wound up and the erstwhile 17 offices were reorganised into 5 Zonal Offices under the control of the newly created Directorate General of Backward Classes Welfare in the Department of Social Welfare. The (Regional) Deputy Commissioners for Scheduled Castes and Scheduled Tribes were redesignated as Deputy Directors, Backward Classes Welfare, who were placed under the control of newly created posts of 5 Zonal Directors, Backward Classes Welfare. The Commissioner for Scheduled Castes and Scheduled Tribes was thus deprived of his "eyes and ears" and this reorganisation of his office was adversely commented upon by the Elayaperumal Committee and the First Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes. The organisational set-up of the Headquarters Office of the Commissioner for Scheduled Castes and Scheduled Tribes as on 14th June, 1967 and 31st March, 1979 is shown in Annexure I.

#### *Proposed functions and set-up of the Commission*

2.5 The organisational set-up of the Commission, both at the headquarters and in the field, should be adequate and effective to discharge the responsibilities enjoined upon them under the Constitution. The implementation of the programmes for the welfare and development of the Scheduled Castes and Scheduled Tribes is the responsibility of the Central Ministries

and the State Governments/Union Territory Administrations and the Commission will not be a part of the executive machinery. An illustrative list of the subjects and functions with which the Commission will be concerned and the proposed organisational set-up are given below :

#### *Planning and Development*

- (1) Plan formulation in consultation with the Central Ministries, the Planning Commission and the State Governments/Union Territory Administrations.
- (2) Monitoring and evaluation of developmental programmes.
- (3) Policy matters regarding socio-economic conditions *e.g.*,
  - (a) Land and agricultural reforms,
  - (b) Minimum Wages Act,
  - (c) Problems of landless labourers, share-croppers, tenants and small landholders,
  - (d) Bonded Labour System (Abolition) Act, 1976,
  - (e) Organisation of the rural poor,
  - (f) Upgrading the skill of traditional artisans; supply of raw materials; price support and marketing of their products,
  - (g) Revised Minimum Needs Programme,
  - (h) Education,
  - (i) Problems of those engaged in unclean occupations like scavenging, flaying and tanning.

#### *Safeguards and Field Studies*

- (1) Protection of Civil Rights Act, 1955.
- (2) Atrocities on the Scheduled Castes and Scheduled Tribes.
- (3) Services safeguards.
- (4) Research and field studies.

2.6 The Commission submitted to the Ministry of Home Affairs on 22nd November, 1978 a detailed paper on its functions and structure with a view to having an effective and adequate Headquarters and field organisation. The paper explained the workload and the organisational set-up that the Commission had in mind. The original staff proposals for the Headquarters and the field offices may be seen at Annexures II and III. The total strength of officers and staff proposed for the Commission was 353 for the Headquarters office and 547 for the field office. The details of those proposed 900 posts may be seen at Annexure IV. The representatives of the Ministry of Home Affairs, including Finance, held several discussions with the Commission regarding these proposals. As a result of these discussions the Commission initially agreed informally to reduce the requirement for the Headquarters office to 300 posts and that for the field offices to 447 posts as essential minimum requirement. Subsequently after further S/16 HA/80.—4.

discussions held by the representatives of the Ministry of Home Affairs, including Finance, with the Commission and its officers, the Government of India (Ministry of Home Affairs) finally issued sanction orders for additional 75 posts for the Headquarters office and additional 103 posts for the field offices on 10th October, 1979. Excluding the 73 posts in the office of the Commissioner for Scheduled Castes and Scheduled Tribes and those of the Chairman and the Members of the Commission, the number of posts sanctioned for the Headquarters office of the Commission and the field offices is 108 and 208, respectively, after 19th October, 1979. The details of the posts sanctioned for the Commission may be seen in the two statements at Annexure V relating to the Headquarters office and the field offices, respectively.

2.7 Some important aspects of the organisational set-up of the Commission are mentioned below :

#### *(a) Protection of Civil Rights Act, 1955, and Investigations into the atrocities on the Scheduled Castes and Scheduled Tribes*

This Division is to be headed by a DIG of Police who will be assisted by two Superintendents of Police and a Research Unit. This machinery is essential as the Commission will require on-the-spot and urgent enquiries to be conducted into serious cases of atrocities on the Scheduled Castes and Scheduled Tribes by personnel well conversant with the relevant criminal laws. It is believed that the enquiries conducted by them under the direction of the Commission will be objective in nature and will help the aggrieved persons in securing justice and prompt relief. If necessary, the Officers of this Division will be assisted by the field organisation of the Commission in these enquiries. The expert opinion of the Police Officers will also be available to the Commission in examining whether the cases under the Protection of Civil Rights Act, 1955, and the cases of atrocities are being properly booked, investigated and tried.

#### *(b) Economic Programmes*

There will be a Branch under one Deputy Secretary/Director to deal with economic programmes for the Scheduled Castes and Scheduled Tribes. He will be assisted by two Research Units.

#### *(c) Social Programmes*

There will be a Branch under another Deputy Secretary/Director to deal with the social programmes for the Scheduled Castes and Scheduled Tribes. He will be assisted by two Research Units.

#### *(d) Research Programmes*

There will be a Research Division headed by a Director (Research) to conduct research studies, surveys and evaluation studies on various important problems of and programmes for the Scheduled Castes and Scheduled Tribes. This Division will also provide guidelines to and coordinate research activities of the field offices of the Commission. The Director (Research) will be assisted by a Deputy Director and two Research Units which will be increased to four

Research Units after the merger of the Commissioner's Office.

(e) *Services Safeguards*

The work relating to safeguards for the Scheduled Castes and Scheduled Tribes in services as well as the work relating to establishment/administrative matters of the Headquarters and the field offices of the Commission will be looked after by a branch headed by a Deputy Secretary who will be assisted by an Under Secretary and a Deputy Director. The Under Secretary will have under him, besides the Administration Section, two Services Units. This Branch will deal with policy matters on this subject and will also handle voluminous work relating to representations and complaints from Scheduled Caste/Scheduled Tribe employees belonging to the Central Government, the State Governments/Union Territory Administrations, the Central/State Public Undertakings, the autonomous and local bodies, etc., regarding service matters. At present the number of such receipts in the office of the Commissioner for Scheduled Castes and Scheduled Tribes alone is around 20,000 per year and it is expected that the number of such representations may go up to 50,000 or more per year in the Commission after the merger of the Commissioner's office with it. Even though a part of the large number of receipts may be transferred to the field offices for disposal, it will be very difficult for just two Units of Sections to handle the remaining complaints and representations as well as the policy matters on the subject.

Under the same Deputy Secretary there will be another Branch headed by a Deputy Director and comprising two Inspection Units (under Research Officers) whose function will be to inspect the various Ministries/Departments/Offices/Undertakings with a view to ascertaining whether the various Government orders on reservation of posts/vacancies for the Scheduled Castes and Scheduled Tribes are being implemented properly and also to suggest ways and means to improve the intake of the Scheduled Castes and Scheduled Tribes in various services and departments. During the last five years the office of the Commissioner for Scheduled Castes and Scheduled Tribes conducted studies on 95 organisations and it was found that virtually none of them had properly implemented the reservation orders. They were advised for proper action in the matter. A rough estimate of the number of establishments/organisations which may come under the purview of the reservation orders and thereby are liable to be inspected by such inspecting teams will be well above 5,000 units in the country. While a part of this function may be performed by the field offices of the Commission, at least six Inspection Units at the Commission Headquarters will be essential. While these six Units will mostly be concerned with the Central Ministries/Departments/Undertakings, the field offices may inspect the establishments under the State Government/Union Territory Administrations and some Central establishments in their respective jurisdiction.

It is felt that under this Deputy Secretary there should also be an Employment Services Unit to attend

to the proposals for de-reservation of reserved vacancies and employment and training services (examination of advertisements and employment circulars, advice to employer and employment seekers, working of the employment exchange *vis-a-vis* registration and placement of Scheduled Caste/Scheduled Tribe candidates).

The Commission had also recommended that there should be a Policy Report Unit under this Branch to examine Government policies and orders including those of the BPE (Bureau of Public Enterprises) and to make recommendations to the Government directly or through the Annual Report. This Unit may also scrutinise the reports of the Liaison Officers in the Ministries/Departments. It may further deal with the work of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes insofar as services safeguards are concerned, and with the High Power Committee for Scheduled Castes and Scheduled Tribes. This Unit may collect statistical data and prepare Annual Reports concerning services safeguards.

2.8 The Commission also feel that there should be a post of Director General, Scheduled Castes and Scheduled Tribes Welfare, particularly when the Government have now agreed to increase the number of field offices to 17 and there is need for a senior officer who could function as Head of Department for the field offices and look after their day-to-day activities. The Commission had originally proposed two posts of Joint Secretaries besides the post of Director General. Since the Government have sanctioned only one post of Joint Secretary, it is even more necessary to have the post of Director General in the Commission. The Commission, therefore, wish to emphasise that the Government may sanction a post of Director General for the Commission at the earliest.

*Field Organisation*

2.9 As the actual implementation of the various programmes is done by the State Governments/Union Territory Administrations, it is essential to have competent and effective field machinery of the Commission which should not only function as "eyes and ears" of the Commission but also actively assist the State Governments/Union Territory Administrations in proper formulation and implementation of the schemes. At the same time the field officers of the Commission will be required to perform the watchdog function objectively and fearlessly. An illustrative list of the functions of the field organisation is given below :

*Planning and Development*

- (1) to assist the State Governments/Union Territory Administrations in formulation of Plans under various sectors; to send comments on the draft plans to the Headquarters office; to suggest new schemes in the light of the felt needs;
- (2) to monitor and evaluate developmental programmes at the instance of the Headquarters office and on their own;

- (3) to study socio-economic conditions and problems of the Scheduled Castes and Scheduled Tribes, with particular reference to the items mentioned in para 5(3) above;
- (4) to assist and advise the State Governments/Union Territory Administrations in proper and better implementation of the developmental programmes for the Scheduled Castes and Scheduled Tribes;

#### *Safeguards*

- (5) to watch and assist in the implementation of the Protection of Civil Rights Act, 1955;
- (6) to conduct on-the-spot and urgent investigation into serious cases of atrocities on the Scheduled Castes and Scheduled Tribes at the instance of the Headquarters office and on their own;
- (7) to watch and assist in the implementation of the orders regarding reservations for the Scheduled Castes and Scheduled Tribes in services and posts in the Central, State Departments, organisations, local bodies, etc.;
- (8) to enquire into representations and complaints regarding service matters;

#### *General*

- (9) to maintain effective liaison with the State Governments/Union Territory Administrations on behalf of the Commission;
- (10) to serve on the State Level advisory councils/committees/boards for the welfare of the Scheduled Castes and Scheduled Tribes, boards of the Tribal Research Institutes, the Pre-examination Training Centres, the Scheduled Castes/Scheduled Tribes Development/Finance/Housing Corporations, etc.;
- (11) to conduct research studies and sample surveys;
- (12) to disseminate information about the policies and programmes of the Union Government for the welfare of the Scheduled Castes and Scheduled Tribes;
- (13) to report to the Headquarters office about important developments and social movements affecting the Scheduled Castes and Scheduled Tribes;
- (14) to enquire into miscellaneous representations and complaints relating to safeguards other than service matters; and
- (15) to act generally as friend, philosopher and guide to the people belonging to the Scheduled Castes and Scheduled Tribes.

2.10 Considering the wide and important functions proposed to be entrusted to the field organisation the Commission had proposed to have a field office for

each State, as far as possible. However, in view of the area of the States, the size of the population of the Scheduled Castes and Scheduled Tribes in the States and the acuteness of the problems of the Scheduled Castes and Scheduled Tribes therein, the Commission originally proposed to have 16 field offices headed by a Director for Scheduled Castes and Scheduled Tribes each in the scale of Rs. 1500—2000 and three field offices headed by a Deputy Director for Scheduled Castes and Scheduled Tribes in the scale of Rs. 1100—1600. Further, as Uttar Pradesh, Bihar, Madhya Pradesh and West Bengal have very large areas and Scheduled Caste and Scheduled Tribe population exceeding one crore each, it may not be possible for one office in the State capital to effectively discharge the functions entrusted to the field organisation. Therefore, the Commission originally proposed to have 8 Sub-Offices headed by a Deputy Director each in these four States—three in Uttar Pradesh, two in Bihar, two in Madhya Pradesh and one in West Bengal. As a special case a Sub-Office at Imphal was proposed under the control of the Director at Shillong, to deal with Manipur and Nagaland. This departure from the normal pattern was proposed because the four States under the control of the Director at Shillong are contiguous hill States predominantly inhabited by the Scheduled Tribes and share some common features. Another Sub-Office for Arunachal Pradesh with headquarters at Itanagar was proposed, under the control of the Director at Gauhati. Thus, in all 29 field offices (including 10 Sub-Offices) were proposed.

2.11 Consequent upon discussions with the representatives of the Ministry of Home Affairs, the Commission agreed to reduce their requirement of field offices for the time being to 23 offices as per details below :

- (i) 12 offices headed by a Director each at Lucknow, Bhopal, Patna, Calcutta, Shillong, Jaipur, Bhubaneswar, Ahmedabad, Pune, Hyderabad, Madras and Bangalore. Each office was to have two Research Units.
- (ii) Four offices headed by a Director each at Simla, Chandigarh, Gauhati and Trivandrum. Each office was to have one Research Unit.
- (iii) Two offices under a Deputy Director each at Agartala and Jammu. Each office was to have one Research Unit.
- (iv) Four Sub-Offices headed by a Deputy Director each at Agra, Raipur, Ranchi and Siliguri. Each Sub-Office was to have one Research Unit.
- (v) For the Union Territory of Delhi a subordinate office under a Deputy Director to be located in the Headquarters office of the Commission. This office also was to have one Research Unit.

Thus in the revised proposals of the Commission there were to be 23 field offices in all. However, the Government have sanctioned 17 field offices of the Commission presumably on the basis that before June 1967 the organisation of the Commissioner for

Scheduled Castes and Scheduled Tribes had 17 field offices. This basis, however, does not appear to be a rational one since the work relating to the Scheduled Castes and Scheduled Tribes has increased manifold during the intervening period and in recent years the incidence of atrocities on the Scheduled Castes and Scheduled Tribes has also shown an upward trend. Moreover it is proposed that the Commission may involve themselves much more actively in developmental programmes also than before. In view of this the Commission wish to reiterate that the Government may kindly agree to open at least six more offices as envisaged in the revised proposals of the Commission. The Commission had proposed, with sufficient reasons, that the major 12 offices mentioned above should have two Research Units each. The Scheduled Caste and Scheduled Tribe population covered by each of these offices is vast. The only office which would not cover a vast Scheduled Caste/Scheduled Tribe population is at Shillong, but it will have to operate in a terrain with high and difficult hills, scattered settlements and poor communication facilities. Therefore, two Research Units even for Shillong office would be the minimum to do justice to the task of investigation and evaluation. The major problems relating to alienation of tribal land, shifting cultivation, bonded labour, primitive tribes, untouchability and atrocities require special and concentrated attention and it would not be possible to do justice to attend to all this work with one Research Unit in each major office. The Government have so far sanctioned only one Research Unit for each office. It may be necessary to take up the question of more staff for the Commission later, as explained in para 2.14 below :

2.12 The Commission have decided to locate the 17 field offices as per details below :

| <i>S. No.</i> | <i>Hedquarters</i> | <i>Jurisdiction</i>                                      | <i>Head of Office</i> |
|---------------|--------------------|----------------------------------------------------------|-----------------------|
| 1.            | Ahmedabad          | Gujarat, Dadra & Nagar Haveli                            | Director              |
| 2.            | Bangalore          | Karnataka                                                | Director              |
| 3.            | Bhopal             | Madhya Pradesh                                           | Director              |
| 4.            | Bhubaneswar        | Orissa                                                   | Director              |
| 5.            | Calcutta           | West Bengal, Sikkim, Andman & Nicobar Islands            | Director              |
| 6.            | Hyderabad          | Andhra Pradesh                                           | Director              |
| 7.            | Jaipur             | Rajasthan                                                | Director              |
| 8.            | Lucknow            | Uttar Pradesh                                            | Director              |
| 9.            | Madras             | Tamil Nadu, Pondicherry                                  | Director              |
| 10.           | Patna              | Bihar                                                    | Director              |
| 11.           | Pune               | Maharashtra, Goa, Daman and Diu                          | Director              |
| 12.           | Shillong           | Meghalaya, Nagaland, Manipur, Mizoram, Arunachal Pradesh | Director              |
| 13.           | Agartala           | Tripura                                                  | Dy. Director          |

|     |            |                                   |              |
|-----|------------|-----------------------------------|--------------|
| 14. | Chandigarh | Punjab, Haryana, Chandigarh       | Dy. Director |
| 15. | Gauhati    | Assam                             | Dy. Director |
| 16. | Simla      | Himachal Pradesh, Jammu & Kashmir | Dy. Director |
| 17. | Trivandrum | Kerala, Lakshadweep               | Dy. Director |

2.13 The pattern of staff for the field offices approved by the Government is as follows :

| <i>Officers headed by Directors</i> | <i>Offices headed by Deputy Directors</i> |
|-------------------------------------|-------------------------------------------|
| 1 Director                          | 1 Deputy Director                         |
| 1 Research Officer                  | 1 Research Officer                        |
| 1 Senior Investigator               | 1 Senior Investigator                     |
| 2 Investigators                     | 1 Stenographer                            |
| 1 Superintendent                    | 1 U.D.C.                                  |
| 1 P.A. to Director                  | 1 L.D.C.                                  |
| 1 U.D.C.                            | 1 Peon                                    |
| 2 L.D.Cs.                           | 1 Chowkidar-cum-Farash                    |
| 1 Daftari                           |                                           |
| 2 Peons                             |                                           |
| 1 Chowkidar-cum-Farash              |                                           |

2.14 The Commission feel that the staff sanctioned for the field offices is inadequate. Until Sub-Offices are sanctioned at Agra, Raipur, Ranchi and Siliguri, at least one additional Research Unit should be sanctioned for the field offices at Lucknow, Bhopal, Patna and Calcutta. In the interest of effective and efficient functioning of the Commission it would be desirable to sanction an additional Research Unit for the remaining 8 major field offices as well. The smaller offices headed by Deputy Director also badly need to be provided with at least one more Investigator each. Some additional ministerial and Class IV staff will also be required to a corresponding degree in respect of all the field offices.

2.15 An important matter which needs urgent consideration of the Government is that of vehicles for the Headquarters office as well as the field offices. The Government have so far sanctioned only two staff cars for the Headquarters office which is inadequate considering the fact that these staff cars are required not only for the Chairman and the Members of the Commission but also for 26 Gazetted officers and 47 other staff. The Commission would request the Government to consider the desirability of providing adequate staff cars for the Headquarters office.

In order to ensure mobility of the field offices and their effective functioning the provision of vehicles is essential. The Government may consider providing as early as possible staff cars/jeeps for the field offices.

# ANNEXURE I

*Organisational set-up of the Hqs. Office of the Commissioner for SC & ST on 14-6-1967 (before 'reorganisation') and on 31-3-1979*

| S. No.                                     | Designation | No. of posts sanctioned |                      |
|--------------------------------------------|-------------|-------------------------|----------------------|
|                                            |             | on 14-6-67              | on 31-3-79           |
| 1                                          | 2           | 3                       | 4                    |
| <b>GAZETTED</b>                            |             |                         |                      |
| 1. Commissioner . . . . .                  |             | 1                       | 1                    |
| 2. Deputy Commissioner . . . . .           |             | 1                       | 2                    |
| 3. Assistant Commissioner . . . . .        |             | —                       | 1                    |
| 4. Research Officers . . . . .             |             | 2                       | 6                    |
| 5. Administrative Officer . . . . .        |             | 1                       | —                    |
| 6. Section Officers . . . . .              |             | 3                       | 2                    |
| 7. Private Secretary . . . . .             |             | 1                       | 1                    |
|                                            |             | 9                       | 13                   |
| <b>NON-GAZETTED</b>                        |             |                         |                      |
| 8. Assistant . . . . .                     |             | 7                       | 7 (5CSS + 2 Non-CSS) |
| 9. Hindi Asstt. Translator . . . . .       |             | 1                       | 1                    |
| 10. Investigators . . . . .                |             | 6                       | 8                    |
| 11. PAs . . . . .                          |             | 2                       | 3                    |
| 12. Stenographers (Stenotypists) . . . . . |             | 4                       | 6                    |
| 13. UDC . . . . .                          |             | 1                       | 1                    |
| 14. LDCs . . . . .                         |             | 16                      | 17                   |
| 15. Staff Car Driver . . . . .             |             | 1                       | 1                    |
|                                            |             | 38                      | 44                   |
| <b>CLASS IV</b>                            |             |                         |                      |
| 16. Jamadar . . . . .                      |             | 1                       | 1                    |
| 17. Daftaris . . . . .                     |             | 4                       | 4                    |
| 18. Peons . . . . .                        |             | 8                       | 9                    |
| 19. Farash . . . . .                       |             | 1                       | 1                    |
| 20. Sweeper . . . . .                      |             | 1                       | 1                    |
|                                            |             | 15                      | 16                   |
| <b>TOTAL . . . . .</b>                     |             | <b>62</b>               | <b>73</b>            |

# ANNEXURE II

## Commission for Scheduled Castes and Scheduled Tribes organisational set-up (Original Proposals)

| CHAIRMAN  | MEMBER                   | MEMBER                   | MEMBER                   |
|-----------|--------------------------|--------------------------|--------------------------|
| 1 PS      | Staff same as Chairman's | Staff same as Chairman's | Staff same as Chairman's |
| 1 PA      |                          |                          |                          |
| 1 LDC     |                          |                          |                          |
| 1 Jamadar |                          |                          |                          |
| 1 Peon    |                          |                          |                          |

  

| SECRETARY Staff same as Chairman's                                                                                                             |                                                |                                       |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------|----------------------------------------------------------|
| JS (Development & Coordination)                                                                                                                |                                                |                                       |                                                          |
| DS/Director I<br>(Plan formulation)                                                                                                            | DS/Director II<br>(Monitoring Evaluation)      | DS(A)<br>PA                           | PRO<br>Steno-<br>grapher<br>Receptionist<br>Peon         |
| 2 Research Officers                                                                                                                            | (Policy matters re: Socio-economic conditions) | Peon                                  |                                                          |
| 2 Sr. Investigators                                                                                                                            | Staff same as under DS/Director I              |                                       |                                                          |
| 2 Investigators                                                                                                                                |                                                |                                       |                                                          |
| 2 Stenographers                                                                                                                                |                                                |                                       |                                                          |
| 2 UDCs                                                                                                                                         |                                                |                                       |                                                          |
| 2 LDCs                                                                                                                                         |                                                |                                       |                                                          |
| 1 Daftari                                                                                                                                      |                                                |                                       |                                                          |
| 2 Peons                                                                                                                                        |                                                |                                       |                                                          |
| USA(A)<br>Stenographer<br>Peon                                                                                                                 |                                                |                                       |                                                          |
| Hindi Officer<br>1 Sr. Hindi Translator<br>3 Hindi Translators<br>2 Language Translators<br>3 Hindi Stenographers<br>4 Hindi Typists<br>1 Peon |                                                |                                       |                                                          |
| Adm. Section I                                                                                                                                 | Adm. Section II                                | Cash Section                          | R & I Section                                            |
| 1 SO                                                                                                                                           | 1 SO                                           | 1 Acctt.                              | 1 Asstt.                                                 |
| 3 Asstts.                                                                                                                                      | 3 Asstts.                                      | 3 LDCs                                | 4 LDCs                                                   |
| 1 UDC                                                                                                                                          | 1 UDC                                          | 1 Daftari                             | 1 Daftari                                                |
| 2 LDCs                                                                                                                                         | 2 LDCs                                         | 1 Peon                                | 2 Gestetnor Operators                                    |
| 2 Farash                                                                                                                                       | 9 Staff                                        |                                       | 1 Despatch Rider                                         |
| 2 Sweepers                                                                                                                                     | Car drivers                                    |                                       | 3 Peons                                                  |
| 1 Daftari<br>1 Peon                                                                                                                            |                                                |                                       |                                                          |
| US (Services)<br>1 Stenographer<br>1 Peon                                                                                                      |                                                |                                       |                                                          |
| Service Section I                                                                                                                              | Service Section II                             | Service Section III                   | Service Section IV                                       |
| 1 SO                                                                                                                                           | Staff same as under Service Section I          | Staff same as under Service Section I | (Misc. complaints) Staff same as under Service section I |
| 3 Assistants                                                                                                                                   |                                                |                                       |                                                          |
| 1 UDC                                                                                                                                          |                                                |                                       |                                                          |
| 2 LDCs                                                                                                                                         |                                                |                                       |                                                          |
| 2 Daftari<br>2 Peons                                                                                                                           |                                                |                                       |                                                          |

  

| JS (Safeguards & Research)                         |                                   |                                                      |                                          |
|----------------------------------------------------|-----------------------------------|------------------------------------------------------|------------------------------------------|
| Sr. PA<br>Peon<br>DG for SC & ST<br>Sr. PA<br>Peon |                                   |                                                      |                                          |
| Director (Investigation)                           | DS/Director (Services Safeguards) | Director (Research, Field studies and policy matter) | US (A) (to deal with field organisation) |
| PA                                                 | PA                                | PA                                                   | Stenographer                             |
| Peon                                               | Peon                              | Peon                                                 | Peon                                     |
| 3 Dy. Directors (Investigation)                    |                                   | 2 Dy. Directors                                      | 1 SO                                     |
| 3 Asstt. Directors (Investigation)                 |                                   | 4 Research Officers                                  | 2 Accountants                            |
| 6 Stenographers                                    |                                   | 4 Sr. Investigators                                  | 3 Assistants                             |
| 3 UDCs                                             |                                   | 4 Investigators                                      | 2 UDCs                                   |
| 3 LDCs                                             |                                   | 1 Parliament Asstt.                                  | 2 LDCs                                   |
| 1 Daftari                                          |                                   | 6 Stenographers                                      | 1 Daftari                                |
| 4 Peons                                            |                                   | 4 UDCs                                               | 1 Peon                                   |
|                                                    |                                   | 4 LDCs                                               |                                          |
|                                                    |                                   | 1 Daftari                                            |                                          |
|                                                    |                                   | 4 Peons                                              |                                          |
|                                                    |                                   | 1 Librarian                                          |                                          |
|                                                    |                                   | 1 Library Asstt.                                     |                                          |
|                                                    |                                   | 1 Peon                                               |                                          |

  

| Deputy Director                        | Policy & Report Unit                        | Employment Services Unit                                                                | US (Services)            |
|----------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------|
| Steno<br>Peon                          | Staff same as under Employment Service Unit | 1 Research Officer<br>1 Sr. Investigator<br>2 Investigators<br>1 Stenographer<br>2 LDCs | 1 Stenographer<br>1 Peon |
| 6 Inspection Units<br>Staff of each IU |                                             |                                                                                         |                          |
| 1 Research Officer                     |                                             |                                                                                         |                          |
| 1 Sr. Investigator                     |                                             |                                                                                         |                          |
| 2 Investigators                        |                                             |                                                                                         |                          |
| 1 Stenographer                         |                                             |                                                                                         |                          |
| 2 LDCs                                 |                                             |                                                                                         |                          |
| 1 Daftari for 6 Units                  |                                             | 1 Daftari<br>1 Peon                                                                     |                          |
| 2 Peons together                       |                                             |                                                                                         |                          |

# ANNEXURE III

Field Organisation of the Commission for Scheduled Castes and Scheduled Tribes (Original Proposals) Director General for SC & ST  
(at the Hqs. of the Commission)

| (1) Chandigarh<br>Punjab,<br>Haryana,<br>Chandigarh                                                                                                                              | (2) Simla<br>Himachal Pradesh                         | (3) Jaipur<br>Rajasthan                         | (4) Lucknow<br>Uttar Pradesh                                  | (5) Bhopal<br>Madhya Pradesh                | (6) Patna<br>Bihar                  | (7) Bhubaneswar<br>Orissa                 | (8) Calcutta<br>West Bengal<br>Sikkim,<br>Andaman<br>&<br>Nicobar<br>Islands                                                                                | (9) Gauhati<br>Assam<br>Arunachal<br>Pradesh   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------|---------------------------------------------|-------------------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Director<br>2 Research<br>Officers<br>1 PA<br>4 Investigators<br>2 Stenographers<br>2 UDCs<br>3 LDCs<br>1 Staff car driver<br>1 Daftari<br>3 Peons<br>1 Chowkidar-cum-<br>Farash | Director<br>Staff same as in (1)                      | Director<br>Staff same as in (1)                | Director<br>Staff same as in (1)<br>plus 1 Asstt.<br>Director | Director<br>Staff same as in (1)            | Director<br>Staff same as in (4)    | Director<br>Staff same as in (4)          | Director<br>Staff same as in (1)                                                                                                                            | Director<br>Staff same as in (4)               |
| (10) Shillong<br>Meghalaya, I<br>Manipur,<br>Nagaland,<br>Mizoram                                                                                                                | (11) Ahmedabad<br>Gujarat,<br>Dadra &<br>Nagar Haveli | (12) Pune<br>Maharashtra<br>Goa, Daman<br>& Diu | (13) Hyderabad<br>Andhra<br>Pradesh                           | (14) Madras<br>Tamil<br>Nadu<br>Pondicherry | (15) Bangalore<br>Karnataka         | (16) Trivandrum<br>Kerala,<br>Lakshadweep | (17) Jammu<br>&<br>Kashmir                                                                                                                                  | (18) Delhi<br>Delhi                            |
| Director<br>Staff same as in (1)                                                                                                                                                 | Director<br>Staff same as<br>in (1)                   | Director<br>Staff same as<br>in (1)             | Director<br>Staff same as<br>in (1)                           | Director<br>Staff same as<br>in (1)         | Director<br>Staff same as<br>in (1) | Director<br>Staff same as<br>in (1)       | Deputy<br>Director<br>Staff same as<br>in (17)                                                                                                              | Deputy<br>Director<br>Staff same as<br>in (17) |
|                                                                                                                                                                                  |                                                       |                                                 |                                                               |                                             |                                     |                                           | 2 Research Officers<br>1 Superintendent<br>4 Investigators<br>2 Stenographers<br>1 UDC<br>2 LDCs<br>1 Staff car driver<br>2 Peons<br>1 Chowkidar-cum-Farash |                                                |
| (20) Varanasi,<br>(23) Raipur<br>(25) Ranchi<br>(27) Siliguri                                                                                                                    | (21) Agra<br>(24) Indore<br>(26) Darbhanga            | (22) Dehra Dun                                  | SUB-OFFICES                                                   |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | under the control of the Director at Lucknow                  |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | under the control of the Director at Bhopal                   |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | under the control of the Director at Patna                    |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | (for North Bengal and Sikkim)                                 |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | under the control of the Director at Shillong                 |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | (for Manipur and Nagaland)                                    |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | under the control of the Director at Gauhati                  |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | (for Arunachal Pradesh)                                       |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | Staff for each Sub-Office                                     |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Deputy Director                                             |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Research Officer                                            |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Superintendent                                              |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 Investigators                                               |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 Stenographers                                               |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 UDC                                                         |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 LDCs                                                        |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Staff car driver                                            |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 Peons                                                       |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Chowkidar-cum-Farash                                        |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | Staff for each Sub-Office                                     |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Deputy Director                                             |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Research Officer                                            |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Superintendent                                              |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 Investigators                                               |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 Stenographers                                               |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 UDC                                                         |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 LDCs                                                        |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Staff car driver                                            |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 2 Peons                                                       |                                             |                                     |                                           |                                                                                                                                                             |                                                |
|                                                                                                                                                                                  |                                                       |                                                 | 1 Chowkidar-cum-Farash                                        |                                             |                                     |                                           |                                                                                                                                                             |                                                |



## ANNEXURE IV

*Total Strength of Officers and staff proposed for the commission for Scheduled Castes and Scheduled Tribes*

| S. No.       | Designation with grade                      | Hqs. Office | Field Offices | Total |
|--------------|---------------------------------------------|-------------|---------------|-------|
| 1            | 2                                           | 3           | 4             | 5     |
| GAZETTED     |                                             |             |               |       |
| 1.           | Secretary (3500)                            | 1           | —             | 1     |
| 2.           | Joint Secretary (2500—2750)                 | 2           | —             | 2     |
| 3.           | Director General (2250—2500)                | 1           | —             | 1     |
| 4.           | Director Research (2000—2250)               | 1           | —             | 1     |
| 5.           | Director (DIG of Police) (2000—2250)        | 1           | —             | 1     |
| 6.           | DS/Director (2000—2250)                     | 5           | —             | 5     |
| 7.           | Director (1500—2000)                        | —           | 16            | 16    |
| 8.           | Deputy Director (SP) (1200—1900)            | 3           | —             | 3     |
| 9.           | Deputy Director/Under Secretary (1100—1600) | 6           | 13            | 19    |
| 10.          | PRO (1100—1600)                             | 1           | —             | 1     |
| 11.          | Research Officer/Asstt. Director (700—1300) | 18          | 52            | 70    |
| 12.          | Hindi Officer (700—1300)                    | 1           | —             | 1     |
| 13.          | Librarian (700—1300)                        | 1           | —             | 1     |
| 14.          | Asstt. Director (Dy.SP) (650—1200)          | 3           | —             | 3     |
| 15.          | Section Officer                             | 7           | —             | 7     |
| 16.          | Private Secretary (650—1200)                | 6           | —             | 6     |
| 17.          | Sr. PA (650—1040)                           | 3           | —             | 3     |
|              |                                             | 60          | 81            | 141   |
| NON-GAZETTED |                                             |             |               |       |
| 18.          | Sr. Investigator (550—900)                  | 18          | —             | 18    |
| 19.          | Sr. Hindi Translator (550—900)              | 1           | —             | 1     |
| 20.          | Accountant (550—900)                        | 2           | —             | 2     |
| 21.          | Superintendent (550—900)                    | —           | 29            | 29    |
| 22.          | Assistant (425—800)                         | 24          | —             | 24    |
| 23.          | P.A. (425—800)                              | 13          | 16            | 29    |
| 24.          | Investigator (425—700)                      | 26          | 96            | 122   |
| 25.          | Hindi Translator (425—700)                  | 3           | —             | 3     |
| 26.          | Language Translator (425—700)               | 2           | —             | 2     |
| 27.          | Library Assistant                           | 1           | —             | 1     |
| 28.          | Stenographer (330—560)                      | 35          | 58            | 93    |
| 29.          | Hindi Stenographer (330—560)                | 3           | —             | 3     |
| 30.          | UDC (330—560)                               | 21          | 45            | 66    |
| 31.          | Receptionist (330—560)                      | 1           | —             | 1     |
| 32.          | LDC (260—400)                               | 56          | 74            | 130   |
| 33.          | Hindi Typist (260—400)                      | 4           | —             | 4     |
| 34.          | Staff Car Driver (260—400)                  | 9           | 29            | 38    |
| 35.          | Despatch Rider (260—350)                    | 1           | —             | 1     |
|              |                                             | 220         | 347           | 567   |
| GROUP D      |                                             |             |               |       |
| 36.          | Jamadar (200—250)                           | 6           | —             | 6     |
| 37.          | Daftari (200—250)                           | 13          | 16            | 29    |
| 38.          | Gestetnor Operator                          | 2           | —             | 2     |
| 39.          | Peon (196—232)                              | 48          | 74            | 122   |
| 40.          | Farash (196—232)                            | 2           | —             | 2     |
| 41.          | Chowkidar-cum-Farash (196—232)              | —           | 29            | 29    |
| 42.          | Sweeper (196—232)                           | 2           | —             | 2     |
|              |                                             | 73          | 119           | 192   |
| TOTAL        |                                             | 353         | 547           | 900   |

## ANNEXURE V

## Statement No. 1

*Posts sanctioned for the Commission for Scheduled Castes and Scheduled Tribes (Hqs.)*

| S. No.       | Designation with grade            | No. of Posts    |                        | Total of Cols. 3 and 4 | No. of posts to be transferred from the Office of Commr. for SC & ST after Merger |
|--------------|-----------------------------------|-----------------|------------------------|------------------------|-----------------------------------------------------------------------------------|
|              |                                   | Before 19-10-79 | Sanctioned on 19-10-79 |                        |                                                                                   |
| 1            | 2                                 | 3               | 4                      | 5                      | 6                                                                                 |
| GAZETTED     |                                   |                 |                        |                        |                                                                                   |
| 1.           | Secretary (3500)                  | 1               | —                      | 1                      | —                                                                                 |
| 2.           | Joint Secretary (2500—2750)       | 1               | —                      | 1                      | —                                                                                 |
| 3.           | DIG of Police (2000—2250)         | —               | 1                      | 1                      | —                                                                                 |
| 4.           | Director (Research) (1500—2000)   | —               | 1                      | 1                      | —                                                                                 |
| 5.           | Deputy Secretary (1500—2000)      | —               | 1                      | 1                      | 2 (D.C. for SC & ST)                                                              |
| 6.           | Supdt. of Police (1200—1700)      | —               | 2                      | 2                      | —                                                                                 |
| 7.           | Under Secretary (1200—1600)       | —               | 1                      | 1                      | 1 (By up-grading the post of A.C. for SC & ST)                                    |
| 8.           | Deputy Director (1100—1600)       | 2*              | —                      | 2                      | —                                                                                 |
| 9.           | Research Officer (700—1300)       | 1@              | 5                      | 6                      | 6                                                                                 |
| 10.          | Librarian (700—1300)              | —               | 1                      | 1                      | —                                                                                 |
| 11.          | Hindi Officer (650—1200)          | —               | 1                      | 1                      | —                                                                                 |
| 12.          | Section Officer (650—1200)        | —               | 2                      | 2                      | 2                                                                                 |
| 13.          | Private Secretary (650—1200)      | 5               | —                      | 5                      | 1                                                                                 |
| 14.          | Sr. P.A. (650—1040)               | 1               | —                      | 1                      | —                                                                                 |
|              |                                   | 11              | 15                     | 26                     | 12                                                                                |
| NON-GAZETTED |                                   |                 |                        |                        |                                                                                   |
| 15.          | Sr. Investigator (550—900)        | —               | 11                     | 11                     | —                                                                                 |
| 16.          | Sr. Hindi Translator (550—900)    | —               | 1                      | 1                      | —                                                                                 |
| 17.          | Accountant (550—900)              | —               | 1                      | 1                      | —                                                                                 |
| 18.          | Assistant (550—900)               | —               | 3                      | 3                      | 7                                                                                 |
| 19.          | Personal Asstt. (425—800)         | 5               | 3                      | 8                      | 3                                                                                 |
| 20.          | Investigator (425—700)            | —               | 3                      | 3                      | 8                                                                                 |
| 21.          | Personal Asstt. (425—700)         | 1£              | —                      | 1                      | —                                                                                 |
| 22.          | Hindi Asstt./Translator (425—700) | —               | —                      | —                      | 1                                                                                 |
| 23.          | Stenographer (330—560)            | 1&              | 3**                    | 4                      | 6                                                                                 |
| 24.          | UDC (330—560)                     | —               | 3                      | 3                      | 1                                                                                 |
| *25.         | Receptionist (330—560)            | —               | 1                      | 1                      | —                                                                                 |
| 26.          | L.D.C. (260—400)                  | 5               | 6                      | 11                     | 17                                                                                |
| 27.          | Staff Car Driver (260—350)        | 2               | —                      | 2                      | 1                                                                                 |
| 28.          | Despatch rider (260—350)          | —               | 1                      | 1                      | —                                                                                 |
|              |                                   | 14              | 36                     | 50                     | 44                                                                                |

| 1                                | 2 | 3   | 4  | 5   | 6  |
|----------------------------------|---|-----|----|-----|----|
| GROUP D                          |   |     |    |     |    |
| 29. Jamadar . . . . .            |   | 6   | —  | 6   | 1  |
| 30. Daftari . . . . .            |   | —   | 4  | 4   | 4  |
| 31. Gestetnor Operator . . . . . |   | —   | 1  | 1   | —  |
| 32. Peon . . . . .               |   | 6@@ | 17 | 23  | 9  |
| 33. Farash . . . . .             |   | —   | —  | —   | 1  |
| 34. Sweeper . . . . .            |   | —   | 1  | 1   | 1  |
|                                  |   | 12  | 23 | 35  | 16 |
| TOTAL . . . . .                  |   | 37  | 74 | 111 | 72 |

\* Two posts of DDs on transfer from Ahmedabad and Patna Offices to H.O.

@ One post of RO (Rs. 650—1200) on transfer from Ahmedabad Office to H.O. One of the six posts will be transferred to the field organisation.

£ This post was transferred from Chandigarh to H.O. and will be retransferred to the field organisation.

& This post was transferred from Ahmedabad Office to H.O.

\*\* The new sanction is for 4 posts. One post has already been filled up under col. 3. The remaining 3 posts will be filled up by transfer of 3 surplus posts from the field organisation.

@@ One post was transferred from Chandigarh to H.O. It will be retransferred to the field organisation.

NOTE :— The strength of the Hqs. office approved by the Government is 108 but the total no. shown under Col. 3. The difference of 3 is due to the fact that one post each of Research Officer, Personal Asstt. (Rs. 425—700) and Peon transferred from the field offices to H.O. is to be retransferred to the field organisation.

## ANNEXURE V

## Statement No. 2

*Posts sanctioned for the field offices of the Commission for Scheduled Castes and Scheduled Tribes*

| S. No.       | Designation with grade        | No. of posts    |                        |                        | Remarks |
|--------------|-------------------------------|-----------------|------------------------|------------------------|---------|
|              |                               | Before 19-10-79 | Sanctioned on 19-10-79 | Total of Cols. 3 and 4 |         |
| 1            | 2                             | 3               | 4                      | 5                      | 6       |
| GAZETTED     |                               |                 |                        |                        |         |
| 1.           | Director (1500—2000)          | 5               | 7                      | 12                     | A       |
| 2.           | Deputy Director (1100—1600)   | 7               | (—)2                   | 5                      | B       |
| 3.           | Research Officer (650—1200)   | 7               | 8                      | 15                     | C       |
|              |                               | 19              | 13                     | 32                     |         |
| NON-GAZETTED |                               |                 |                        |                        |         |
| 4.           | Senior Investigator (550—900) | 1               | 16                     | 17                     | A       |
| 5.           | Superintendent (550—750)      | 7               | 5                      | 12                     |         |
| 6.           | Investigator (425—700)        | 9               | 15                     | 24                     |         |
| 7.           | Personal Assistant (425—700)  | 4               | 7                      | 11                     | A       |
| 8.           | Stenographer (330—560)        | 8               | (—)3                   | 5                      | D       |
| 9.           | UDC (330—560)                 | 8               | 9                      | 17                     |         |
| 10.          | L.D.C. (260—400)              | 18              | 11                     | 29                     |         |
| 11.          | Staff car driver              | 1               | —                      | 1                      | E       |
|              |                               | 56              | 60                     | 116                    |         |
| GROUP D      |                               |                 |                        |                        |         |
| 12.          | Daftari                       | 5               | 7                      | 12                     |         |
| 13.          | Peon                          | 20              | 8                      | 28                     | F       |
| 14.          | Chowkidar-cum-Farash          | 7               | 10                     | 17                     |         |
|              |                               | 32              | 25                     | 57                     |         |
| TOTAL        |                               | 107             | 98                     | 205                    |         |

A= One post was transferred from Chandigarh to H.O. It will be retransferred to the field organisation.

B= Before 19-10-79 there were actually 9 posts of DDs out of which 2 were transferred to H.O. In the new set-up 2 posts will be abolished after 2 incumbents are promoted.

C= Before 19-10-79 there were actually 8 posts of ROs out of which one was transferred to H.O. It will be retransferred to the field organisation. There will be one post short the Government will be approached to sanction one more post by upgrading the post of Senior Investigator retained by SC & BCD Division and transferring it to the Commission. In fact, this post of Senior Investigator was created by transferring the post of R.O. from Bhubaneswar and downgrading it.

D= Three posts will be transferred to H.O.

E= There were 2 staff car (jeep) drivers in Bhopal and Patna offices. The driver and the jeep belonging to Patna office were transferred to H.O. of Directorate General of BCW and have not yet been retransferred to the Commission.

F= One post was transferred from Chandigarh to H.O. It will be retransferred to the field organisation.

NOTE:— According to the approved new pattern 12 offices will have strength of 14 each and 5 offices that of 8 each. The total strength of the 17 field offices will be 208 whereas the total number shown here in column 5 is 205. The difference is due to the fact that 2 posts of Research Officer, one post of P.A. and one post of Peon are shown less and will be retransferred as explained above. One extra post of staff car driver is shown in this statement as the post and the incumbent exist at present in Bhopal office.

## CHAPTER III

### ECONOMIC DEVELOPMENT OF THE SCHEDULED CASTES AND SCHEDULED TRIBES

Right from the beginning the Commission have been of the view that though the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution are in themselves quite important and the Commission are entrusted with the responsibility to ensure that these safeguards are properly implemented by the Union and the State Governments, the developmental programmes for the socio-economic development of these two disadvantaged groups are even more important. The main objective of State policy should be to see that vigorous and adequate measures are taken for the socio-economic development of these disadvantaged groups so that in course of time they reach a level which ultimately does away with the necessity of providing any special safeguards or protection for them. The Commission are, therefore, naturally concerned with the developmental programmes for the advancement of the Scheduled Castes and Scheduled Tribes. With this objective in view the Commission took a number of steps soon after their appointment to involve themselves actively in the formulation of policies and programmes for the development of the Scheduled Castes and Scheduled Tribes.

3.2 In the words of the Planning Commission, "the prevalence of poverty and inequality, virtually unchanged over the years, can be seen most clearly in the conditions of life of the two disadvantaged groups in our society, the Scheduled Castes and the Scheduled Tribes. The social disabilities from which large numbers of Harijans continue to suffer in many parts of the country are in a large part connected with their economic status and the lack of bargaining power which marks their role as landless agricultural workers in a situation of over-all labour surplus. *For 'development' to have some meaning, the living standards of these two disadvantaged groups, and their economic and social status must be seen to have risen significantly : so far, they have been only marginally involved in the process of development.*" (Para 1.20, Chap. 1, Draft Plan).

3.3 The Commission are entirely in agreement with the principal objectives of planning as enunciated by the Planning Commission who envisage achieving within a period of ten years :

- (i) the removal of unemployment and significant under-employment ;
- (ii) an appreciable rise in the standard of living of the poorest sections of the population; and
- (iii) provision by the State of some of the basic needs of the people in these income groups like clean drinking water, adult literacy,

elementary education, health care, rural roads, rural housing for the landless and minimum services for the urban slums. (Para 1.25, Chap. 1, Draft Plan).

It goes without saying that the Scheduled Castes and Scheduled Tribes constitute the bulk of the poorest sections of the population and, therefore, these two disadvantaged groups are bound to benefit from planning if the principal objectives of the Medium Term Plan 1978—83 are achieved. The Commission fully agree with the above views of the Planning Commission and attach great importance to the need for raising the living standards of the Scheduled Castes and Scheduled Tribes and their social and economic status.

3.4 An idea of the deterioration in the economic condition of the Scheduled Castes and Scheduled Tribes living in rural areas can be had from some comparative data of 1961 and 1971 Censuses quoted by the Commissioner for Scheduled Castes and Scheduled Tribes in his Report for 1975-76 and 1976-77. In 1971, 82.3% and 93.8% SC and ST workers respectively were engaged in the primary sector of economy (which includes workers engaged as cultivators, landless labourers and in mining, quarrying, livestock, forestry, hunting and plantations, orchards and allied activities), 8.1% and 2.5% respectively were in the secondary sector (which includes workers engaged in household industry, manufacturing other than household industry and constructions), and 9.4% and 3.9% respectively in the tertiary sector (which includes workers engaged in trade and commerce, transport, storage and communications and other services). It is significant that during 1961—71 there had been a decline in the contribution of the secondary and tertiary sectors. The growth in the primary sector has actually resulted in an increase in the population of the landless labourers and a decline in the proportion of cultivators and no significant mobility from primary to other sectors of economy. From 1961 to 1971 the number of landless labourers among the Scheduled Castes and Scheduled Tribes increased from 345 to 518 and from 197 to 330 per thousand respectively. During the same period the number of cultivators among them declined from 378 to 279 and from 681 to 576 per thousand respectively. The other point to be observed is that whereas the secondary and tertiary sectors provide employment opportunities to some extent to the Scheduled Castes, their role in tribal economy is very meagre. Both the Scheduled Castes and Scheduled Tribes suffer from economic and educational backwardness. The Scheduled Castes, in addition, particularly in rural areas, are victims of social discrimination.

### *Discussions with the Planning Commission*

3.5 The Commission met the Deputy Chairman, Planning Commission, on 4th October, 1978 and discussed the important problems of the Scheduled Castes and Scheduled Tribes. In the course of the discussions it was decided that the Commission would forward their suggestions to the Planning Commission on policy matters affecting the Scheduled Castes and Scheduled Tribes at an early date. In the meantime as the Planning Commission were due to hold their discussions with the Central Ministries and the State Governments on the Annual Plan 1979-80 and the Medium Term Plan 1978—83 with effect from the middle of November 1978, the Chairman of the Commission wrote demi-officially to the Deputy Chairman, Planning Commission, on 5th November, 1978 drawing his attention to the following matters for immediate action :

- (a) In the financial provisions that are being made, the Ministries and the State Governments should be advised to make specific separate provisions in each sector for indicating the financial and physical targets that they visualise for the Scheduled Castes, as had been done in the case of the Tribal Sub-Plan.
- (b) While the Scheduled Tribes are generally speaking concentrated in certain specified areas, and area planning would in any case benefit them, the case of the Scheduled Castes is somewhat different as they are dispersed all over the country with different concentrations of population. In the case of the Scheduled Castes a family approach would be more appropriate so that the benefits actually reach the families which need them and they do not get by-passed in the generalised area programme.
- (c) There are certain special sectors such as land and agriculture reforms, bonded labour, implementation of minimum wages laws, development of village and Khadi industries, etc., which directly affect the Scheduled Castes and Scheduled Tribes. While working out the details of the Annual Plan and the Medium Term Plan these problems should receive special attention both at the hands of the Central Ministries and the State Governments. For instance, in respect of bonded labour, it may be necessary to emphasise for the purposes of the Annual Plan that the bonded labour that has already been released should be immediately rehabilitated with a view to preventing them from again falling into the clutches of money-lenders. For this purpose adequate provision will have to be made in the Annual Plan. A suitable time schedule will also have to be specifically laid down for the release and rehabilitation of the remaining bonded labour.

- (d) It has been the experience in the past that with the best of intentions the benefits do not reach the disadvantaged groups because of inadequate implementation machinery. It is, therefore, necessary that while working out the details of the Annual and Medium Term Plans adequate provisions should be made for strengthening the implementation machinery at the field level so that the programmes meant for the disadvantaged groups are properly and adequately implemented. There is also urgent need for effective monitoring and evaluation of the programmes for the disadvantaged groups and suitable machinery will have to be set up for this purpose at the district, divisional and State levels in the States and at the Ministry level at the Centre. Both at the Centre and in the States there should be Coordination Committees at the highest level for monitoring and implementation of the schemes for the disadvantaged groups and for proper evaluation.

The Chairman forwarded a copy of this letter to the Minister of State for Home Affairs requesting the Ministry to fully support the suggestions made by the Commission. On 5th January, 1979 the Planning Commission wrote to the Commission that the suggestions made by the Chairman were under consideration of the Planning Commission.

3.6 It was gathered towards the middle of November 1978 that the Ministry of Home Affairs were holding discussions with the various Ministries where the problems concerning the Scheduled Castes and Scheduled Tribes were being discussed. The Chairman of the Commission wrote to the Minister of State for Home Affairs on 24th November, 1978 that the Commission should also be involved in all these discussions. A reply was sent by the Ministry of State for Home Affairs only on 11th January, 1979 as follows :—

“The Ministry of Home Affairs had been holding discussions with different Ministries regarding programmes for the Scheduled Castes and Scheduled Tribes with a view to ensure that these were included in adequate measure in the Annual Plans of those Ministries. Discussions with the major Ministries have already been completed. In fact, now discussions with the Planning Commission on the Annual Plans of Central Ministries are going on. For this year, therefore, there may not be any further discussions by the Home Ministry with different development Departments, I understand the Commission has independently also been holding discussions with Central Ministries on the same matter.”

The Commission wish that they had been actively associated with the formulation of the Annual Plan and the Medium Term Plan insofar as these related to the Scheduled Castes and Scheduled Tribes.

3.7 The Commission had been giving serious thought to policy matters affecting the Scheduled

Castes and Scheduled Tribes and prepared a Note containing their views on the policy issues relating to socio-economic development of the Scheduled Castes and Scheduled Tribes. With reference to the earlier discussion with the Deputy Chairman, Planning Commission, a copy of this policy paper was forwarded demi-officially by the Chairman to him on 3rd January, 1979 requesting him to get it examined in the Planning Commission and to let the Commission have his comments on the Note. The Commission also indicated their desire to have further discussions with the Planning Commission after the views of the latter had been received. A copy of this Note was forwarded demi-officially on 3rd January, 1979 by the Chairman to the Prime Minister and the Minister of State for Home Affairs also. On 16th April, 1979 the Deputy Chairman, Planning Commission, wrote to the Chairman of this Commission :

“You have made suggestions about the better implementation of certain programmes in different sectors of development. I find that these would be very useful. However, since these suggestions involve far reaching implications and involve different Ministries and Departments, you may kindly address them and the concerned implementing Ministries.”

The Commission carefully considered the reply of the Deputy Chairman, Planning Commission, and the Chairman wrote to him on 30th May, 1979 :

“When this Commission had last met the Planning Commission on 4th October, 1978, we had agreed to send our proposals for socio-economic development of the Scheduled Castes and Scheduled Tribes to the Planning Commission and it was agreed that on receipt of these proposals the Planning Commission would have them examined, let this Commission have their comments on them and thereafter arrange a meeting with this Commission for discussions. Since Plan policy matters are dealt with at the level of the Planning Commission in consultation with the Ministries/Departments concerned, it would be more appropriate if the Planning Commission themselves take up this matter and get the programmes suggested by this Commission processed and implemented by the Ministries/Departments concerned. If you so wise, we would be glad to have further discussions with the Planning Commission on the subject and also render such assistance in the matter as may be considered necessary.”

There was no further reply from the Planning Commission.

3.8 The suggestions of the Commission contained in the above mentioned Note regarding economic development of the Scheduled Castes and Scheduled Tribes are reproduced below.

(The suggestions relating to social development of the Scheduled Castes and Scheduled Tribes have been included in the relevant Chapter.)

### *Special Component Plan for the Scheduled Castes*

3.9 The Commission have proposed to the Planning Commission that the concerned Central Ministries and all the State Governments/Union Territory Administrations should be advised to make specific separate provision in each sector for indicating the financial and physical targets that they visualised for the Scheduled Castes, as had been done in the case of the Tribal Sub-Plan. Besides this special component it might be necessary for the Ministry of Home Affairs to provide Special Central Assistance for the Scheduled Castes, as in the case of the Scheduled Tribes, to supplement the Special Component Plan. For the Scheduled Tribes the proposed Special Central Assistance in the Medium Term Plan 1978—83 is of the tune of Rs. 350 crores. As the population of the Scheduled Castes is double that of the Scheduled Tribe population it will be desirable to allocate Rs. 700 crores for the Special Central Assistance for the Scheduled Castes. The funds provided under the Special Component Plan and the Special Central Assistance should be non-divertible and non-lapsable.

### *Tribal Sub-Plan*

3.10 So far the Tribal Sub-Plan covered the Blocks having more than 50% Scheduled Tribe population. It has been rightly proposed now to also cover pockets of 10,000 population or more in which more than 50% population comprises the Scheduled Tribes. This will increase the coverage of the Scheduled Tribe population from about 65% to about 80% in the Sub-Plan. For the remaining 20% Scheduled Tribe population dispersed outside the Sub-Plan area funds may be provided out of the State Plan and these may be supplemented under the Special Central Assistance and a family/hamlet approach, as in the case of the Scheduled Castes, would be more appropriate so that the benefits actually reach the families. The Commission recommend that :

- (i) The State Governments should make weighted allocations from each sector in favour of the Sub-Plan areas, representing a percentage equal to the population percentage plus a certain percentage over and above that.
- (ii) The investments envisaged for the Sub-Plan areas in the Sixth Plan should be made non-divertible and non-lapsable where not done so far.
- (iii) The Central Ministries should also earmark adequate funds for the Tribal Sub-Plan in the Annual Plan 1979-80 and the Sixth Plan.

3.11 With a view to having a comprehensive and coordinated picture of the development of the Scheduled Castes/Scheduled Tribes a separate chapter may be brought out in the Central/State Plans (both Annual and Medium Term) indicating the financial and physical targets for these two groups. The benefits accruing to them should be quantified both in financial and physical terms. It will help in proper evaluation of the developmental programmes for these two disadvantaged groups.

### *General financial assistance policy*

3.12 In all the schemes relating to land and agriculture, irrigation, horticulture, cottage industries, etc., where financial assistance is provided by the Government, the Commission propose that the element of subsidy should be at least 75% and that of loan 25% at DRI (differential rate of interest). The financial assistance should be in kind as far as possible. The recovery of loans should start only after the benefits actually start accruing to the beneficiaries and the recovery should be in easy instalments.

3.13 The bulk of the Scheduled Castes and Scheduled Tribes depend on agriculture and allied sectors for their livelihood, though majority among the Scheduled Castes work as share-croppers or agricultural labourers. In the words of the Planning Commission, even the possession of small holdings will improve the social status of the landless, particularly the Scheduled Castes and Scheduled Tribes, and enable them to have better access to other means of production. Even the best amongst them are marginal farmers who eke out more or less a subsistence existence and have also to work as labourers. Their precarious economic conditions without the backing of an organisation force them to borrow sometimes heavily, which results in alienation of land as also sale of their crops in advance at low rates and getting into debt bondage. In view of the importance of agriculture and allied sectors in the economy of the two disadvantaged groups this Commission attach great importance to these sectors of the economy for their economic uplift.

### *Landless Labourers*

3.14 Land to the tillers is the accepted policy of the Government. Ownership of land bestows social status upon the landless labourers apart from improving their economic condition. The Commission recommend that in allotment of surplus land under the ceiling law or cultivable Government waste land or newly reclaimed or developed land first priority should be given to the Scheduled Caste/Scheduled Tribe landless labourers as they are the most disadvantaged and depressed groups in the society and only after meeting their requirements fully these may be allotted to others. Whenever land is settled with the Scheduled Castes/Scheduled Tribes it should be entered in the record of rights and it should be ensured that it is properly demarcated and actual possession given to the allottees and proper protection ensured to maintain their continuous occupation. A Scheduled Caste/Scheduled Tribe family should be settled on developed land as far as possible. When this is not possible it should be given grant for developing it or, still better, it should be engaged by the Government on wages for developing it. Each such family should also be provided with an irrigation well either on 100% grant basis or with at least 75% subsidy and 25 per cent loan at DRT. The recovery of loan should be in easy instalments and it may not start until the land has yielded one or two crops. Inputs such as seeds, fertilizers, etc., should be also provided on a similar basis in kind but the first round of inputs should be provided free of charge. Until the allottees start getting income from

the land they should be given consumption loan at DRI for essential social purposes like marriage, funeral, etc.

### *Minimum Wages*

3.15 The Commission strongly recommend that the enforcement machinery of the State Governments should be adequately strengthened by providing funds under the Plan so that the workers get the benefit of minimum wages fixed by the Government. However, in a labour surplus economy it is not always possible to implement the same. Due to the general economic development more employment opportunities are bound to be created but these will not be enough so far as the Scheduled Castes and Scheduled Tribes are concerned. Special public works programmes including 'food for work' programme may be undertaken for the rural poor including the Scheduled Castes and Scheduled Tribes not only during lean seasons but even during agricultural seasons. This will provide the necessary competition to ensure payment of minimum wages and improve the bargaining power of workers. These programmes should be of planned permanent nature, e.g., schemes of irrigation, soil conservation, afforestation, *pukka* roads, reclamation of land, etc. which will help in increasing production and income. An investigation-cum-evaluation cell may be created under each Chief Engineer concerned with the major programmes. This cell should explore the possibility of taking up suitable projects in each village or group of villages so that the Scheduled Caste/Scheduled Tribe labour could be engaged in these programmes either in their own hamlets or adjoining hamlets.

3.16 In these programmes exploitation of labour by middlemen should be eliminated and the labour engaged directly by the official agencies. Incidentally, disputes over payment of minimum wages are one of the factors responsible for atrocities on the Scheduled Castes.

### *Organisation of the rural poor*

3.17 The Government may actively promote organisation of the rural labour including Scheduled Caste and Scheduled Tribe labour through voluntary bodies and unions. The representatives of the beneficiaries must also serve on the committees of these organisations. This will help in improving their bargaining power.

### *Land Ceiling Laws*

3.18 The land ceiling laws should be strictly enforced within a time bound programme, say, a year or two. The first priority in distribution of surplus ceiling land should be given to the Scheduled Castes/Scheduled Tribes since they form the bulk of the landless. Only after meeting their requirements in full such land may be given to other landless persons. Lacuna in the land ceiling laws should be identified and removed. These laws should be put in the Ninth Scheduled to the Constitution.

3.19 The possession of land allotted to them from surplus land or Government land should be protected. Land should be clearly demarcated. Persons who



dispossess them of their land should be summarily evicted and tried under law which should provide deterrent punishment. The land should be restored to the original allottee. For this purpose suitable law may be enacted. The provisions of Sec. 144 Cr.P.C., which allow illegal occupants in actual possession of the land the protection to continue their illegal occupation, be suitably amended.

3.20 Expeditious implementation of land ceiling laws is essential from another angle. Those in illegal or *benami* possession of large chunks of land are often found to be responsible for perpetration of atrocities on Scheduled Caste persons who are allotted surplus ceiling land but are not allowed to derive benefits from that land. Therefore, strict enforcement of these laws will not only lead to a significant reduction in the present disparities of incomes and wealth, one of the processes for achieving the primary objectives of the Plan, but will also minimise the incidence of atrocities on the Scheduled Castes. There have also been many cases of atrocities over demand for higher wages. In many of these cases the local officials, particularly the lower level Revenue and Police officials, collude with the landlords. In order to protect the interests of the Scheduled Caste/Scheduled Tribe farmers, landless labourers and share-croppers the Commission recommend that irrespective of the reserved quota in services on the basis of the population of the SC/ST in a State/district, at least 50% of the lower level posts like Patwari/Karmachari, Amin, Constable, Head Constable, Sub-Inspector of Police, etc., should be filled up by the Scheduled Castes/Scheduled Tribes. Moreover, in sensitive areas majority of these posts (not merely 50%) should be manned by the SC/ST.

#### *Share-croppers*

3.21 Share-cropping is prevalent in numerous forms. There are not even firm records in many cases with the result that the bulk of share-cropping continues to be informal and unrecorded. They should be duly recorded in the land records. Such a step would be one of the most important landmarks of their economic development. While policy direction can be given by the Government, actual implementation of the policy will be done at the village level by the Land Records staff. In order that justice is done to these weaker sections of the society, it is essential that categories of public services connected with land records, e.g., village Patwaris or Mandals and survey officials should be strengthened and, as suggested in the preceding paragraph, at least 50% of these posts should be manned by the Scheduled Castes/Scheduled Tribes and in sensitive areas majority of these posts (not merely 50%) should be held by them. A special drive for recording the rights of share-croppers in a time bound programme is imperative. At present under the existing legislation in some States even where their rights are recorded they are entered as under tenants. This position should be changed by amending the law and the share-croppers given the status of tenants directly under the Government.

#### *Bonded Labour*

3.22 According to one estimate there are about 22 lakh bonded labour in the country. They should be identified through Government, autonomous and voluntary agencies. A very small fraction of the bonded labour are reported to have been released so far and even they have not been properly rehabilitated yet. It is most essential that alongwith the programme of releasing the bonded labour a simultaneous programme of their rehabilitation preferably on land should be implemented. They may be provided the same facilities as suggested for landless labourers in para 14 above. In fact, a crash programme for rehabilitation of bonded labour is called for. The lacuna in the programme should be identified immediately. Those who cannot be rehabilitated on land should be rehabilitated in other occupations/industries and for this purpose at least 75% subsidy and 25% loan at DRI should be provided. In case simultaneous rehabilitation is not possible or is likely to take some time, the Government should provide relief grant for maintaining the released bonded labour and his family until such time as he is rehabilitated. This period should be kept to the minimum not only from financial but also social and psychological angles. Until they are able to start their livelihood their consumption needs for essential social purposes should be met by the Government through loan at DRI.

#### *Land Alienation*

3.23 As in the case of the Scheduled Tribes there should be law to prevent alienation of land belonging to the Scheduled Castes. For ensuring prompt disposal of cases of alienation of their lands special courts may be set up and in all such cases the Government may be a party. These special courts may be given powers of summary disposal and the Government may meet all the expenses on behalf of the Scheduled Caste/Scheduled Tribe litigants.

3.24 In cases where in a land dispute a Harijan or a tribal is killed the Government machinery must ensure that the land in possession of the deceased Harijan/tribal passes to the heirs of the deceased and in no circumstances whatsoever the persons who have committed aggression should be allowed to take over possession of land.

3.25 Land alienated from tribals to non-tribals should be got restored to the former in a concerted manner. In tribal areas there is also considerable informal alienation where the land is in the names of tribals in the records but actually the moneylender gets it cultivated through the tribal landowner himself or through labourers or share-croppers. In all such cases it should be ensured that moneylenders are evicted from tribal lands. For this purpose suitable legislation may be enacted.

3.26 Many a time poor Scheduled Caste/Scheduled Tribe farmers have to lose their lands to moneylenders from whom they borrow money at exorbitant rates of interest to meet expenses on some of their pressing social obligations. To prevent this phenomenon it is necessary to provide consumption loans at DRI to the needy Scheduled Caste/Scheduled Tribe persons.

### *Rehabilitation of those uprooted from their lands*

3.27 The Government may acquire the lands of the Scheduled Castes/Scheduled Tribes only for public purpose and not for any other purpose. Simultaneously the affected families may be provided with alternative lands. If these lands are undeveloped, the same may be developed at Government cost by engaging the members of the affected families on wages. If these families have been displaced for setting up any industrial/power/irrigation project, one of the clauses of the agreement should provide for obligatory employment of at least one member each of the affected Scheduled Caste/Scheduled Tribe families in the project.

### *Irrigation*

3.28 Irrigation should be given top priority in the programme of development of land as it will lead to multiple cropping, larger yield and greater income. It will also help in partially meeting the problem of unemployment and under-employment. Irrigation wells should be dug at Government cost for Scheduled Caste/Scheduled Tribe farmers or at least 75% subsidy and 25% loan at DRI may be made available by the Government to meet the cost. Wherever necessary tube wells may also be provided by the Government and either irrigation water made available to Scheduled Cast/Scheduled Tribe farmers free of charge or irrigation rate may be levied on them at one-fourth to half of the normal rate after a few years when their lands start giving better yields.

3.29 In all major, medium and minor irrigation projects preference should be given to those areas where the majority population comprises the Scheduled Tribes and in the case of the Scheduled Castes and dispersed Scheduled Tribes, where their population is 20% or more. Similarly lift irrigation projects, bunds and dams should be taken up in areas having preponderant Scheduled Tribe population. In tribal areas minor irrigation schemes should be given a high priority to raise the low level of productivity. The Ministry of Agriculture who are in charge of minor irrigation might consider preparing a Master Plan based on State surveys for the entire country. Resources to match the perspective plan should be provided by the Ministry.

3.30 Soil conservation schemes should be accorded top priority in plateau areas. The Scheduled Caste/Scheduled Tribe farmers may be given 100% grant for these schemes or at least 75% grant and 25% loan at DRI.

### *Scheme for supplementing income*

3.31 First preference should be given to the Scheduled Castes/Scheduled Tribes in taking up subsidiary occupations like animal husbandry, dairy development, poultry, piggery, fishery, etc. In all these schemes the following four aspects should be adequately taken care of : feed and fodder, collection of produce, marketing and on-the-spot payment for the produce. At least 75% subsidy should be provided for these schemes and the remaining 25%  
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may be met by loan at DRI. Even in these schemes preference should be given to the landless, marginal farmers and small farmers in that order.

3.32 For successful implementation of these schemes adequate infrastructure in the form of roads and marketing facilities has to be provided.

### *Dairy Development*

3.33 There is considerable scope for engaging the Scheduled Caste/Scheduled Tribe people in large numbers, both the landless and marginal farmers, in dairy programme. While for some persons it may provide subsidiary income, it can well be a remunerative wholetime occupation for others. The Operation Flood II programme is going to be implemented in a big way. Income flow from this programme to the Scheduled Castes/Scheduled Tribes on top priority may be ensured. Milk chilling plants may be set up at suitable centres near the villages/hamlets inhabited by the Scheduled Castes/Scheduled Tribes, as far as possible.

3.34 There are varied cottage industries in which the Scheduled Castes/Scheduled Tribes of different States are engaged. The skills of these traditional artisans should be upgraded with Government assistance. Raw materials should be made available to them at subsidised rates. Adequate marketing arrangements are necessary including on-the-spot payment to the artisans for their products. Sericulture (mulberry, *tasar*, *eri*, etc.) should be popularised among the Scheduled Castes/Scheduled Tribes as there is great potential for this industry both for the internal market and exports. The Scheduled Castes/Scheduled Tribes should also be assisted in taking to new skills as well as small and cottage industries. Where new skills/industries are developed or needed at least 50% of the trainees should belong to the Scheduled Castes/Scheduled Tribes.

### *Medium and large industries*

3.35 Lists of inputs for medium and large industries may be prepared to identify items which are or can be produced by the Scheduled Castes/Scheduled Tribes, e.g., in a large industry like coal, hundreds of thousands of baskets are needed and though these are mainly made by the Scheduled Castes/Scheduled Tribes, they do not get fair price for their products as these are not purchased directly from the primary producers or their cooperatives. There could be a number of small items needed in medium and large industries which could be produced by the Scheduled Castes/Scheduled Tribes after necessary training at Government cost and encouragement.

### *Finance*

3.36 It has already been proposed that the Special Component Plan should be non-divertible, non-lapsable and shown under a separate sub-head in the budget. The quantum of the Special Component Plan in each sector should not be in the ratio of the Scheduled Caste population to the general population in a State but in the ratio of the Scheduled Castes to the population of the target group. Where data in this regard are not available, at least 50% of the funds

should be earmarked for the Scheduled Castes in the relevant sectors. Adequate weightage to this disadvantaged group is essential to cover the backlog of development. Funds allocated for the Scheduled Castes in the various sectoral plans and the revised minimum needs programme should be included in the hard core Plan and allocations already approved for developmental programme should not be cut or modified so that approved on-going projects do not suffer setbacks from lack of funds.

#### *Institutional credit*

3.37 Institutional finance through cooperatives should be exclusively available at DRI to landless labourers, marginal farmers and small farmers in rural areas. In view of limitations of institutional credit the affluent farmers should not be allowed any institutional credit at all. It has been noticed that even among small and marginal farmers the former manage to get larger credit facilities than the latter. Therefore, there should be special earmarking of percentage of credit available for the landless labourers, marginal farmers and small farmers, giving them priority in that order. All landless labourers, marginal farmers and small farmers among the Scheduled Castes and Scheduled Tribes should be compulsorily made members of cooperatives. Insofar as landless labourers are concerned registration fee and share money for them should be met entirely at Government cost. Funds should be specially earmarked for them and made available not only for agricultural and allied purposes but also for non-land based economic activities. The cooperatives should be developed as viable units. Their Managers, though paid by the cooperatives, should be selected, trained and appointed by the Government and there should be a State cadre of such Managers.

3.38 In some of the States, the State Governments also make available Government credit facilities to the cultivators in kind and/or cash. Such credit should also be wholly reserved for the landless, marginal and small farmers and should not be made available to affluent farmers at all.

3.39 Credit at DRI provided by commercial banks should be available only to the Scheduled Castes and Scheduled Tribes and only if funds are left after meeting their requirements the same may be made available to other weaker sections. So far as credit at normal or higher rates of interest is concerned, not less than 50% of the incremental credit provided by the banks may be earmarked for the Scheduled Castes/Scheduled Tribes in all activities.

#### *Revised Minimum Needs Programme*

3.40 This Commission are in general agreement with the Revised Minimum Needs Programme formulated by the Planning Commission for the Sixth Plan but wish to emphasise that wherever feasible in the various items of the programme the financial and physical targets should be earmarked for the Scheduled Castes/Scheduled Tribes not in proportion to their population in the total population but in proportion to their population in that of the target group.

#### *Infrastructure in Backward Areas*

3.41 In the backward areas it is essential that the infrastructure such as roads, power and irrigation is developed on a priority basis so that these areas are brought on a par with developed areas. These areas should be identified and special financial allocations made so that these areas are not overlooked in the process of development.

#### *Total Plan*

3.42 The total Plan is of the tune of about Rs. 70,000 crores. It will not be unreasonable to demand that the Special Component Plan for the Scheduled Castes should be to the extent of 15% of the total Plan as they constitute 15% of the country's population. In some sectors like the Integrated Rural Development Programme, cottage industries, etc., the Scheduled Castes should have a major share. The Tribal Sub-Plan and the Special Central Assistance together should similarly constitute 7.5% of the total Plan allocations as the Scheduled Tribes form 7.5% of the country's population and, in addition, there should be adequate weightage to cover the backlog of development.

#### *Measures for economic development of the Scheduled Castes with reference to their special problems*

3.43 *Leather Industry.*—The maximum number of traditional artisans among the Scheduled Castes are engaged in small and cottage industries based on leather throughout the country. Starting from playing and tanning in traditional ways in the countryside they are engaged in modern methods of these occupations as well as making and repair of shoes and other leather footwear and leather goods. A large number of them, however, require upgrading of their skills for which adequate facilities should be provided by the Government. Raw materials should be provided to them at subsidised rates and marketing facilities are most essential to procure remunerative prices for their products. The middlemen should be eliminated so that the present exploitation of these artisans is stopped. This industry has vast potential both for the internal market and exports. For proper development of the industry and due protection to the interests of these artisans a Leather Development Corporation/Board should be set up at the Centre as well as in the States. These Corporations/Boards should ensure quality control, standardisation of products and fair return to the primary producer.

3.44 *Scheduled Castes Development Corporation.*—Development/Finance Corporations for the Scheduled Castes should be established in all the States to provide seed money and stand as guarantors. These should have branches upto the district level to begin with and may have lower formations at a later stage. At least 50% of the Scheduled Caste families should be covered by some economic development programmes or the other by the end of the Five Year Plan 1978—83 by the active initiative of these Corporations to locate suitable beneficiaries, with a reasonable proportion of women, who can be linked with appropriate schemes through concerned sectoral organisations and financial institutions. The Central

Government should help the Corporations suitably through participation in their financial structure along with the State Governments. Some 11 States have already set up these Corporations. The Planning Commission should issue guidelines for them.

*Measures for economic development of the Scheduled Tribes with reference to their special problems*

3.45 *Adaptive research and experimentation.*—For evolving the right type of crops for the mostly rainfed tribal areas, adaptive research and experimentation have to be taken up by the ICAR and other research organisations. It would appear that not such work has been done in this field, though considerable effort has gone in for crops of non-tribal areas. Adaptive research should also lead to evolving and multiplication of high yielding varieties of those crops which are grown by the tribals and are suitable for tribal areas. The effort has to be both at the national and State levels.

3.46 *Dry farming.*—Considerable research is still needed for developing dry farming practices in tribal areas and action should be taken to step up such research so that in the plateau areas, where irrigation facilities during non-rainy season are highly inadequate, crops that can be grown under dry farming conditions are developed and popularised. Already some research has been done in this regard such as in cultivation of safflower and linseed but further concerted research is necessary. Dry farming is a very important measure through which the income of tribals can be augmented and research in this direction is most necessary.

3.47 *Shifting cultivation.*—Shifting cultivation is still practised by tribals in some States. They should be settled on Government land or acquired land, if available, which may be reclaimed and developed by employing these tribals on wages. Inputs should also be made available to them on a highly subsidised basis (75% grant and 25% loan at DRI). These tribals may also be settled in non-land based occupations and cottage industries, keeping in view their aptitudes.

3.48 *Horticulture.*—In view of the extensive land area available in tribal areas and the tribals' aptitude horticulture has the potential to be a major thrust programme. But the horticultural programmes have to go beyond the stage of backyard plantation which may be suitable for the more advanced areas alone. Large areas are easily identifiable as a base for horticultural programmes in tribal areas. In lands over which shifting cultivation is practised horticultural plantations have the double advantage of checking its evil and better economic return. The *in situ* technique is particularly useful. Where the programme is taken upon lands owned by the Government the rights for usufruct can rest with the individual.

3.49 *Forestry.*—The tribals have traditional rights in the forests in using the produce of the forest. These traditional rights should be preserved subject to the proper preservation of forests. In collection and marketing of MFP (minor forest produce) contractors should be completely eliminated.

Preferably tribal cooperatives should be given monopoly over MFP as in the case of Andhra Pradesh or this work may be undertaken by Minor Forest Produce Corporations which may buy MFP directly from tribals at remunerative prices and also undertake the processing of MFP.

3.50 Social forestry should also be encouraged and species which could be used for fuel may be grown. Fruit-bearing plants like apple, papaya, pineapple and other citrous fruit-bearing plants, etc., may be popularised and the tribals given assistance in kind free of charge so that the weaker sections among them may be able to supplement their income.

3.51 Sericulture and lac culture which have special importance for tribals need special attention of the Forest Department in coordination with the Industries Departments/Ministry, *e.g.*, there is considerable scope for stepping up production of *tassar* for internal market as well as export. Production and marketing of lac have in recent times shown a fall and also led to great fluctuations because of development of substitutes of lac in foreign markets. In this connection experiments are being made in Bihar for developing lac coated urea which may considerably raise internal demand for lac and thereby give stability to its production and a stable income to lac growers. These experiments should be fruitfully completed expeditiously so that utilisation of lac on commercial scale may be undertaken.

3.52 *Animal Husbandry.*—Many of the tribal areas have good pastures and there is good potential for cattle breeding, dairying, poultry, fishery and pig-gery. So far no perspective for development of these programmes has been prepared. An overall plan for development has to be prepared with provision for intensive efforts in specific areas where the potential is the highest. In all these schemes exotic breeds need not be introduced on *a priori* consideration without extending all efforts to improving local breeds in tribal areas. Careful attention to be paid to identifying the areas such as hinterland of industrial and mining complexes, peripheries of urban centres for implementation of these programmes. So far programmes under exotic breeds have benefited better off sections who have the economic power to keep high grade animals. In the new approach to tribal development it is our aim to make the landless economically viable through animal husbandry programmes such as dairying, piggy, poultry, goat-rearing and pisciculture. In all these schemes the following four aspects should be adequately taken care of: feed and fodder, collection of produce, marketing and on-the-spot payment for the produce.

3.53 In the tribal areas mining and industrial townships are growing up where there is a great demand for dairy products. It is necessary that in such cases the hinterland may be developed from the animal husbandry and dairying angle and special attention paid to these areas as there would be a ready market available in the new townships that are growing up in mining and industrial belts. In such cases the infrastructure such as roads, marketing, etc., will also have to be developed on a priority basis.

3.54 *Grazing problems in the hilly areas.*—Weaning away of livestock feeding from the pastoral pattern and pegging it down to stalls might take quite some time. In the hills during the winter the vast pasture wealth lies totally covered under snow and the flock owners have to move down to lower altitudes. They have to cross inter-State borders in search of grazing fields and face numerous difficulties as the forest Department puts restrictions on grazing in Forest land particularly by sheep and goats. Suitable remedial measures will have to be taken.

The national need for wool, dairy products and mutton has already been always there. Now wool in the shape of rugs and carpets and meat in almost any shape seem looming larger and larger on the horizon as valuable export materials. The grazing problem has to be viewed in this larger context.

3.55 *Cooperative credit.*—There should be adequate credit flow to the tribal areas, particularly in view of LAMPS having come to stay in some States. Where LAMPS are not organised, they should be organised and adequate flow ensured. The quantum of funds under DRI for tribal areas should multiply. There should be coordination between the Ministry of Agriculture, who deal with cooperative credit, and the Ministry of Civil Supplies and Cooperation who deal substantively with cooperatives and the National Cooperative Development Corporation (NCDC).

3.56 *IRDP.*—The Commission are glad to note that Blocks having 20% or more Scheduled Caste population are being included in the Integrated Rural Development Programme in a time bound programme. But only 91 Blocks coming within the Tribal Sub-Plan areas are now included in the IRDP while the total number of such Blocks is 503. There is need to include more such Blocks in the IRDP.

#### *Discussions with the Ministry of Labour*

3.57 Soon after their taking over the Commission decided to hold discussions with some important Ministries vitally concerned with the problems of and programmes for the Scheduled Castes and Scheduled Tribes. The Commission met the representatives of the Ministry of Labour on 21-9-1978. The Chairman stressed the importance of the labour force in rural areas, particularly since more than 50% of the Scheduled Castes were agricultural labourers and enquired of the Ministry as to what kind of proposals they had and what programmes they had undertaken in respect of the Scheduled Castes and Scheduled Tribes, particularly in the rural areas. It was stated by the Ministry that for a long time their efforts were centred only around plantations, industrial workers, mines and other similar units which were already organised or were relatively easy to organise. These programmes did not touch the mass of rural labour to whose ranks the majority of the Scheduled Castes and Scheduled Tribes belong. A beginning, however, was made with *bidi* workers, though confined to a very small number.

3.58 The Government of India have recently signed the Convention No. 141 of the International Labour Organisation. It is now the duty of the Government

of India in the Ministry of Labour to include the majority of rural labour in the ambit of the Ministry's programmes. This is also justified by economic considerations. It was stated that there were 130 million rural workers of which 47 million were landless and 54 million were small farmers and marginal farmers. There was, moreover, an unmistakable process of deterioration by which many farmers became small farmers, many small farmers became marginal farmers, many marginal farmers and tenants became landless agricultural labourers and many agricultural labourers became bonded labourers. The Labour Ministry were aware of the seriousness of the situation and had come up with some specific programmes in rural areas in recent years. These programmes are discussed below.

#### *Bonded Labour*

3.59(a) Since the most serious situation was that of bonded labourers, the Ministry have initiated a programme for releasing them. As in June 1978, 1.04 lakh bonded labourers had been identified in 11 States. During 1978-79 the Ministry have provided a token allotment of Rs. 1 crore as rehabilitation grant for bonded labourers. Each State had been asked to come up with specific rehabilitation programmes after obtaining detailed information in respect of each bonded labourer identified—name of landlord with whom he was working, the extent of indebtedness, etc. Eight States had so far sent their proposals; funds for these were to be released from the token allotment of Rs. 1 crore, but this amount could be increased to meet the requirements of the proposals sent. The Ministry had no budget constraint in this regard.

(b) The Commission raised the problems in the identification of bonded labour. While admitting that there were several, the Ministry informed that this was being undertaken also by voluntary agencies and that efforts both by the Government and such agencies would have to be intensified. The Ministry agreed with the Commission that it was imperative to take up rehabilitation programmes very soon after the identification of bonded labour and that any delay would ultimately only worsen the bonded labourers' position. Not only will the identified bonded labourers relapse into the bond on worse terms than before, but other bonded labourers would not cooperate with their identification and release.

(c) The important features of the rehabilitation programmes were :

- (i) These would be taken up primarily by the existing agencies in the rural areas like the Small Farmers Development Agency (SFDA), Integrated Tribal Development Programme (ITDP) and now the Integrated Rural Development (IRD) Blocks.
- (ii) Immediately on being freed, each bonded labourer is given some consumption finance, which in several States like Andhra Pradesh and Rajasthan is free from treasury control; this will enable the freed labourer to be independent of his erstwhile master at least in the immediate situation.



(iii) There are land-based schemes for the freed bonded labourers for which 50% assistance is to be provided by the Government of India and 50% by the States. The intention is to make the bonded labourer economically independent of the landlord by giving him suitable land and also ancillary assets wherever possible.

(iv) Where land is not available, some other programmes centred around animal husbandry, e.g., milch animals, poultry, sheep units, etc., are taken up again with the intention of providing the freed labourer a suitable and economically viable asset.

(v) In addition, wherever appropriate, certain skill-based programmes for the freed labourers are taken up—the intention is to impart crafts and skills which would enable the freed labourers to earn their living independently.

(d) The Ministry admitted that the process of rehabilitation of identified labourers had been slow, that the States would have to take this up on high priority and for this the Commission's assistance would be most helpful since ultimately it was the States who would implement the rehabilitation programmes for bonded labourers.

(e) The Ministry agreed that it was necessary to have a time-bound programme for the rehabilitation of bonded labourers who had already been identified; a time-frame upto the financial year 1979-80 was the outermost for the rehabilitation of these identified bonded labourers numbering more than a lakh. Any time-frame beyond that would defeat the very purpose of their identification and release. In respect of those identified in future release and rehabilitation would be simultaneous. Since finance was no constraint, the requirements for a comprehensive rehabilitation programme in a quick time-bound perspective would be worked out and the necessary financial provisions sought. The Commission would, during their discussions with the States, stress the importance taking up these programmes on priority. The Commission would also be prepared to lend their support to the Ministry if the latter so require at the level of the Planning Commission.

#### *Minimum wages for agricultural labourers*

3.60(a) The Ministry agreed with the Commission that the Minimum Wages Acts in the States were not really being implemented and that the returns to agricultural labourers, the majority of whom belonged to the Scheduled Castes and Scheduled Tribes, were less than what these should be. This was partly due to ineffective and insufficient staff in the field. The main difficulties of the States were in obtaining sufficient budget provisions from the Planning Commission for this 'non-development expenditure'. In this respect the procedure adopted by West Bengal, which had secured funds for the implementation of the Minimum

Wages Act under the Social Welfare head, would be recommended to other States by the Ministry of Labour since the West Bengal procedure brings out the position correctly.

(b) It was agreed that the States would be financed and helped by the Ministry to have an adequate machinery.

(c) The Ministry felt that it would be useful if a special officer to look into the mobilisation of agricultural labourers could be posted in each Block, as part of the team of extension officers.

#### *Rural Labour Camps and Workers' Education Scheme*

3.61 As part of the process for increasing the consciousness of agricultural labourers regarding their wages and conditions of work, the National Labour Institute had over the last three years organised several rural labour camps. The Commission noted that these were the first step and that it was also necessary to see that a proper evaluation of these camps was made and appropriate follow-up measures undertaken. It is not sufficient just to start the process at these camps. It is necessary to go much deeper and to pursue the thought process initiated by them. Voluntary agencies should also be utilised for the organisation and motivation of agricultural labourers. Simultaneously it was essential to recognise that such camps had a 'fall out' effect and that it was necessary to keep an eye over the village and the neighbouring villages to see that the landless labourers, including the Scheduled Castes and Scheduled Tribes, were not persecuted for participating in these camps or expressing themselves. It was agreed that it was also necessary to extend the Workers' Education Schemes to rural workers also.

#### *Organising the rural poor*

3.62(a) The organisation of the rural poor along lines suggested by the Planning Commission was recognised by the Ministry as a major requirement in the villages. The Labour Secretary informed that a committee to go into the matter in depth had been constituted and its recommendations would be part of those of the Working Group of the Labour Ministry, which in turn would be taken into account while formulating the Plan programme. The committee's report would also be sent to the Commission for their advice.

(b) The Ministry of Labour would need to work out in detail the programmes for helping the rural poor to organise so as to enable them to deal better with their socio-economic environment. Effective monitoring and evaluation of the schemes in the field would have to be ensured and sufficient care taken to account for the varied requirements of each specific area.

(c) It would be necessary as a follow-up to draw up schemes in relevant Ministries for the organised rural poor; it would be essential for the Ministry of

Labour to pursue this aspect also since only then will the entire effort of organising the rural poor bear fruit.

(d) A point was raised regarding the tribal labourers in areas where large scale industries disrupted their old pattern of existence and the tribals became destitute or low paid labour on sub-contract wages. It was stressed that the Ministry should try to do something for these unorganised and exploited labourers. The Ministry agreed that they would take up the matter of organisation of tribals whose environment was totally disrupted by the advent of large scale modern industries.

### *Training*

3.63 There are programmes for training provided primarily by the Industrial Training Institutes. While the reservation for the Scheduled Castes and Scheduled Tribes is laid down it was agreed that it was necessary to adopt additional measures for clearance of backlog. Moreover the Commission felt that training should be linked with job opportunities and placement and that in the I.T.Is and other similar institutes the course should be linked with the specific requirements of the area and their coverage from time to time. Thus for example, in the hinterland of a major industry it should be possible to orient courses in the I.T.Is so that some of the demands of the industry could be met locally. Job opportunities in existing industries and projects under construction should be identified in advance and candidates given requisite training in close collaboration with the Industries/Projects authorities so that the trainees may have immediate employment.

### *Special Employment Exchanges for Scheduled Castes and Scheduled Tribes*

3.64 It was felt that the Special Employment Exchange set up by the Government of Andhra Pradesh at Hyderabad was useful for the Scheduled Castes and Scheduled Tribes. The Labour Ministry agreed to consider the establishment of such Special Employment Exchanges for the Scheduled Castes and Scheduled Tribes in all the States. These Special Employment Exchanges would be able to watch the availability of manpower occupation-wise *vis-a-vis* the demands of the employment market. They would also be able to liaise with the training wing of the Ministry and other training institutions for providing relevant training programmes, since they would be in close touch with the emerging and changing trend of the employment market.

### *Special Component Plan*

3.65 The Ministry agreed that it was extremely useful and necessary for their Plan document to have an optimal Special Component Plan for the Scheduled Castes apart from the Sub-Plan for the Scheduled Tribes. In this section not only would specific physical programmes and financial outlays be set out, but policies and special orientation in respect of the Scheduled Castes and Scheduled Tribes also described.

This would enable more effective monitoring as well. The Ministry promised to include such Special Component Plan and Sub-Plan in the Medium Term Plan for 1978—83 and Annual Plans.

3.66 It was found that there was complete unanimity between the Ministry of Labour and the Commission. Enforcement of Minimum Wages for agricultural labourers, comprehensive programmes for bonded labour and helping rural workers to get organised and training dovetailing the employment opportunities were identified as the major tasks, pertaining to the Scheduled Castes and Scheduled Tribes within the purview of the Labour Ministry. It was agreed that the Ministry of Labour would implement these programmes in the light of these discussions. The Ministry of Labour were requested to intimate the Commission as to which States were particularly weak in implementing the above mentioned programmes so that the Commission might take up the matter with the concerned authorities. It was also agreed that an optimal Special Component Plan like the Tribal Sub-Plan would be prepared to serve as an efficient tool for ensuring the flow of benefits to the Scheduled Castes and to facilitate effective monitoring.

### *Discussions with the Ministry of Industrial Development*

3.67 The Commission held discussions with the Ministry of Industrial Development on September 22 and 28, 1978. The Commission enquired of the Ministry of Industry the details of any strategy they had in mind in the industrial sector for the Scheduled Castes and Scheduled Tribes in the rural areas and of specific programmes and job opportunities which these might be intended to create. It was stated by the Ministry that they intended to attack social problems on the economic front and find economic solutions for social problems. They admitted that the Scheduled Castes and Scheduled Tribes had so far not received adequate benefit from the Ministry's programmes. With a view to reaching them now schemes in the decentralised sector were being taken up and given an appropriate orientation, and suitable policy decisions were also being taken. For instance, it had been recognised that the selection of the backward areas for purposes of capital subsidy had left out obviously a backward district like Bastar. A sub-group had now been formed to go into this aspect of differential between regions of backwardness, to rationalise the selection of backward areas. In this way areas with a concentration of the Scheduled Tribes would be covered by incentives like capital subsidy for backward regions. However, for the Scheduled Castes, who were spread all over the country, other schemes would have to be taken up.

3.68 At a recent meeting of the Secretary to the Ministry with the heads of institutions like the Khadi and Village Industries Commission (KVIC) and Handloom and Handicrafts Boards it was decided that at least 30% of their financial outlay should go to the Scheduled Castes and Scheduled Tribes. Physical programmes would be identified on this basis and in areas where there was already some participation by the Scheduled Castes and Scheduled Tribes this percentage would be correspondingly higher. These

organisations were responsible for a range of programmes in the decentralised sector and the earmarking of resources in this manner would ensure the flow of benefits to the Scheduled Castes and Scheduled Tribes. The KVIC, for instance, operated through 27,000 cooperatives and was supporting 25 lakh workers, all within an annual budget of Rs. 40 to 45 crores. It was also decided that for tribal areas the geographical basis would be taken for all development activities and that the Scheduled Tribes' participation would be insisted upon in programmes in these areas, with a view to reducing exploitation by outsiders.

3.69 At the above-mentioned meeting a decision was taken that if any organisation under the Ministry did not conform with these guidelines of reservation of funds for the Scheduled Castes and Scheduled Tribes, there would be appropriate reduction in the overall releases to that organisation. The Commission appreciated this as an effective measure to enforce discipline in line with the Government policy and to enable practical monitoring.

3.70 The Ministry agreed that it would not be possible for KVIC, AIHB, Development Commissioner for Handlooms and the State Government Corporations and Boards alone to implement effectively the various decentralised programmes in the rural areas and that the involvement of voluntary organisations was essential. The Ministry had already called for the list of all voluntary organisations in the country from the Department of Social Welfare and would shortly be identifying those which had the potential and suitability to be associated with this work. The voluntary agencies would be given financial help but would be under the effective control of the Ministry with a view to ensuring that they function satisfactorily. The intention is to take advantage of the existing and available extension network of these agencies rather than to build a fresh and entirely new organisation. Simultaneously an effective monitoring and evaluating system to follow up the funding of these voluntary agencies is proposed to be built up.

3.71 The Ministry of Industrial Development had established close interaction with the Department of Rural Development in respect of the Integrated Rural Development (IRD) Blocks being set up by that Department. The District Industries Centres (DICs) were the critical element from the Industries side in this programme. The approach was firstly to bring the Scheduled Castes and Scheduled Tribes to an economic level above the poverty line by giving them some economic strength through specific programmes; next, through the DICs to organise and train them with a view to improving their production techniques and economic capabilities and finally to see that they were also able to obtain control over the tertiary sector to the maximum extent possible and thus contain exploitation by outsiders. Close, purposeful and effective monitoring was intended to oversee that the benefits of these programmes of the DICs did in fact accrue to the Scheduled Castes and Scheduled Tribes.

3.72 The Ministry agreed that in the organisation of the DICs, which in its staffing pattern had several managers for collage industries, raw materials, credit, etc., the field of specialisation should be linked with the needs of the area so that the location specific potential of each region could be adequately exploited. The DICs and the State, regional and national level bodies guiding the DICs would be instructed to see that the modern sector was not encouraged wherever traditional sector was active and to actually promote the further growth of the traditional sector and employment generation in such areas of production.

3.73 Rural marketing centres were also proposed to be established in DIC Blocks; these would go into all aspects of possible markets and accordingly try to dovetail the selection of small industries and allied investment in the area and also assist in finding solution for the marketing problems of artisans.

3.74 The Ministry agreed that to the maximum extent possible the processing of raw materials procured in tribal areas, for example, should be done in that area itself, thus ensuring that as large an extent of the value added as possible would flow to the primary workers. This would help to eliminate middlemen. The licensing policy for setting up industries could lay down a condition to this effect. The Commission felt that the Ministry should act on this suggestion since a measure of this kind would have a substantial and far reaching impact.

3.75 It was generally true that many areas rich in resources are poor in economic development. Thus in tribal areas when a new industry is set up, it makes destitutes of the tribals and leads to their recurring exploitation. The Ministry agreed that it would try to ensure that project reports covered the following important aspects in the interests of the Scheduled Castes and Scheduled Tribes.

(a) The maximum possible purchase of raw materials and other inputs is made in the immediate hinterland of the industry and where the raw materials are capable of being supplied by family units, like milk for milk processing units, at least 50% is taken from the Scheduled Castes and Scheduled Tribes.

(b) The benefits from such major industrial projects flow to a large extent to the inhabitants of the surrounding areas, including employment for the Scheduled Castes and Scheduled Tribes.

(c) The persons displaced by the projects are rehabilitated within the project itself.

(d) The local people specially the Scheduled Castes and Scheduled Tribes are trained for identified job opportunities and the responsibility for such training is taken up by the industry itself.

(e) The control over the tertiary sector in the project area should as far as possible go to the local population—shops, Commercial establishments, transport agencies, etc., with a reasonable proportion for the Scheduled Castes and Scheduled Tribes. In dealerships



of goods produced by public sector bodies at least 50% should be given to the Scheduled Castes and Scheduled Tribes.

3.76 It would not be difficult to see that the public sector conformed to this approach, but it might be a little more difficult to get the private sector to do so. The Commission suggested that these points could all be made conditions of the licence itself and also a prerequisite for securing credit and other facilities from the nationalised banks or other similar institutions. The Ministry agreed to take suitable follow-up action.

3.77 In keeping with the approach to decentralised programmes and to reach the rural areas the KVIC and other institutions had been asked to prepare detailed schemes and proposals. The Ministry promised to send their gist to the Commission. In all these programmes the objective would be to see that benefits reach the primary workers and that middlemen were effectively eliminated.

3.78 The Ministry agreed to undertake a review of the fiscal structure which seemed to tilt the balance in favour of capital-intensive technology through provisions like depreciation, etc., even where labour-intensive technology was otherwise competitive and viable, so as to bring about parity between them. Wherever labour-intensive technology in any industry was basically not viable, research and development would be directed to bring about improvements to make it viable.

3.79 Wherever market demand justified the admission of new entrants into any field, the Ministry agreed that 50% of the trainees/new entrants would be from the Scheduled Castes and Scheduled Tribes. But where the participation of the Scheduled Castes and Scheduled Tribes was already 50% or more, the percentage of new entrants from the Scheduled Castes and Scheduled Tribes would not be less than the existing pattern. The Ministry would ensure that crafts and industries in which the Scheduled Castes and Scheduled Tribes participate in large numbers, like leather, priority attention would be given to such crafts and industries to develop these to their fullest potential in such a manner that the primary producers' share in the net sale proceeds is maximised. Adequate financial outlay would be provided for this.

3.80 The Ministry agreed that a Special Component Plan for the Scheduled Castes and a Sub-Plan for the Scheduled Tribes in the Medium Term Plan incorporating the above programmes and approach and corresponding financial outlay would be the most useful proposition; not only would these identify the benefits and programmes for the Scheduled Castes and Scheduled Tribes but these would also make monitoring more effective. Therefore, a Special Component Plan and a Sub-Plan would be prepared as part of the Sectoral Plan, Medium Term as well as Annual.

3.81 At the meeting held on 28th September, 1978 the following items were discussed :

*Handicrafts.*—The Ministry stated that in the Working Group report recently finalised those crafts in which there was a predominance of the Scheduled Castes

were identified and selected for special and comprehensive attention. Agreeing with the Commission that the development of these crafts should be linked with the marketing prospects, it was stated that several training centres for craftsmen had been opened. It was hoped that through such training 6 lakh artisans could be added in the Plan period. There were at the moment 20 lakh such artisans of whom 19% belonged to the Scheduled Castes and 12.8% to the Scheduled Tribes. It was hoped to increase these percentages to 29 and 17.5 respectively in the Medium Term Plan period. To this end, the Working Group on Handicrafts had earmarked large percentages of trainees from among the Scheduled Castes and Scheduled Tribes. With these objects in view out of Rs. 90 crores of outlay Rs. 25 crores had been earmarked as Special Component Plan for the Scheduled Castes and Rs. 10 crores for the Scheduled Tribes in the Medium Term Plan and Rs. 4 crores and Rs. 1 crore in the Annual Plan 1979-80.

3.82 Among the training programmes already taken up by the Ministry the two most prominent and successful ones were carpet making and cane and bamboo crafts. Another programme, that of hand printing, had been identified as possessing large market potential.

3.83 The Chairman, All India Handicrafts Board, had recently observed that the bulk of the new trainees would be drawn from the Scheduled Castes for carpet making, there being enormous potential in the export market. The Handicrafts Board had been promoting this activity and this export had increased from Rs. 36 crores in 1974-75 to nearly Rs. 80 crores in 1977-78.

3.84 In this area employment was immediately available after the training. An evaluation study had shown that almost all the trainees were subsequently employed. The situation on account of the extremely good market at the moment was that an individual on completion of his training could immediately earn Rs. 10 as a daily wage paid to him for work in his own cottage. The training centres were located in the areas where there had been a tradition of carpet weaving; there were 160 old centres, 490 centres were sanctioned in 1977-78 and 127 new centres were proposed for 1978-79. These centres were expected to continue in the new plan period. As a consequence of the direct link up of demand with training, employment and marketing this had proved to be a very successful programme. A major part of the new trainees would be from the Scheduled Castes and Scheduled Tribes as earmarked by the Working Group.

3.85 Similarly cane and bamboo crafts had been taken up in a big way and had proved to be extremely successful particularly in the North Eastern States. Here also the link up of training, production and market had been ensured.

3.86 Many States had their own Handicrafts Boards/Corporations and the Ministry had proposed that Central Assistance through matching share capital be given to these Corporations and Boards. This

would enable them to help artisans directly in respect of marketing and raw material supply. Since ultimately the States had to bear the brunt of the responsibility for developing handicrafts, it was necessary that a strong and viable structure and organisation was created. The Government had included in the All India Handicrafts Board one Scheduled Caste member and one Harijan Christian member.

3.87 The question of exploitation of the primary carpet workers was raised by the Commission. There was a Minimum Wages Act for carpet weavers. The problems of credit for artisans and the high rate of interest were also discussed. To get over this problem it was suggested to the Ministry and the AIHB that they might link up with the Scheduled Castes/Scheduled Tribes Development Corporations existing in States which were eligible for DRI (differential rate of interest). By this means credit at reasonable rates can become available for the Scheduled Caste/Scheduled Tribe artisans. The Ministry and the AIHB agreed to this suggestion of the Commission.

#### *Sericulture*

3.88 There are over 3.5 million people engaged in sericulture of which about one-third belong to the Scheduled Castes and Scheduled Tribes. There were mainly two kinds of sericulture prevalent in India, viz., *tasar* and mulberry. *Moga* and *eri* were also practised but on a small scale. At present *tasar* silk production was confined to the tribal belts of Madhya Pradesh and Bihar. The temperate *tasar* belts in Nagaland, Meghalaya, etc. were at present hardly exploited. Both were predominantly tribal areas and approximately 10% of the population of 1.2 million were engaged in silk production. As per the recommendation of the Working Group on Sericulture this number was to be doubled in the Plan period. Among the programmes were :

- (a) The supply of disease free layings from 40 grainage centres : this has been included as part of the Tribal Sub-Plan.
- (b) The coordination of research extension and training : this is being taken up by the Centre through the *Tasar* Research Institute at Ranchi and the Silk Board in an attempt to open a dialogue between field work and research.
- (c) Marketing and supply of raw materials.

A raw material bank has been set up at Chaibasa with sub-centres in Bihar, Orissa and Madhya Pradesh. The purpose was to eliminate sales of cocoons and to purchase them. Ten to 20% of the inflow into the market had already been captured, but the intention of the raw material banks was not monopoly purchase but to help producers get a fair price from private trade. Similar programmes were being taken up in the temperate *tasar* belt where reeling and weaving were also generally being introduced to support cocoon cultivation.

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3.89 Eightyfive per cent of mulberry cultivation was confined to Karnataka and the rest was almost entirely in Jammu & Kashmir and West Bengal. It had now been conclusively proved that mulberry cultivation could be extended to areas hitherto considered unsuitable. This had already been tried in several parts of the country, e.g., Raichur and Gulbarga in Karnataka and Ramanathapuram District of Tamil Nadu. Some parts of Madhya Pradesh, Andhra Pradesh and North Bihar also seem to have considerable potential. The Ministry's approach with regard to mulberry has been (i) to consolidate it in existing areas and (ii) to extend it to non-traditional areas. While mulberry cultivation required more care than *tasar*, its returns were also substantially more, being about Rs. 10,000 per acre right from the first year. The Ministry had already under examination a scheme for involving landless agricultural labourers and marginal farmers belonging to the Scheduled Castes and Scheduled Tribes in these programmes, as in Karnataka where there was already a shortage of mulberry leaf and a programme for the supply of leaf to landless agricultural labourers along-with the support for establishing rearing houses was being contemplated. Mulberry could be grown on Government lands which were found suitable, in appropriate agro-climatic zones, and this could be linked with the programme for landless agricultural labourers. The Commission were in full agreement with the Ministry that this had considerable potential for farmers and landless agricultural labourers belonging to the Scheduled Castes and Scheduled Tribes. It was stressed upon the Ministry that a suitable and comprehensive package programme be worked out which would link up all stages from the supply of the leaf to marketing, covering also training and technical supervision with emphasis on the Scheduled Castes and Scheduled Tribes.

3.90 Among the Ministry's programmes was the setting up of regulated markets as had been done in Karnataka. With the State Board's Marketing Federation, market yards had been set up, problems of grading were being tackled and 20% of the purchases were being bought by the Federation. Here again, as with *tasar*, the intention was not monopoly purchase but helping producers to get lesser price from private trade.

3.91 The Ministry informed that the reelers were among the most impoverished in the silk industry and many of them came from the Scheduled Castes. The price stabilisation scheme in Karnataka and the intervention of the Silk Marketing Board supported by legislation for purchase, if necessary, were intended to give a fairer deal to the reeler and the weaver. The intention all along was to cut down unfair margins of middlemen and to see that the primary workers derived optimal benefits. The formation of reelers' cooperative societies and the activities of the Silk Marketing Board are among the attempts to achieve this objective.

3.92 Some problematic aspects identified were :

- (i) In actually reaching the primary workers both for the supply of raw material and for purchase, while infrastructure development is

important, it is necessary to keep the ultimate objective in mind that the benefits have to flow to the primary worker.

- (ii) The training of Scheduled Caste/Scheduled Tribe persons as weavers is important. The Weavers' Service Centres started by the Ministry in the States had tried to tackle the problems but this perhaps could be pursued more effectively. The Ministry assured that finance was not a constraint. In training programmes a large percentage of the trainees may be earmarked for members of the Scheduled Castes and Scheduled Tribes.
- (iii) This is a programme with enormous potential of development for landless agricultural workers among whom the Scheduled Castes and Scheduled Tribes predominate. Hence, the bulk of the benefits, at least 50%, from this sector could be earmarked for them.
- (iv) For the same reason the Ministry may move for getting Plan funds commensurate with the limits of the markets and channelise the bulk of the benefits to the Scheduled Castes and Scheduled Tribes.

#### *Handlooms*

3.93 The following lines of approach were agreed upon :

- (i) There is a large proportion of the Scheduled Castes and Scheduled Tribes among weavers. Their standards need improvement. Programmes of handloom development may cover them as a priority target group.
- (ii) In the various other development programmes for existing handloom weavers including marketing, design, etc., intensive attention may be given to weavers belonging to the Scheduled Castes and Scheduled Tribes as a priority target group.
- (iii) If and to the extent the market permits newcomers to be admitted to the profession in an organised manner, a substantial proportion of such new admission may be earmarked for the Scheduled Castes and Scheduled Tribes.
- (iv) The Ministry and the Development Commissioner Handloom may make efforts to get loans at DRI for Handloom Boards/Corporations to the extent they are intended for the Scheduled Caste/Scheduled Tribes weavers. However, in the meanwhile this purpose could be achieved by the Handloom Boards/Corporations suitably associating the Scheduled Castes/Scheduled Tribes Development Corporations which are an eligible channel for loans at DRI.

#### *Organised Industry*

3.94 As far as industries are concerned the benefits to the Scheduled Castes and Scheduled Tribes would be indirect in the shape of the employment generated in the area, the scope for ancillary and downstream self-employment schemes, dealerships, etc. In these there could be a positive bias in favour of the Scheduled Castes and Scheduled Tribes and schemes such as the retail sale scheme of the National Textile Corporation, in which the Ministry are understood to be proposing to earmark 50% for the Scheduled Castes and Scheduled Tribes, could be considered. The Ministry would examine the possibility of issuing guidelines. The linkages involved by providing loans and seed money for setting up such self-employment projects or dealerships for the Scheduled Castes and Scheduled Tribes would also have to be made and the concerned industry would be required to be made responsible. Suitable orientation in the licensing policy may be considered by the Ministry.

#### *Special Component Plan*

3.95 The Ministry agreed to the suggestion that it was extremely useful and necessary for their Plan document to have an optimal Special Component Plan for the Scheduled Castes apart from the Tribal Sub-Plan. In this section not only would specific physical programmes and financial outlays be set out, but policies and special orientation in respect of the Scheduled Castes and Scheduled Tribes would also be described including the various possibilities discussed above as well as other possibilities. This would enable more effective monitoring as well. The Ministry promised to include a Special Component Plan and a Tribal Sub-Plan in their Medium Term Plan 1978—83 and Annual Plans.

#### *Discussions with the Ministry of Agriculture*

3.96 The Commission held discussions with the representatives of the Ministry of Agriculture on 29th November, 1978. The following items were discussed :

#### *Special Component Plan for the Scheduled Castes*

At the meeting of the Agricultural Production Commissioners, etc., on November 22-23, 1978, the Secretary, Ministry of Agriculture, advised them that in the State Plans there should be a special component for the Scheduled Castes. The Commission requested the Ministry to send written instructions to the State Governments in this regard and suggested that the earmarking of funds for the Scheduled Castes should be done for each Block in proportion to their population in the specific target group for each programme and not in their proportion in the total population. The funds so earmarked should be non-divertible and budgetary devices like separate minor heads should be brought in for the satisfactory utilisation of these resources. Besides some weightage should be given for the Special Component Plan as has been done in the case of the Tribal Sub-Plan. Where the proportion of the Scheduled Castes in the target group was not readily available, 50% of the funds should be earmarked for the Scheduled Castes. But for the Medium Term Plan the proportion of the

Scheduled Castes in the target group had to be identified in any case. The Commission also suggested that the Planning Commission should be requested to send circulars immediately to the State Governments and the Central Ministries for including the Special Component Plan in their Annual Plans for 1979-80 as well as the Medium Term Plan.

3.97 The Commission observed that since the Scheduled Castes were dispersed all over the country and not concentrated in any particular areas it was necessary that the programme for the Scheduled Castes should be either family oriented or hamlet oriented. The various programmes of the Ministry of Agriculture would have to be given a special reorientation so that in respect of the Scheduled Castes actual families, or where the Scheduled Caste families constitute the predominant population in a hamlet, such hamlets can be covered. The Ministry of Agriculture should arrange that in every village the different programmes as also the allocations take care of this special locational problem of the Scheduled Castes.

#### *Tribal Sub-Plan*

3.98 The inclusion of the Tribal Sub-Plan in the State Plans had more or less been implemented but it was reported that the Ministry of Agriculture had not yet fully implemented this. So far out of 10% of the total funds that were proposed to be earmarked for the Scheduled Tribes only 50% of earmarking had been done for 1979-80. For the balance 50% exercise was yet to be completed. For the Medium Term Plan also this exercise remained to be completed.

#### *Special Central Assistance*

3.99 The Commission suggested that the Ministry of Agriculture should provide a Special Central Assistance for the Scheduled Castes as in the case of the Scheduled Tribes to supplement the programmes of the Ministry/State Governments and that this Special Central Assistance should be both incentive based as well as need based. It was reported that the Ministry of Agriculture had partly quantified funds from this sector for the Tribal Sub-Plan areas in the country and that it was agreed that 10% of the total funds should flow to these areas. It would appear that out of an allocation of Rs. 300 crores for 1979-80 to the Ministry of Agriculture they had been able to earmark about Rs. 15 crores for the schemes to be implemented in the Tribal Sub-Plan areas, while for the balance of Rs. 15 crores the exercise was yet to be done. Similarly, the exercise had yet to be completed in the Medium Term Plan 1978-83.

#### *General Policy*

3.100 There are several programmes like SFDA, MFAL, DPAP, etc., which are directed towards benefiting the weaker sections of the society. The Commission suggested that while implementing these programmes the first preference should be given to the Scheduled Castes and Scheduled Tribes who form the poorest section of the society. The allocations to be made for the purpose should be at least proportionate

to the target group of which the Scheduled Castes and Scheduled Tribes form a part, if not more.

3.101 At present subsidy is available in MFAL @ 33½% and in SFDA @ 25%. The Commission suggested that in respect of the Scheduled Castes and Scheduled Tribes the raising of the quantum of subsidy to 50% to 75% might be considered and the balance amount made available in the form of loans at low rates of interest such as in DRI. The Commission suggested to the Ministry of Agriculture that generally the element of subsidy to the Scheduled Castes and Scheduled Tribes under the relevant schemes should be 75%, that the balance should be met by loans at DRI, that there should be moratorium on recovery of loans for at least one year and thereafter the recovery should be in easy instalments.

#### *Crop-oriented Programmes*

3.102 In crop-oriented programmes demonstration plots are undertaken. The Commission suggested that these demonstration plots should be taken up in the lands of the Scheduled Castes and Scheduled Tribes to the extent of at least 50%, if not more. Similarly in respect of supply of inputs like seeds, fertilizers and pesticides the element of subsidy in respect of the Scheduled Castes and Scheduled Tribes should be increased to 50% to 75% and the balance made available in the form of loans at DRI.

#### *Minor Irrigation*

3.103 The Commission observed that as the Scheduled Castes were very small holders of land, generally speaking individual irrigation wells would be more beneficial for them. Here also there should be an element of subsidy to the tune of 50% to 75% and the balance should be in the form of loans at DRI. Where any area schemes of minor irrigation are feasible in Scheduled Caste *Bastis* they should also be given preference over other minor irrigation schemes in case there are constraints of availability of finance. In the case of such minor irrigation schemes the Scheduled Castes should be exempted from payment of any taxes until their farms become remunerative, i.e., for about three to five years and even thereafter the rate of levy should be half of the norm.

3.104 The Commission suggested that there should be a programme to cover all the holdings of Scheduled Caste landholders with irrigation wells to the fullest possible extent. To ensure the maximum coverage by irrigation wells, self-contained teams including ground water specialists, revenue and agricultural officers, individuals from credit agencies, etc., should be formed; these units should be adequate in number to exploit the entire ground water potential in areas where there is a fair amount of land-holdings of the Scheduled Castes, in a time bound programme, say, within three years. Such units should be provided with sufficient physical and financial resources including drills, etc. In respect of surface water irrigation it should be ensured that the landholdings of the Scheduled Castes in the command areas are fully

covered through channels and necessary physical and financial support is made available.

3.105 The Chairman, Central Ground Water Board, informed that in the schemes implemented by the Board there was a proposal to provide subsidy to small farmers to the extent of 25%, to marginal farmers owning less than one hectare of land to the extent of 33½% and to the Scheduled Tribes to the extent of 50%. He further informed that under minor irrigation a total provision of Rs. 34 crores had been made in the Tribal Sub-Plan which amounted to 15% of the total allocations for the country.

3.106 The Commission reiterated the recommendation of the Working Group on Tribal Development that there should be moratorium on recovery of loans for a minimum period of three years. They suggested that as many minor irrigation schemes as feasible should be located in the tribal areas to raise the low level of productivity. The Ministry of Agriculture were requested to prepare a Master Plan based on State surveys for the entire country and relate it to higher production. The Ministry would also be required to provide resources to match the perspective plan. It was reiterated that with the spurt in construction of major and medium irrigation works after Independence and consequent increase in the commands of the irrigation works the need of realising faster and optimum utilisation of the irrigation potential created was keenly felt. With this objective in view the Command Area Development (CAD) scheme was introduced in the Central Sector in December 1974. It covered at present 47 irrigation projects administered by 36 CAD Authorities located in 12 States covering 102 districts. The main emphasis under this scheme was on the improvement of water conveyance and drainage system. The programme also laid emphasis on various on-farm development activities with special emphasis on the weaker sections to enable them to take fuller part therein. Therefore, many of the benefits available to small and marginal farmers under the SFDA programme were available to them in this programme also.

#### *Animal Husbandry*

3.107 The animal husbandry schemes may be allied to or independent of agriculture. The Commission suggested that schemes of piggery, poultry and animal husbandry should be encouraged among the Scheduled Castes by identifying families and their preferences. The cost of supply of animals should be subsidised to the extent of 50% to 75% and the balance should be met in the form of loans at DRI. The recovery of loans should start only after the Scheduled Caste families have started making earnings from the produce of animals supplied to them. Generally the recovery of loans should be deferred for a period of a year or two and even thereafter it should be in suitable instalments spread over a few years. Another important aspect relating to animal husbandry was supply of feed and fodder. Until such time as the Scheduled Caste families were in a position to make actual earnings out of the produce of the animals supplied to them, feed and fodder should be made

available to them free of cost—generally speaking for about a year or so. Suitable processing and marketing facilities for sale of the produce of animals should also be developed and made available to the Scheduled Castes. Necessary organisation might be built up for the purpose.

3.108 In respect of the tribal areas the Commission gave suggestions mentioned in paras 3.52 and 3.53 above. They added that while the emphasis on marketing was integral to any scheme of animal husbandry, the requirement of nutrition of tribals needed adequate attention. The programme should be so contrived as to be well within the management capacity of an average tribal.

3.109 The Animal Husbandry Commissioner informed that about 8,000 dairy cooperatives were functioning in the country. He also gave information about the situation relating to poultry development. He further informed that their Ministry's proposals under animal husbandry for the Sixth Plan amounted to about Rs. 136 crores out of which about Rs. 40 crores would go to benefit the Scheduled Castes and Scheduled Tribes. The total number of beneficiaries was estimated to be 19 lakhs including 5.5 lakh SC/ST beneficiaries. In every SFDA area beneficiaries were being identified. During the Fifth Plan the target was 7.46 lakh beneficiaries and it was reported that about 23% of the beneficiaries belonged to the Scheduled Castes and 8.5% to the Scheduled Tribes.

3.110 The Additional Secretary, Department of Agriculture, informed that there were one or two schemes of fisheries specially designed for the Scheduled Castes but in marine fisheries the Scheduled Castes were not involved. A number of Fish Farmers Development Agencies had also been set up.

#### *Horticulture*

3.111 The Commission gave suggestions mentioned in para 3.48 above. They added that the Government of Orissa had taken up a major programme of plantations alongwith these lines and the remaining State Governments could follow suit. These proposals were particularly feasible in areas like Himachal Pradesh, Chhota Nagpur, etc.

#### *Forestry*

3.112 The Commission recommended that works might be given to the Scheduled Castes through labour contract societies without middlemen.

3.113 The Commission further gave suggestions mentioned in paras 3.49 to 3.51 above. They added that where the rights of the tribals to collect minor forest produce, timber, etc., were not recorded, these should be recorded. The Inspector General of Forests stated that one or two pilot schemes of cooperatives of the Scheduled Castes and Scheduled Tribes should be started.

3.114 The Commission drew the attention of the Ministry to the grazing problems in the hilly areas mentioned in para 3.54 above. This problem was particularly faced by the tribals of Himachal Pradesh.



The Commission desired that suitable remedial measures should be taken expeditiously.

### *Minimum Wages*

3.115 The Commission observed that in a labour surplus economy it was difficult to enforce minimum wages laws unless special steps were taken by the Government to provide public works where agricultural labour could be employed not merely in the off season to provide employment to them but also in the agricultural seasons of sowing, harvesting, etc., so that an element of competition was introduced and landlords had to pay them the minimum wages with a view to getting the agricultural operations done by them. The public works that should be undertaken should be productive such as irrigation including minor irrigation works, soil conservation, land development schemes, etc.

3.116 The Commission also enquired from the Ministry of Agriculture about the concept of land army.

### *Land Ceiling Laws*

3.117 The Commission gave suggestions mentioned in paras 18 to 20 above. The Ministry informed that there were about 10.55 lakh beneficiaries under the surplus ceiling laws. Out of them about 40% belonged to the Scheduled Castes and 12.46% to the Scheduled Tribes. In terms of areas, 34.26% of the surplus ceiling land was allotted to the Scheduled Castes and 14.58% to the Scheduled Tribes. Their representative informed that the State Governments had been requested to ensure that the allottees of surplus land were not evicted.

3.118 The Additional Secretary in charge of Land Reforms observed that in the totality of the problems the Scheduled Castes faced today surplus land was not going to make much change. There were about 290 million people (46% of the total population) in the country below the poverty line and the majority of the people below the poverty line belonged to Scheduled Castes and Scheduled Tribes. Therefore, allotment of surplus ceiling land could only marginally solve their problems and in order to bring them above the poverty line employment opportunities, distributive justice and consumption benefits were essential. However, the Planning Commission had issued instructions in 1972 that wherever land was available it should be distributed among the landless. The Agriculture Secretary observed that the Central Government could only request and advise the State Governments in the matter of land reforms which was a State subject.

### *Assistance to landless labourers*

3.119 The Agriculture Secretary further added that his Ministry already had a scheme of assistance for land development to landless labourers allotted land. Under this scheme about Rs. 200 per acre were sanctioned as grant for land development and besides Rs. 100 per acre per season were sanctioned for two years. There was also a provision for subsistence

allowance. Under this programme about Rs. 13 crores had been sanctioned so far during the last three years but the information as to how much money was actually spent was not available. During 1978-79 there was a provision for Rs. 4 crores but sanctions could not be issued for more than Rs. 1 crore. The Commission requested the Ministry of Agriculture to intimate as to how much amount under this programme was made available to the Scheduled Castes and Scheduled Tribes. The Commission suggested that the funds meant for development of land allotted out of surplus land should be made available also for Government land allotted to the Scheduled Castes and Scheduled Tribes.

3.120 In cases where land was settled with the Scheduled Castes and Scheduled Tribes it was obvious that it would take time for the land to yield income. Until such time that the land started yielding income consumption loan should be given at low rates of interest so that these Scheduled Castes and Scheduled Tribes persons did not fall into the clutches of money-lenders.

### *Share-croppers*

3.121 The Commission observed that a large number of the Scheduled Castes were share-croppers whose rights over land had not been recorded in the record of rights. Special steps must be taken to ensure that the rights of the share-croppers were recorded so that they could have security of tenure over the land which they cultivated. Similarly in cases where their rights were recorded as share-croppers it was necessary to ensure that they were not evicted by landlords. In cases where such eviction took place the land should be restored to the share-cropper and suitable action taken against the landlords. This also applied to cases where surplus land acquired under the ceiling laws was settled with them.

### *Land alienation*

3.122 The Commission pointed out that in some of the States there were laws which gave protection to tribals in case of sale/alienation. Similar provision is necessary for the Scheduled Castes. The Additional Secretary in charge of Land Reforms stated that land alienation was not the most important problem in respect of both the Scheduled Castes and Scheduled Tribes. He informed that 46% landowners amongst them owned less than one acre each and that the land owned by them constituted 2% of the entire land in the country. According to him 5 lakh hectares of land changed hands by 1974 and another 5 to 7 lakh hectares after 1974. This was less than 1% of the total arable land (150 million hectares). The Commission, however, emphasised that it is necessary to prevent alienation of land and that laws should be enacted to protect the Scheduled Castes from land alienation on the lines of similar laws in respect of the Scheduled Tribes. The Agriculture Secretary stated that some States already had laws to prevent alienation of land of the Scheduled Castes and that his Ministry had written to the remaining State Government to follow suit.

3.123 The Commission suggested that special laws should be enacted ousting the jurisdiction of civil courts in cases of eviction of the Scheduled Castes and Scheduled Tribes.

#### *Integrated Rural Development Programme*

3.124 The Ministry of Agriculture informed that under the IRDP in the next five years the bulk of the Blocks in the country would be covered. It was envisaged that 300 families per year would be benefited; thus over the five years of the Medium Term Plan we might expect 1500 families per Block to be covered by some schemes. On an average there were about 20,000 families in a Block of which approximately 3,000 (15%) might be taken to be from the Scheduled Castes. The Commission observed that the Scheduled Castes comprised the lowest strata among the rural poor and suffered from additional social disability. The experience had been that the Scheduled Castes were invariably bypassed in the normal and routine implementation of programmes. Therefore, special efforts should be made to ensure that they were covered. It would be necessary to specifically earmark the flow of benefits to the Scheduled Castes in the IRDP and to see that at least 50% of the beneficiaries are from the Scheduled Castes. Guidelines down to the field level would require to be issued by the State and followed up by effective monitoring and evaluation of the IRDP specifically with a view to ensuring the flow of benefits to the Scheduled Castes.

3.125 The Commission also observed that only 91 Blocks coming within the Tribal Sub-Plan areas were included in the IRDP, while the total number of such Blocks was 503. They suggested that there was need to include more such Blocks in the IRDP. The Ministry informed that out of 300 Blocks which were presently covered under the IRDP there were 200 Blocks having more than 20% Scheduled Caste population each. The remaining 303 Blocks were expected to be covered during the next two years.

#### *Strengthening of Block agencies*

3.126 The Commission observed that additional investments were being pumped in the tribal areas of the States creating a heavy workload. The Block agency was in a moribund condition in some States, while in other States its position might not be so bad but it might still not be able to take on additional burden. The Commission suggested that there was need for strengthening the staff structure, particularly of the Village Level Worker and at the Block level.

#### *Cooperative and Institutional Finance*

3.127 The Commission gave suggestions mentioned in paras 3.37, 3.38, 3.39 and 3.55 above. They observed that it had been noticed that so far as supply of credit facilities was concerned the middle and bigger farmers managed to get away with the bulk of the institutional credit either in the form of cooperative credit or commercial bank credit. The Commission suggested that first priority in providing credit should be given to the Scheduled Castes and Scheduled Tribes and their needs for credit fully met. It was only thereafter that the credit needs of somewhat more

affluent sections should be taken care of. Credit should be provided to the Scheduled Castes and Scheduled Tribes at DRI. They further suggested that institutional arrangements like the Scheduled Castes Financial Corporations might be made so that they could underwrite the grant of loans to landless labourers for credit for their occupations such as animal husbandry, piggery, poultry, etc., and insofar as sharecroppers were concerned they were enabled to get facilities for inputs on the basis of the guarantee for credit given by the Corporations or other institutional set-up.

3.128 The Commission suggested that to enable the Scheduled Castes and Scheduled Tribes to become members of cooperative societies and avail of credit facilities it was desirable that share capital and registration fee for them should be given as subsidy by the Government.

3.129 The Ministry of Agriculture informed that due emphasis was being given in the cooperative sector to the weaker sections and that 20% of the total loaning was being done to the weaker sections by each District Cooperative Central Bank. About one-third of the total institutional credit in the rural areas was flowing to the weaker sections and there was a proposal to raise it to 50%. In areas where small farmers were in large numbers, e.g., Kerala and West Bengal, the proposal was to go even beyond 50%. The Commission wanted to know as to what extent the Scheduled Castes and Scheduled Tribes were being benefited from institutional credit. The Ministry stated that such information was available only in respect of the primary cooperative societies but in other institutional financing there was at present no system of monitoring whether the beneficiaries belonged to the Scheduled Castes and Scheduled Tribes.

#### *Adaptation of programmes for tribals and special programmes for tribal areas*

3.130 The Commission observed that the agro-climatic conditions of tribal areas were different from those of non-tribal areas. Most of the tribal areas were uplands and were characterised by poor soils, erratic rainfall and low-grade technology. Hence, the norms and prescriptions usually evolved for non-tribal areas were not strictly relevant for tribal areas. In the tribal areas presently the major crops were a millets, (b) oil seeds and (c) pulses. Paddy and such heavy duty crops were not grown on a comparable scale. Hence, the Commission suggested that while prescribing remedies in the agricultural field the prescriptions of non-tribal areas should be suitably altered and adapted for tribal areas. Where found necessary, special programmes should be evolved for tribal areas. The Ministry of Agriculture might like to issue instructions to the State Governments accordingly.

#### *Adaptive research and experimentation*

3.131 The Commission gave suggestions contained in para 3.45 above. The Agriculture Secretary informed that the ICAR had taken up research in tribal areas on coarse grains, etc., and that more research stations were being opened.

## CHAPTER IV

### SOCIAL DEVELOPMENT OF THE SCHEDULED CASTES AND SCHEDULED TRIBES

In the Chapter on Economic Development of the Scheduled Castes and Scheduled Tribes a reference has been made in para 7 to the policy paper sent by the Commission on 3rd January, 1979 to the Prime Minister, the Deputy Chairman of the Planning Commission and the Minister of State for Home Affairs. The suggestions contained therein relating to social development of the Scheduled Castes and Scheduled Tribes are reproduced below.

#### *Provision of drinking water*

4.2 The importance of meeting the basic need for drinking water for the disadvantaged group of the Scheduled Castes, who suffer from social disabilities, can hardly be overemphasised. From the integration point of view it is indeed desirable that the Scheduled Castes should be enabled to use common drinking water wells along with caste Hindus. But in actual practice the Scheduled Castes are deprived of this facility in many cases. It will be more practical and it will also avoid inconvenience to the Scheduled Castes if wells are provided in their hamlets/tolas. Considering this basic need of the poor Scheduled Caste people any other consideration should not stand in the way of making this essential provision in their habitat.

4.3 Adequate provision of clean potable water should be made in all tribal hamlets at Government cost within a time bound programme.

4.4 Where wells are not feasible, piped water supply schemes may be taken up with a provision for public taps. Keeping in view the size of the population more than one well/tap may be provided. Water supplied through public taps should be free of charge. Only when water connections are provided in individual houses water supply may be taxed on a concessional rate for the Scheduled Castes/Scheduled Tribes.

#### *House-sites and housing*

4.5 In majority of the cases the living conditions of the Scheduled Castes/Scheduled Tribes are pitiable. The first and foremost requirement is to provide a house-site to each poor Scheduled Caste/Scheduled Tribe family in both rural and urban areas. The house-sites should be provided free of cost by settling Government land with them wherever it is available. Where Government land is not available land should be acquired at Government cost and settled with them. The cost of development of house-sites should also be borne by the Government. Every possible effort should be made to provide developed house-sites to the Scheduled Castes/Scheduled Tribes in their own hamlets/tolas as there is reluctance among them to shift

to other sites which are generally isolated, distant or unhygienic.

4.6 In many cases the Scheduled Castes/Scheduled Tribes live in huts or small houses on plot belonging to landlords who sometimes evict them. Suitable legislation may be enacted, where not already done, to confer proprietary rights to the Scheduled Caste/Scheduled Tribe persons on such homestead land. *Pattas* may be issued to them free of charge and effective measures taken to prevent their eviction from such plots.

4.7 The Scheduled Caste/Scheduled Tribe persons who are provided with house-sites should also be given adequate financial assistance for construction of houses. If 100% grant is not feasible, at least 75 % grant and 25% loan at DRI may be provided.

4.8 In urban areas the Scheduled Castes generally live in small dingy houses in unhygienic localities. They should be given financial assistance on the same lines as mentioned above to construct new houses or improve their existing ones. For scavengers and sweepers provision of houses by the municipal bodies is a must. Nominal rent could be recovered from them.

4.9 For improvement of urban slums not only housing but other developmental schemes and common facilities may be provided on a priority basis and the allocations for this purpose in the urban development programme should be not in the proportion of the population residing in the slums to the total population of the town or the city but adequate weightage may be given to slum dwellers.

#### *Education*

4.10 Education is a great leveller and, therefore, maximum importance should be attached to educational programmes. The allocations for various educational schemes should be increased manifold to enable the Scheduled Castes/Scheduled Tribes to avail of real benefits. To encourage the Scheduled Castes/Scheduled Tribes to send their children to primary and middle schools these may be located in their hamlets/tolas as far as possible and books, uniforms, mid-day meals, etc., should be provided to them at Government cost. At levels of higher education scholarships which should be adequate keeping in view the present day cost of living should be provided as to cover all the Scheduled Caste/Scheduled Tribe students. They should be encouraged to reside in general hostels instead of exclusive hostels run by the Welfare Departments or non-official agencies. The Government of Karnataka had initiated such a scheme some years back. The difference between the expenditure on



residence in a general University/College hostel and the amount of the Government of India Post-Matric Scholarships was met from a State Sector Scheme. This was followed by some other States also. But it was found that the Scheduled Caste/Scheduled Tribe inmates were not quite enthusiastic about residing in a general hostel as they did not have proper and adequate clothes nor any funds for out of pocket expenses. Therefore, the amount of scholarships for the Scheduled Caste/Scheduled Tribe students residing in general hostels should be adequately enhanced to cover expenditure on clothing, out of pocket expenses, etc.

4.11 The Commission recommend that right from the formative stage curriculum should be prescribed emphasising that all human beings are equal and that untouchability is a sin.

4.12 Special efforts are needed to spread education among Scheduled Caste/Scheduled Tribe girls and among children belonging to families engaged in unclean occupations.

4.13 Residential schools, run by the Government or reputed non-official agencies, should be established to attract tribal children who should be provided with free board and lodging, uniforms, text-books, etc. The curricula of the Primary Schools in tribal areas should be suitably prepared so as to bring harmony between instruction and environment. Primary School education should be imparted through the tribal dialect, as far as possible. In difficult areas the school staff should be given financial and other incentives. It would be better to have devoted couples to work as teachers together in the same school, otherwise often the schools in tribal areas have to face the problem of absentee teachers.

#### *Unclean Occupations*

4.14 The unclean occupations like scavenging, flaying, tanning, etc., should be delinked from caste. The working conditions of those engaged in such occupations should be improved and minimum living wages ensured to them. The recommendations of the Scavenging Conditions Enquiry Committee and the Committee on Customary Rights to Scavenging headed by the late Prof. Malkani should be implemented in right earnest. Scavenging must be municipalised in

the States where it is still done by private scavengers. Dry latrines should be converted into water-borne ones either connected with underground sewers, or, where such sewers cannot be laid, hand-flush latrines. As many cities and towns as possible should be covered by a time bound programme of conversion of dry latrines into water-borne ones with Government assistance, the Ministry of Health and Family Welfare should provide adequate funds for this programme which should be completed within two years. Simultaneously a well thought out programme for diversion of people from unclean to clean occupations may be undertaken. The concrete suggestions given by Prof. Malkani in his Report in 1966 may be implemented with funds provided for the purpose by the Ministry of Home Affairs and other concerned Ministries. The children of those engaged in unclean occupations, particularly scavengers, should be provided with facilities of residential schools, pre-matric scholarships and Balwadis. Their education should be so oriented as to enable those to settle in gainful employment after completion of secondary/higher secondary education who want to do so, so that they may not have to revert to their traditional occupation.

#### *Health*

4.15 Medical facilities in tribal areas are still very inadequate. The number of dispensaries including mobile dispensaries with adequate staff and medicines should be increased. Special programmes to control and eradicate diseases peculiar to tribal areas may be implemented in a more effective manner. Suitable health programmes should be taken up to meet the nutritional deficiencies some of which are peculiar to tribal areas.

#### *Excise Policy*

4.16 The excise policy envisages discontinuance of commercial vending of liquor in predominantly tribal areas and allowing the tribals to prepare their traditional drinks for personal and social consumption but not for sale. But commercial vending has not been discontinued in a number of those areas. In the areas where the number of shops has been reduced the erstwhile contractors are indulging in illicit trade in the remaining area. All liquor shops must be abolished in tribal areas within one year and illicit trade strictly stopped.

## CHAPTER V

### ERADICATION OF UNTOUCHABILITY

Untouchability is a by-product of the Hindu caste system. Due to its ancient origin the evil has deep roots and manifests itself in a variety of overt forms. While the overt practices of untouchability can be curbed and even eradicated with the aid of the State, well thought out and concerted multi-level efforts are needed to root it out from the source, that is, the human mind. In this latter sphere very little appears to have been achieved so far. It is necessary that alongside the implementation of the Protection of Civil Rights Act and the programmes for socio-economic development of the Scheduled Castes, determined and constant onslaught on the basic evil, i.e., the caste system, should be carried out by the State as well as conscious and progressive people. Voluntary organisations and mass media have to be mobilised in a much more concerted and effective manner to discourage casteism and untouchability and indeed to strike at the root of the caste system itself. Awareness is to be brought about particularly in the rural masses with the help of mass media so that caste prejudices disappear from their minds. Right from the formative stage the psychology of the young minds is to be attuned to ideas of equality and brotherhood and against the evil practice of untouchability with the help of suitable literature and other aids.

5.2 "Untouchability" was abolished and its practice in any form forbidden under Article 17 of the Constitution. The Untouchability (Offences) Act, 1955, was passed by the Parliament to make the practice of untouchability a cognizable offence punishable under the law. Ever since the Untouchability (Offences) Act, 1955, came into force there was a general feeling that the Act was not meaningfully serving the purpose for which it was enacted and that the punishments awarded under the Act were too few and inadequate. Accordingly the Untouchability (Offences) Amendment and Miscellaneous Provision Bill, 1972, was introduced in the Lok Sabha in April 1972. This Bill with comprehensive amendments as proposed by the Joint Select Committee of Parliament was passed by the Parliament in September 1976 with certain modifications. This enactment changed the name of the original Act into the "Protection of Civil Rights Act, 1955". The amended Act came into force from the 19th November, 1976. In this Act the term "Civil Rights" has been defined as any right accruing to a person by reason of the abolition of "untouchability" by Article 17 of the Constitution.

#### *Protection of Civil Rights Act, 1955*

5.3 The following are the salient features of the amended Act :

- (i) All the untouchability offences will continue to be cognizable. Hitherto untouchability

offences could be compounded but these have been made non-compoundable under the amended Act.

- (ii) Every offence except where it is punishable with imprisonment for a minimum term not exceeding three months may be tried summarily.
- (iii) Direct or indirect preaching of untouchability or its justification on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground has been made an offence under the Act.
- (iv) Privately owned places of worship, alongwith such lands and subsidiary shrines appurtenant to such privately owned places of worship as are allowed by the owner to be used as places of public worship have been brought within the purview of the Act.
- (v) The compelling of any person out of 'untouchability' to do scavenging, sweeping, removing of carcasses, flaying of animals or removing of umbilical cord has been made punishable.
- (vi) The State Governments have been empowered to impose collective fines on the inhabitants of any area where such inhabitants are concerned in or abetting the commission of untouchability offences.
- (vii) Persons convicted of untouchability offences have been debarred for six years from contesting elections to the Parliament or State Legislatures.
- (viii) The provisions of the Probation of Offenders Act, 1958, shall not apply to any person above the age of fourteen years who is guilty of an offence under this Act.
- (ix) A public servant who wilfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under the Act. However, no court shall take cognizance of such offences of abetment except with the previous sanction of the Government in connection with whose affairs the public servant is employed.

5.4 Under the old Act punishment for committing untouchability offences was imprisonment which may extend to six months or with fine upto Rs. 500 or

both. Under the amended Act punishment for untouchability offences has been considerably enhanced and both imprisonment and fine will now be simultaneously awarded for such offences as detailed below :

|                              |                                                                                                                                                  |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| First offence                | : The minimum punishment will be imprisonment for one month and fine of Rs. 100 and the maximum imprisonment for six months and fine of Rs. 500. |
| Second offence               | : The maximum punishment will be imprisonment for six months and fine of Rs. 200 and the maximum imprisonment for one year and fine of Rs. 500.  |
| Third and subsequent offence | : The punishment may range from imprisonment for one year and fine of Rs. 500 to imprisonment for two years and fine of Rs. 1000.                |

5.5 The amended Act has, for the first time, made the Central Government responsible to coordinate the measures taken by the State Governments under Section 15A of the Act and to place on the Table of each House of Parliament every year, a report on the measures taken by the Central Government and the State Governments in pursuance of the provisions of Section 15A of the Act. Under Section 15A(2) of the Act the State Governments are required to take measures for providing adequate facilities, including legal aid, appointment of officers for initiating or exercising supervision over prosecutions, setting up of special courts, appointment of Committees at appropriate levels, periodic surveys of the working of the provisions of this Act and identification of the areas where persons are under any disability arising out of "untouchability".

5.6 After the Act came into force with effect from the 19th November, 1976, the Central Government issued a notification on the 15th September, 1977, prescribing the manner of inquiry, etc., under Section 10A of the Act empowering the State Governments to impose collective fines.

*Annual Report on the working of Section 15A of the PCR Act for 1977*

5.7 Under Section 15A(3) of the PCR Act the Central Government are required to place on the Table of each House of Parliament every year, a report on the measures taken by them and the State Governments on the working of the provisions of Section 15A of the said Act. Accordingly the Ministry of Home Affairs presented the annual report for the calendar year 1977 in the Parliament in December 1978. It is seen therefrom that the amended Act has not made the desired impact so far. Complete and up-to-date statistical data regarding the number of cases registered, challaned and pending disposal were not furnished by some of the State Governments, viz., Bihar, Kerala and Maharashtra.

5.8 The progress in the disposal of cases under the Act was not upto the mark in the following States/ Union Territories :

|                                       |                                                                                                                                                  |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Challaning of registered cases    | Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Maharashtra, Orissa, Rajasthan, Uttar Pradesh, Delhi, Pondicherry. |
| (b) Pendency of cases with the police | Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Maharashtra, Uttar Pradesh.                                                        |
| (c) Pendency of cases in Courts       | Andhra Pradesh, Bihar, Haryana, Jammu & Kashmir, Karnataka, Kerala, Maharashtra, Orissa, Rajasthan, Uttar Pradesh, Delhi, Goa, Daman & Diu.      |

5.9 Under Section 15A(2)(ii) of the Act the State Governments are required to appoint officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act. Some of the State Governments have already set up cells consisting of such officers as mentioned above, with financial assistance from the Ministry of Home Affairs. These cells should look into the types of inadequacies referred to in the preceding paragraph and take suitable remedial measures.

5.10 The Commission note with regret that no State Government had conducted any survey of the working of the provisions of the Act nor set up any special courts for the trial of offences under this Act.

5.11 The Act also provides for giving adequate facilities, including legal aid, but it seems that most of the State Governments have thought of providing legal aid only and no other facility has been contemplated. The Government of India may consider issuing guidelines as to what other measures may be included to cover 'adequate facilities' under the Act. Although the Government of India have notified rules on 15-9-1977 prescribing the manner of inquiry under Section 10A of the Act empowering the State Governments to impose collective fines, they have not yet framed any rules under Section 16B of the Act for carrying out the provisions of the Act. On this plea the Government of West Bengal have reported that measures for setting up special courts can be taken by the State Government only when rules are framed in this regard by the Central Government in exercise of the powers conferred by Section 16B of the Act. It is, therefore, recommended that the Government of India may examine this aspect expeditiously.

*Statistics regarding cases registered under the PCR Act and their disposal during 1978*

5.12 Under the old Untouchability (Offences) Act, 1955, only 180 cases were registered in the country in 1955. In the next two decades the number of such cases increased to 366 in 1965 and 3528 in 1975.

During the last three years the position was as follows :

|      |      |                                                                                                                                          |
|------|------|------------------------------------------------------------------------------------------------------------------------------------------|
| 1976 | 7047 |                                                                                                                                          |
| 1977 | 3425 | (in respect of 18 States/U.Ts including <i>Bihar</i> , <i>Kerala</i> and <i>Maharashtra</i> from which partial information was received) |
| 1978 | 2838 | (in respect of 30 States/U.Ts including <i>Tamil Nadu</i> from where information has been received for the first half of the year only)  |

Statewise statistics pertaining to 1978 have been given at Annexure I. The comparative figures of cases in some major States during the last three years are given below :

Table showing no. of cases registered in some major States during 1976, 1977 and 1978

| S. No. | States                  | No. of cases registered during |       |      |
|--------|-------------------------|--------------------------------|-------|------|
|        |                         | 1976                           | 1977  | 1978 |
| 1      | 2                       | 3                              | 4     | 5    |
| 1.     | Andhra Pradesh . . . .  | 138                            | 89    | 151  |
| 2.     | Bihar . . . . .         | 26                             | 2 @   | 51   |
| 3.     | Gujarat . . . . .       | 1136                           | 1137  | 716  |
| 4.     | Karnataka . . . . .     | 592                            | 329   | 426  |
| 5.     | Madhya Pradesh . . . .  | 500                            | 353   | 398  |
| 6.     | Maharashtra . . . . .   | 363                            | 266 @ | NA   |
| 7.     | Orissa . . . . .        | 22                             | 49    | 106  |
| 8.     | Rajasthan . . . . .     | 154                            | 119   | 87   |
| 9.     | Tamil Nadu . . . . .    | 1650                           | 792   | 547* |
| 10.    | Uttar Pradesh . . . . . | 426                            | 208   | 287  |

@ Upto 30-6-1977.

\*Upto 30-6-1978.

5.13 The table below shows the comparative picture of registration of cases and their disposal during 1977 and 1978 :

Table showing progress of fresh cases registered and their disposal during 1977 and 1978

| Particulars |                                                                                                | 1977   | 1978   |
|-------------|------------------------------------------------------------------------------------------------|--------|--------|
| 1           | 2                                                                                              | 3      | 4      |
| (i)         | No. of fresh cases registered . . . . .                                                        | 3425   | 2838   |
| (ii)        | No. of cases closed by police after investigation but without challaning (old + new) . . . . . | 430    | 427    |
| (iii)       | %age of cases under (ii) compared to total no. of cases (old + new) . . . . .                  | 11.77% | 14.03% |
| (iv)        | No. of cases challaned in Courts (old + new) . . . . .                                         | 2920   | 2055   |
| (v)         | %age of cases under (iv) compared to total no. of cases (old + new) . . . . .                  | 79.97% | 67.55% |

| 1      | 2                                                                               | 3      | 4      |
|--------|---------------------------------------------------------------------------------|--------|--------|
| (vi)   | No. of cases pending with police (old + new) . . . . .                          | 301    | 560    |
| (vii)  | %age of cases under (vi) compared to total no. of cases (old + new) . . . . .   | 8.24%  | 18.40% |
| (viii) | No. of cases pending with Courts (old + new) . . . . .                          | 3179   | 3151   |
| (ix)   | %age of cases under (viii) compared to total no. of cases (old + new) . . . . . | 61.21% | 70.28% |
| (x)    | No. of cases disposed of by courts (old + new) . . . . .                        | 2014   | 1332   |
| (xi)   | %age of cases in (x) as compared to total no. of cases (old + new) . . . . .    | 38.78% | 29.71% |

It is seen from the above table that the number of fresh cases registered has considerably declined in 1978 as compared to 1977 as the figures for 1978 pertaining to 30 States/Union Territories are less than those for 1977 pertaining to only 18 States/Union Territories. The percentage of cases closed by the Police shows an upward trend. The percentage of cases challaned in Courts has also come down in 1978 with the result that the cases pending with the Police have increased considerably. The percentage of cases pending with Courts also shows an upward trend during 1978 as compared to 1977. It may not be out of place to mention here that the number of fresh cases registered under the PCR Act does not necessarily reflect the actual social situation. In a State like *Bihar* only 2 cases were registered in 1977 (upto June 30).

5.14 Looking at 1978 data the comparative position of some of the States is indicated below :

(a) *Registration of cases* : At the beginning of the year 204 cases were pending with the police and 2838 fresh cases were registered during the year. Out of the total of 3042 cases the maximum number of cases were registered in *Gujarat* (25.81%), *Tamil Nadu* (19.39%), *Karnataka* (14%), *Madhya Pradesh* (13.88%) and *Uttar Pradesh* (10.68%).

(b) *Cases closed by the Police after investigation but without challaning* : The number of cases was large in *Goa*, *Daman & Diu* (50%), *Pondicherry* (44.12%), *Himachal Pradesh* (39.13%), *Haryana* (25%), *Uttar Pradesh* (24.61%), *Orissa* (22.64%) and *Tamil Nadu* (20.17%).

(c) *Challaning of registered cases* : The progress was satisfactory in *Rajasthan* (100%), *Madhya Pradesh* (83.41%), *Karnataka* (73.94%), *Andhra Pradesh* (67.31%), *Gujarat* (66.24%), *Orissa* (64.15%) and *Tamil Nadu* (61.86%) but the position was not satisfactory in *Delhi* (6.66%), *Bihar* (34.32%) and *Himachal Pradesh* (47.83%).

(d) *Cases pending with the Police* : The maximum number of such cases (in terms of per cent) was in *Delhi* (73.33%) and *Bihar* (59.7%). The cases lying for 1 to 2 years with the Police were 13, of which 10 cases were in *Bihar*, 2 in *Uttar Pradesh* and 1 in *Himachal Pradesh*.

(e) *Disposal of cases by Courts* : Out of 1332 cases decided by the courts 960 cases (72.07%) ended in acquittal, compromise or otherwise and conviction was awarded in respect of 372 cases (27.93%). The States where more cases led to convictions were *Goa* (25%) and *Madhya Pradesh* (24.64%). The States showing more acquittals and compromises were *Pondicherry* (38.09%), *Gujarat* (36.62%), *Tamil Nadu* (32.49%) and *Himachal Pradesh* (29.41%).

(f) *Pendency of cases in Courts* : It was very high in *Haryana* (100%), *Delhi* (100%), *Bihar* (98.46%), *Uttar Pradesh* (94.13%), *Karnataka* (89.84%), *Rajasthan* (82.84%) and *Orissa* (80.25%). Considering the States where the volume of cases was large (100 cases or more) the maximum number of cases pending in Courts were reported from *Gujarat* (834), *Madhya Pradesh* (636), *Tamil Nadu* (585), *Karnataka* (283), *Uttar Pradesh* (273), *Rajasthan* (198), *Orissa* (126) and *Andhra Pradesh* (108). Considering the duration of pendency in the Courts it is noted that 3.67% cases were pending with them for over 2 years, 21.76% for 1 to 2 years, 16.89% for 6 to 12 months and 57.68% cases for 1 to 6 months. Out of 98 cases pending over 2 years the largest number of cases were reported from *Madhya Pradesh* (79) followed by *Gujarat* (9), *Bihar* (7) and *Himachal Pradesh* (3). The States where cases were pending for over one year were *Madhya Pradesh* (267), *Uttar Pradesh* (122), *Orissa* (87), *Gujarat* (52), *Bihar* (40), *Himachal Pradesh* (6), *Delhi* (5) and *Goa, Daman & Diu* (2).

5.15 The problem of the practice of untouchability is non-existent in *Assam, Manipur, Meghalaya, Nagaland* and the *Union Territories of Andaman & Nicobar Islands, Arunachal Pradesh, Dadra & Nagar Haveli, Lakshadweep* and *Mizoram*. No case was reported from *West Bengal* and *Chandigarh* during 1978. The PCR Act has not yet been extended to the State of *Sikkim*. Statistical information from *Jammu & Kashmir, Kerala, Maharashtra, Punjab* and *Tripura* had not been received.

*Work done by the State Govts./U.T. Administrations under Section 15(A) of the PCR Act during 1978*

5.16 *Facilities including legal aid*.—Under Section 15(A) (2) (i) adequate facilities including legal aid are to be provided to the persons subjected to any disability arising out of "untouchability". There are

general Legal Aid schemes for the Scheduled Castes and Scheduled Tribes which are being implemented in most of the States. The details of these schemes may be seen in Annexure II.

5.17 The annual income limit prescribed for availing of the benefit of the legal aid scheme in various States is as follows :

|                  |                      |                                                                          |
|------------------|----------------------|--------------------------------------------------------------------------|
| Andhra Pradesh   | Rs. 1500<br>Rs. 2000 | (mofussil areas)<br>(in the cities of<br>Hyderabad and<br>Secunderabad). |
| Gujarat          | Rs. 1800             |                                                                          |
| Madhya Pradesh   | Rs. 2400             |                                                                          |
| Orissa           | Rs. 2500             |                                                                          |
| Tamil Nadu       | Rs. 2500             |                                                                          |
| Himachal Pradesh | Rs. 3000             |                                                                          |
| Maharashtra      | Rs. 3600             |                                                                          |
| Bihar            | Rs. 3600             |                                                                          |

The question of raising the income limit where it is less than Rs. 3,600 per annum may be received by the concerned State Governments.

5.18 In some States like *Andhra Pradesh* the District Collectors have been empowered to grant legal aid to the Scheduled Castes whereas in *Haryana* the District Welfare Officers have been empowered to grant legal aid upto Rs. 100 and beyond that limit by the Deputy Commissioner. In *Orissa* it is sanctioned by the Sub-Divisional Officers. In *Gujarat*, in addition to legal aid, the concerned persons are also compensated for loss of earnings on days of hearings as per minimum wages schedule and also provided with travelling expenses to and fro by the cheapest mode of conveyance. The Government of *Karnataka*, besides providing legal aid, have also created posts of Legal Adviser for Scheduled Castes and Scheduled Tribes, one for each district. Further, they have created a legal cell for conducting litigations in the High Court, of SC/ST persons. A similar cell has been created for the cases in the *Karnataka Appellate Tribunal*. The Government of *Tamil Nadu* have liberalised the scheme so that a litigant can select a pleader or an Advocate of his choice. In *Uttar Pradesh* District Level Committees with the District Judges as Chairman have been set up to grant legal aid.

5.19 The State Governments may consider delegating the powers to sanction legal aid to levels lower than the District Collector and also simplifying the procedure to enable the needy SC/ST persons to avail of the benefit of this scheme in time. It has been the experience in the past that due to the complicated procedure prescribed for the grant of legal aid the meagre allocations under this scheme have seldom been fully utilised. Those States which have not yet introduced the scheme of legal aid may do so expeditiously.

5.20 *Appointment of officers (Special Cells)*.—Under Section 15(A) (2) (ii) the State Governments are required to appoint officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act. The measures taken

by the various State Governments/U.T. Administrations have been given in Annexure III.

5.21 State level Cells were set up in *Andhra Pradesh, Bihar, Haryana, Himachal Pradesh* and *Rajasthan* in 1977. During 1978 the Government of *Madhya Pradesh* also set up a Cell in the Tribal & Harijan Welfare Department under the charge of an Additional Director with supporting staff. In *Rajasthan* the Cell functions in the office of the Chief Minister and is looked after by an S.P. The Government of *Gujarat* have entrusted the Director, Social Welfare, with the responsibility of coordination in respect of this Act. In *Andhra Pradesh* the Cell at the State level is supervised by the Chief Secretary. The Governments of *Karnataka, Maharashtra, Orissa, Tamil Nadu* and *Uttar Pradesh* have so far not set up any Civil machinery at the State level. The Government of *West Bengal* have stated that the matter is under consideration of the State Government.

5.22 Cells in the police organisation are also functioning in the States of *Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh* and *Pondicherry*. Mobile Police Squads have been set up in *Tamil Nadu* and *Kerala*. The Government of *Tamil Nadu* have decided to set up such squads in seven more districts in addition to the existing six districts. The Government of *Madhya Pradesh* were pioneers in setting up Special Police Stations exclusively to deal with the complaints of the Scheduled Castes and Scheduled Tribes. Besides States/Divisional level Cells, district level cells are also functioning in *Andhra Pradesh, Gujarat, Himachal Pradesh* and *Uttar Pradesh*. The Government of *Gujarat* have created Revenue-cum-Police Cells in four districts for the settlement of land problems.

5.23 It is recommended that the Ministry of Home Affairs (PCR Cell) may evaluate the working of the Mobile Police Squads, the Special Police Stations and the Special Police Cells set up in the States and submit their study report expeditiously so that these special agencies could be made more effective on the basis of the findings.

5.24 *Setting up of Special Courts* : No State Government has reported setting up of any special court for the trial of offences under the PCR Act during 1977 or 1978. However, the Government of *Andhra Pradesh* have issued orders on 4th October, 1979 to constitute a Special Mobile Court each presided over, by a Judicial Magistrate First Class (in the cadre of District Munsiff) at the headquarters of five districts, viz., East Godavari, West Godavari, Mahboobnagar, Cuddapah and Chittoor, exclusively to try offences falling under the provisions of the IPC and PCR Act in which SC/ST persons are victims. The following staff has been sanctioned for each Mobile Court :

- (1) One Judicial Magistrate in the cadre of District Munsiff.
- (2) One Upper Division Head Clerk.
- (3) Four Lower Division Clerks.

(4) One Copyist.

(5) One L.D. Stenotypist.

(6) Four Attenders including one Attender-cum-Driver, One Motor Van, preferably Standard 20 Van (diesel), has also been sanctioned for each Mobile Court. The Magistrates have been directed to normally hold the court at Taluk headquarters and to move even to villages as and when necessary for securing quick disposal of cases. In *Gujarat* a proposal for setting up of mobile courts is under active consideration of the State Government in consultation with the High Court. The State Government also propose to prepare a panel of lawyers at District and Taluka levels to defend Harijans and to appoint Special Public Prosecutor and Assistant Public Prosecutors for expeditious disposal of cases pertaining to the practice of untouchability. In *Maharashtra* the Chief justice of the Bombay High Court has issued instructions from time to time to all the District and Sessions Judges that the cases filed under the Act should be disposed of expeditiously by giving priority and a watch be kept on the disposal of cases in their respective districts so that no case under the Act is kept pending for more than six months. The Government of *Tripura* have proposed to authorise the existing Judicial Magistrate First Class to hold special courts for trial of cases registered under this Act. The concurrence to this proposal has been sought by the State Government from the High Court. In *Uttar Pradesh* the State Government have decided to nominate one Magistrate in each district for trial of offences under the PCR Act. Such cases are disposed of on the lines of summary trial.

5.25 The matter regarding setting up of special courts is under active consideration of the Governments of *Bihar, Haryana, Madhya Pradesh, Orissa, Tamil Nadu* and *West Bengal*. However, the Government of *Orissa* have informed that prosecutions in cases of offences under the Act are usually conducted by the Government Pleaders and Public Prosecutors. Where necessary, in cases involving points of law or of public importance or where the accused persons are affluent and can secure the services of competent lawyers Special Public Prosecutors are appointed with the approval of the Government. At the moment the number of cases under the Act is not much as to justify the setting up of special courts for trial of untouchability offences. The Government of *West Bengal* have stated that action for setting up of special courts can be taken by them only when rules are framed in this regard by the Central Government in pursuance of Section 16B of the Act. However, the Judicial Department is taking necessary action in the matter in consultation with the Calcutta High Court.

5.26 The Commission recommend that the States where the problem of untouchability still exists special courts may be set up for trial of offences under the



PCR Act. In all such cases procedure of summary disposal should be provided for. Special prosecutors should be appointed at Government cost.

5.27 *Setting up of Committees.*—Under the provisions of Section 15A(2)(iv) of the PCR Act the State Governments are required to set up Committees at such appropriate levels as they may think fit to assist them in formulating or implementing various measures. Statewise details have been given at Annexure IV. State level Committees under the Chairmanship of the Chief Ministers have been set up in *Gujarat, Himachal Pradesh* and *Rajasthan*. In the following States the Minister incharge of the portfolio of Welfare of Scheduled Castes is the head of the State level Committee :

|                |                                                              |
|----------------|--------------------------------------------------------------|
| Karnataka      | — Minister for Law, Social Welfare and Backward Classes      |
| Madhya Pradesh | — Minister for Harijan Welfare                               |
| Maharashtra    | — Minister for Social Welfare                                |
| Uttar Pradesh  | — Minister for Harijan Welfare                               |
| West Bengal    | — Minister for Scheduled Castes and Scheduled Tribes Welfare |
| Pondicherry    | — Minister for Home                                          |

State level Committees have also been set up in some other States, viz., *Andhra Pradesh, Bihar, Orissa* and *Tamil Nadu*. The Government of *Gujarat* have set up three State level Committees, viz., (i) Committee headed by the Chief Minister, (ii) Sub-Committee headed by the Social Welfare Minister and (iii) Committee consisting of 15 MLAs. The Government of *Karnataka* have set up an Advisory Committee in addition to the Committee headed by the Minister for Law, Social Welfare and Backward Classes for this purpose.

5.28 District level Committees have been formed in *Andhra Pradesh, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan* and *Uttar Pradesh*.

5.29 Committee at Sub-Divisional level have been set up in *Orissa* only. Taluka/Tahsil level Committees have been formed in *Gujarat, Karnataka, Kerala, Orissa* and *Uttar Pradesh*. In *Kerala* there is only a Taluk level Committee at Kasargode in Cannanore District as it is the only area in the State where untouchability is still reported to be practised to some extent.

Act is very small there is no necessity of setting up such Committees in their States.

5.31 In view of the prevalence of the practice of untouchability in *Bihar* and *Tamil Nadu* it is recommended that District and Sub-Divisional/Taluk level Committees may also be set up in those States.

5.32 *Periodic survey.*—Under Section 15A(2)(v) of the PCR Act the State Governments are required to make provisions for a periodic survey of the working of the provisions of the Act with a view to suggesting measures for the better implementation of the provisions of the Act. It is regrettable that no State Government undertook such surveys during 1977 or 1978. The Government of *Gujarat* have informed that the Police-cum-Revenue Cells have carried out surveys in four districts regarding land disputes and observance of untouchability. The Harijan Sevak Sangh workers during their *padyatra* programme undertook surveys regarding observance of untouchability in villages. The Government of *Haryana* have informed that they do not feel necessity for carrying out such surveys as it is a small State and the number of cases is also very few. The Government of *Madhya Pradesh* propose to undertake such surveys in Sagar, Ujjain and Bilaspur districts. The Government of *Tamil Nadu* have issued instructions to the District Collectors to review critically every month the work done by the mobile police squads by convening a meeting of the Superintendents of Police and the District Harijan Welfare Officers concerned. The Government of *Uttar Pradesh* have set up a Research Survey Cell under the Directorate of Harijan and Social Welfare to undertake such surveys. The Government of *West Bengal* have advised the Director, Cultural Research Institute, to conduct a survey with a view to ascertaining as to how far the practice of untouchability is prevalent in the State.

5.33 *Identification of untouchability prone areas.*—Under Section 15A(2)(vi) the State Governments are required to identify the areas where persons are under any disability arising out of "untouchability" and to adopt such measures as would ensure the removal of such disability from such areas. During 1977 it was only *Kerala* which had identified such areas, viz., the interior areas of Kasargode and Hosdurg Taluks in Cannanore District, and had posted a Special Mobile Squad for detecting and investigating cases under the Act in these areas. The Governments of *Andhra Pradesh* and *Bihar* have reported that no such area in those States could be specified. In 1978 the Governments of *Gujarat* and *Maharashtra* have come out with the lists of places prone to such disabilities. In *Gujarat* no compact area can be said to be affected. However, the problem of harassment of the Scheduled Castes by non-Scheduled Castes has been acute in four districts, viz., Ahmedabad (Rural), Mehsana, Sabarkantha and Surendranagar, where Revenue-cum-Police Cells have been set up. The State Government have also imposed a punitive fine in one case at Khadarpur in Bhavnagar District. The question of imposing a collective fine on village Moti Monapari, District Junagadh, has been under consideration. In *Maharashtra* the Special Cell at the State level maintains and updates the list of such places and as on

5.30 The Governments of *Haryana* and *Punjab* have stated that as the number of cases under the

31st January, 1979 the following places were identified as sensitive places :

| S. No.             | District | Places                                                                                                                         |
|--------------------|----------|--------------------------------------------------------------------------------------------------------------------------------|
| 1. Thana           |          | Thana, Ulhasnagar, Asnoli, Bhiwandi, Kalyan.                                                                                   |
| 2. Kulaba          |          | Poladpur, Mahad.                                                                                                               |
| 3. Ratnagiri       |          | Ratnagiri.                                                                                                                     |
| 4. Nasik           |          | Nasik, Nasik Road, Malegaon, Nandgaon, Satana, Deolali village, Igatpuri, Vihitgaon, Vadner Jumala, Chahde Budruk, Bableshwar. |
| 5. Jalgaon         |          | Jalgaon, Bhusawal, Pachora, Yaval.                                                                                             |
| 6. Dhule           |          | Dhule, Shahada.                                                                                                                |
| 7. Ahmednagar      |          | Ahmednagar, Rahata, Bhingar.                                                                                                   |
| 8. Pune (Rural)    |          | Alandi, Shivner, Rajewadi, Dapodi.                                                                                             |
| 9. Kolhapur        |          | Belgundi, Belwadi.                                                                                                             |
| 10. Sholapur       |          | Sholapur City, Barai, Malsiras, Akly.                                                                                          |
| 11. Nagpur (City)  |          | Nagpur City.                                                                                                                   |
| 12. Nagpur (Rural) |          | Kamptee.                                                                                                                       |
| 13. Akola          |          | Pangi-Kute, Wadegaon, Lakhpuri, Bhoyar, Superkhed, Hatran, Lohogon, Akola.                                                     |
| 14. Amaravati      |          | Ambada, Aohalpur, Yeoda, Mogra, Badnera, Sirasgaon, Chandur-bazar.                                                             |
| 15. Wardha         |          | Wardah, Tamba, Pimpalgaon, Deoli.                                                                                              |
| 16. Buldana        |          | Gosing.                                                                                                                        |
| 17. Bhandara       |          | Bhandara, Gondia.                                                                                                              |
| 18. Chandrapur     |          | Ballaraha, Navegaon Pandar, Sushi Dabgaon, Wagholi, Pirali.                                                                    |
| 19. Yavatmal       |          | Yavatmal, Umadi, Kanha.                                                                                                        |

The Government of Uttar Pradesh have entrusted this work to the Special Enquiry Cell headed by the D.I.G. of Police as well as the Monitoring Research Survey and Evaluation Centre working in the Harijan and Social Welfare Directorate. The Government of West Bengal have entrusted to the State level Committee for the Protection of Civil Rights Act, the work of identification of such areas.

#### *Other measures adopted by the State Governments/ U.T. Administrations*

### 5.34 ANDHRA PRADESH

(i) *Disqualification from membership of elected bodies.*—The State Government have ordered that persons convicted of an offence under the PCR Act shall be disqualified from becoming a member of a Panchayat, Panchayat Samiti, Zila Parishad, Municipality, Board of Management of any Co-operative Institution, Board of Directors of any Public Sector Undertaking, Government Company or any local body and office of village officials. Under Section 16(1) of the Andhra Pradesh Municipality Act 1965 a person who has been sentenced by a

Criminal Court to imprisonment for an offence under the PCR Act shall be disqualified for election as Councillor while undergoing sentence and for five years from the date of expiration thereof. A Councillor shall also cease to hold office if he is punished under the Act. Under Section 9(a) of the Andhra Pradesh Panchayat Samitis and Zilla Parishads Act 1959 a person shall be disqualified to become a member of Panchayat Samiti if he has been sentenced to imprisonment under the PCR Act and a member of Panchayat Samiti shall cease to be a member if he is disqualified under Section 9. Under Section 19 of the Andhra Pradesh Gram Panchayat Act 1964 a person who has been sentenced by a Criminal Court to imprisonment for an offence under the PCR Act is disqualified to become a member of the Panchayat.

(ii) *Inter-caste marriages.*—The State Government have decided to encourage inter-caste marriage and to give incentive awards to married couples.

(iii) *Training of police officials.*—The PCR Act is being taught to Dy. Superintendents of Police, Sub-Inspectors of Police and Police Constable Trainees, besides Constables fit for promotion as Head Constables and Head Constables fit for promotion as Sub-Inspectors of Police, in the Police Training College and the Police Recruiting Schools.

(iv) *Publicity.*—Exhibition stalls are arranged every year at the All India Industrial Exhibition, Hyderabad, and need for eradication of untouchability is stressed through films, pamphlets, posters and other publicity media. The Human Rights Day is celebrated. A monthly magazine, 'Harijan Sankshama Samacharam', covering a wide range of articles on problems faced by Harijans has been started by the Director of Harijan Welfare.

**BIHAR :** The Government of Bihar have sanctioned Rs. 5 lakhs during 1978-79 for inter-caste marriages. Out of this a sum of Rs. 3.92 lakhs was utilised and 78 inter-caste marriages were performed during the year.

**GUJARAT :** The Government of Gujarat celebrate every year a "Removal of Untouchability Week" from October 2 to 8. *Prabhat pheris*, meetings, lectures, mass prayers, *padayatras*, etc., are organised for educating the rural masses about the need for complete eradication of untouchability.

**MADHYA PRADESH :** The Government of Madhya Pradesh have prepared rules for inter-caste marriages, viz., "Madhya Pradesh Asprishyata Niwaranarth Antarjatiya Vivah Protsahan Niyam 1978", which have come into force w.e.f. 19th January, 1978.

**MAHARASHTRA :** The Government of Maharashtra observed a "Samata Varsha" during 1977-78. The programmes were arranged in those districts where the practice of untouchability is more prevalent. In all 25 programmes were organised during that year. The State Government have sanctioned a sum of Rs. 1 lakh for the establishment of Dr. Babasaheb Ambedkar Samata Vichar Peeth



in Bombay. The State Government have appointed a Granth Samiti under the chairmanship of Dr. M. P. Mangudkar to compile and publish articles on the subjects of removal of untouchability. A sum of Rs. 1 lakh has been sanctioned for this purpose.

**TRIPURA :** The Government of Tripura have introduced a scheme for giving incentive to inter-caste marriages between caste Hindus and persons belonging to Scheduled Caste communities engaged in unclean occupations such as Mehtar, Musahar, Dom and Chamar/Mochi for the sake of social integration. Under the scheme cash grant of Rs. 2,000 and an appreciation certificate to the couple are awarded.

**UTTAR PRADESH :** Copies of the PCR Act in Hindi have been supplied to all the Police Stations and teaching of the Act has been included in the curriculum of the Police Training College and the A.T.C. A simple version of the Act in Hindi has also been circulated to all the Village Pradhans on 28th April, 1978 and their cooperation has been solicited. The officers and staff of Home Guards and Civil Defence have also been directed to enforce the provisions of the Act. A scheme of inter-caste marriage between the Scheduled Castes and non-Scheduled Castes was introduced in the State during 1976-77. Each such couple is awarded a cash prize of Rs. 1,000, a certificate of appreciation and an interest free loan upto Rs. 15,000. During 1977-78, 19 couples received awards. During 1978-79, 25 couples were awarded cash prizes and 6 couples given loans worth Rs. 75,000.

**PONDICHERY :** The U. T. Administration celebrated during April 1978 a Harijan Welfare Week.

#### *Measures taken by the Central Government*

5.35 Informal discussions with the representatives of the Ministry of Home Affairs have revealed that during 1977 the Act was circulated to all the States/ Union Territories both in English and Hindi and they were advised to get the Act printed in the respective regional languages for distribution to all concerned.

The State Governments were requested to amend the concerned State laws for disqualifying a person convicted of an offence punishable under the PCR Act from contesting elections to Municipal Bodies and Panchayati Raj institutions. The Central Government also approached the Ministry of Information and Broadcasting to bring out suitable pamphlets, cinema slides and documentaries on the theme of eradication of untouchability for exhibition particularly amongst the rural masses. The Films Division informed the Ministry of Home Affairs on 10th January, 1979 that production of two new films, 'Eradication of Untouchability' and 'Discrimination against Harijans', was being undertaken and that these films would be exhibited by the end of 1979 throughout the country.

5.36 The Central Government allocated Rs. 15 lakhs as grants-in-aid in 1977-78 to certain State Governments for strengthening of machinery for the enforcement of the PCR Act. During 1978-79 the

Ministry of Home Affairs released Rs. 50 lakhs to the State Governments under a Centrally Sponsored Scheme for this purpose. Out of this amount Rs. 43.70 lakhs was released to the following State Governments :

|                              | Rs. in lakhs |
|------------------------------|--------------|
| (1) Andhra Pradesh . . . . . | 4.00         |
| (2) Bihar . . . . .          | 5.00         |
| (3) Gujarat . . . . .        | 3.50         |
| (4) Kerala . . . . .         | 2.50         |
| (5) Karnataka . . . . .      | 5.00         |
| (6) Madhya Pradesh . . . . . | 1.64         |
| (7) Maharashtra . . . . .    | 5.06         |
| (8) Orissa . . . . .         | 5.00         |
| (9) Tamil Nadu . . . . .     | 4.00         |
| (10) Uttar Pradesh . . . . . | 8.00         |

During 1978 a PCR Cell was set up in the Ministry of Home Affairs under the charge of an officer of the rank of D.I.G. of Police as Additional Director. A circular letter was addressed by the Minister of State in the Ministry of Home Affairs to all the States/ Union Territories requesting that public campaign should be launched for bringing mass awareness among the people for eradication of untouchability. The State Governments have been informed during 1979-80 that provisions under the Centrally Sponsored Scheme of enforcement of Protection of Civil Rights can also be utilised for purposes other than setting up of the Cells. The State Governments are being constantly persuaded to prepare Special Component Plans for the Scheduled Castes so as to strengthen their economic base. The Ministry of Home Affairs have also sent a letter to the States/UTs on 21st September, 1978 suggesting that it should be made obligatory for a licensed hotel/restaurant owner to display a notice prominently declaring that the establishment is open for all without any class or caste distinction and that they should also employ at least one Harijan on their staff.

5.37 The Ministry of Home Affairs have sanctioned grants-in-aid to the following voluntary organisations during 1978-79 for carrying out propaganda for eradication of untouchability :

| S. No. | Name of the organisation                                          | Amount   |
|--------|-------------------------------------------------------------------|----------|
|        |                                                                   | Rs.      |
| (1)    | Harijan Sewak Sangh, Delhi                                        |          |
|        | Removal of untouchability . . . . .                               | 3,06,200 |
|        | Bhangi Kasht Mukti . . . . .                                      | 2,16,300 |
| (2)    | Bharatiya Depressed Classes League, Delhi . . . . .               | 2,52,350 |
| (3)    | Ishwar Saran Ashram, Allahabad . . . . .                          | 34,670   |
| (4)    | Thakkar Bapa Ashram, Nimkhendi, District Ganjam, Orissa . . . . . | 4,000    |

#### *Inter-Ministerial Working Group*

5.38 In his Independence Day speech on 15th August, 1977 the then Prime Minister gave a call to the nation that the practice of untouchability should be eradicated within a period of five years for which a suitable action plan would be prepared. An Inter-Ministerial Working

Group on Eradication of Untouchability set up by the Ministry of Home Affairs went into the various aspects of this problem and presented its report in April 1978. The report of this Working Group was further considered by the Working Group on Scheduled Castes and Other Backward Classes during Medium Term Plan 1978—83.

#### *Action Plan for Eradication of Untouchability*

5.39 On the basis of the reports submitted by these two Working Groups the Ministry of Home Affairs prepared an Action Plan for Eradication of Untouchability within a period of five years. On 22-12-78 the Ministry of Home Affairs requested the Commission to offer their comments on the draft Action Plan. The comments of the Commission thereon were communicated *vide* Chairman's demi-official letter dated 4-1-79, to the Prime Minister and the Minister of State for Home Affairs. The Commission expressed their general agreement with the Action Plan and observed that it had been rightly emphasised therein that it must have economic development programmes as its foundation, which should be supported by social, educational and ethical programmes and legal action. Though a multipronged attack on the problem is imperative, its economic aspect has to be stressed as during the entire period of planning after Independence the benefits derived by the Scheduled Castes from the general developmental programmes have been nominal. The Commission reiterated their views on various matters connected with economic development of the Scheduled Castes, which may be seen in Chapter IV. They emphasised that all the concerned Central Ministries/State Governments/U.T. Administrations should include Special Component Plans for the Scheduled Castes in their Medium Term Plan 1978—83 and Annual Plans and that the Ministry of Home Affairs should also provide Special Central Assistance for the Scheduled Castes to supplement the Special Component Plan.

5.40 Regarding social programmes for eradication of untouchability the Commission drew the attention of the Government to the suggestions contained in Chapter V of this Report. They particularly stressed the following programmes :

*Unclean occupations.*—The Commission referred to the recommendations of the Committee on Customary Rights to Scavenging contained in their Report submitted in August 1966. After the submission of the said Report the Government had informally assured the late Prof. Malkani that a provision of Rs. 5 crores would be included in the next Five Year Plan beginning from 1966-67 itself. But hardly any positive step was taken. The Ministry of Health and Family Welfare should be requested to make adequate provision for the programmes of conversion of dry latrines into water-borne ones and this programme may be completed within two years. Where underground sewers connecting the same with flush latrines cannot be laid, hand flush latrines should be introduced and Government subsidy given for the same. Simultaneously a well thought out programme for diversion of people S/16 HA/80.—9.

from unclean to clean occupations may be undertaken. The concrete suggestions given by Prof. Malkani in his Report in 1966 may be implemented with funds provided for the purpose by the Ministry of Home Affairs and other concerned authorities.

5.41 It has been suggested in the Action Plan that municipalities should be provided with special funds for supplying working uniforms, implements, etc. Some municipal bodies were found to have misused these funds for other purposes like disbursing salaries of their staff. Therefore, these funds should be put under a separate head and made non-divertible. It will not be advisable to leave the implementation of this programme to the municipalities alone. It should be entrusted to a Board comprising officers of the Municipality as well as the local officers of the Social Welfare/Harijan Welfare Department as well as social workers. It has been suggested that the Ministry of Works and Housing may set apart Rs. 25 crores for this programme in the Sixth Plan. It is necessary to involve the Ministry of Health also in this programme. It is a good idea that by giving occupational allowance to scavengers their wages may be increased to the level of that of Class III employees.

5.42 *Provision of drinking water.*—The Action Plan does not refer to the problem of drinking water. The most common practice of untouchability against the Scheduled Castes is that they are generally prevented from using common wells/other sources of water in rural areas and occasionally in urban areas. Therefore the Commission reiterated their suggestions contained in paras 2 to 4 of Chapter V.

5.43 *Education.*—The Commission reiterated their suggestion that right from the formative stage curriculum should be prescribed emphasising that all human beings were equal and that untouchability was a sin. It is observed that the ideas of untouchability are more deep rooted in women than in men, particularly in rural areas. It is, therefore, essential that special attention may be paid to the education of girls of all castes including the Scheduled Castes.

5.44 *Mass movement.*—A mass movement against the evil of untouchability in particular and the caste system in general may be organised on the following lines :

- (i) Every year a fortnight may be earmarked for celebrating anti-untouchability programmes in the form of meetings, conferences, seminars, symposia, *prabhat pheris*, *padayatras*, processions, essay contests and debates for students, etc. Inter-caste dining in Harijan localities should form an essential item of these celebrations. This could greatly help the anti-untouchability drive if this particular item were effectively implemented in rural areas. Community dinners on the National Days and other special occasions should be organised in villages particularly in areas where untouchability is practised rigidly. These dinners may be subsidised by the

Government. Not only the seating arrangement should be mixed but Harijan men and women of the same village should also be engaged for cooking and serving purposes. All political parties and social workers may be requested to extend active cooperation for the success of this programme and political leaders and officers, if any, belonging to the village but serving elsewhere as well as the local MLA, etc., may be specially invited to participate in this programme.

- (ii) The adult education programme should be utilised for propagating anti-untouchability ideas.
- (iii) The teachers have to play an important role in building up this movement. They should be carefully selected and motivated so that they can make positive contribution in this field. Those found guilty of practising or encouraging untouchability should be severely dealt with.
- (iv) Mass media, particularly films and television should be exploited for anti-untouchability propaganda and private film producers making powerful films and documentaries on the subject should be suitably rewarded and encouraged.
- (v) Inter-caste marriage should be popularised in a big way. Preferential treatment in the form of some financial assistance or award and some concession in recruitment to services may be extended to those couples where one of the spouses is a Harijan and the other a non-Harijan.

5.45 *Punitive fine*.—The Action Plan includes a suggestion for levying a Social Penance Tax. This is likely to be resisted and resented and lead to further antagonism between caste Hindus and Harijans. Instead of levying such a tax the Commission recommend the following measures :

- (a) Collective punitive fine may be imposed on areas where the Scheduled Caste people are subjected to continuous atrocities.
- (b) In sensitive areas where atrocities on the Scheduled Castes persist special police force may be posted and the entire cost of maintaining such force realised from the residents of the area.

#### *Some special recommendations*

5.46 The Commission emphasise the need for early setting up of the following administrative machinery at the Centre and in the States/Union Territories for effective implementation of the PCR Act :

- (a) **Special Police Stations**—For details attention is invited to para 23(iii) of Chapter VI.

(b) **Monitoring and evaluation machinery**—For details attention is invited to para 6 of Chapter VI.

(c) **Coordination machinery**—Details are given in para 8 of Chapter VI.

#### *Complaints regarding untouchability practices received in the Commission*

5.47 During the period July 1978 to March 1979, 33 complaints were received in the Commission and their field offices. Statewise information in respect of these complaints is given below :

| S. No.            | No. of cases received in the Commission Hqs.—Untouchability practice relating to |          |             |          |             |           |           | No. of Total |
|-------------------|----------------------------------------------------------------------------------|----------|-------------|----------|-------------|-----------|-----------|--------------|
|                   | Temp-les                                                                         | Wells    | Hotels etc. | Bar-bers | Marr- iages | Sch- ools |           |              |
| 1. Andhra Pradesh | 1                                                                                | —        | —           | —        | —           | —         | —         | 1            |
| 2. Bihar          | —                                                                                | 1        | —           | —        | —           | 1         | —         | 2            |
| 3. Gujarat        | —                                                                                | —        | —           | —        | —           | —         | 8         | 8            |
| 4. Karnataka      | —                                                                                | —        | —           | 1        | —           | —         | —         | 1            |
| 5. Maharashtra    | —                                                                                | —        | —           | —        | —           | —         | 3         | 3            |
| 6. Orissa         | —                                                                                | —        | —           | —        | —           | —         | 3         | 3            |
| 7. Rajasthan      | —                                                                                | 1        | —           | —        | —           | —         | 10        | 11           |
| 8. Tamil Nadu     | —                                                                                | —        | 1           | —        | —           | —         | —         | 1            |
| 9. Uttar Pradesh  | —                                                                                | 1        | 1           | —        | 1           | —         | —         | 3            |
| <b>TOTAL</b>      | <b>1</b>                                                                         | <b>3</b> | <b>2</b>    | <b>1</b> | <b>1</b>    | <b>1</b>  | <b>24</b> | <b>33</b>    |

The number of complaints relating to practices of untouchability received in the Commission was quite small as such complaints are normally sent to the local authorities.

5.48 Since the Commission were set up in July 1978 it was decided to have comparative statistics of the PCR cases for the period July 1978 to March 1979 and the same period during the three preceding financial years. The information is nil in respect of Manipur and Nagaland and the Union Territories of Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Lakshadweep and Mizoram. The information received from the eight other States/Union Territories is as follows :

| S. No.            | State/U.T. | No. of fresh cases registered |              |              |              |
|-------------------|------------|-------------------------------|--------------|--------------|--------------|
|                   |            | 7/75 to 3/76                  | 7/76 to 3/77 | 7/77 to 3/78 | 7/78 to 3/79 |
| 1. Andhra Pradesh |            | 36                            | 99           | 52           | 111          |
| 2. Assam          |            | ..                            | ..           | ..           | 2            |
| 3. Bihar          |            | NA                            | 14           | 42           | 41           |
| 4. Haryana        |            | NA                            | 1            | 4            | 3            |
| 5. Karnataka      |            | 524                           | 319          | 242          | 358          |
| 6. Orissa         |            | 7                             | 34           | 53           | 97           |
| 7. Punjab         |            | ..                            | 1            | 6            | 3            |
| 8. Delhi          |            | 1                             | 2            | 3            | 13           |

The information is still awaited from 12 States and 3 Union Territories including Meghalaya and Dadra & Nagar Haveli in respect of which the information can be presumed to be nil.

### *Some typical cases*

#### *5.49 Andhra Pradesh*

(1) It was alleged in the press that the Andhra Pradesh Legislative Assembly was adjourned one hour ahead of schedule on 21-2-79 to protest against a Harijan M.L.A. not being admitted into the Sri Raghavendraswami Temple of Mantralayam in Kurnool District. Shri M. Eranna, the Harijan MLA representing Alur constituency in Kurnool District, complained that when he went to the temple on 24-11-78 alongwith the Minister for Panchayat Raj, Shri M. Baga Reddi, and some legislators, he was called out on some pretext and the gates were closed, preventing him from entering the temple. In his letter dated 28-11-78 addressed to the Chief Minister Shri Eranna stated :

“While I was offering my prayers together with other participants the temple people played a trick on me and without the knowledge of the participants namely Panchayat Raj Minister, Parliamentary Secretary and MLAs, the temple people made somehow exist from the place of prayer by bolting the temple doors on my face and this caused me shame. Above honourable participants are knowing the above incident occurred to me in protest left the pooja mandir without offering prayers.”

The Speaker appointed a Committee of the House to enquire into the allegations made in the House by Shri Eranna and directed the Committee to present its report to the House on the first day of the next meeting of the Assembly. The Committee concluded that temple authorities were in no way responsible for either sending out Shri Eranna or obstructing his re-entry. The Committee, during the enquiry, found that Shri M. Eranna was not at all consistent and contradicted his own statements. According to the legal opinion, in view of the fact that Shri Eranna was allowed to enter the temple and offer prayers, the question of prevention of entry and denial of worship would not arise. In view of that no offence under Section 3A or 3B of the PCR Act has been committed and the contents of the petition did not disclose any cognizable offence under the said Act. Further, even if the word ‘trick’ is interpreted as ‘cheating’ which attracts Sections 417 of IPC, that also is a non-cognizable offence. Under these circumstances the case could not be registered under the IPC or the PCR Act. The report of the Committee was yet to be discussed in the State Legislature and the State Government were awaiting the outcome of the discussions.

(2) It was alleged in the press that a Harijan boy staying in a hostel of the Government Arts College, Srikakulam, was abused and beaten up by the Warden of the hostel on a charge of stealing a soap of another student. The Warden also got the Harijan student's head shaved. The incident was brought to the notice of the Andhra Pradesh Legislative Assembly

through a calling attention notice by Shri D. Muni-swami. The State Government have informed the Commission that B. Suryarao, a Harijan student of Intermediate II year in the Govt. Arts College, Srikakulam, and staying in the hostel attached to the college, asked one Laxmu, another student, for a soap and that when the latter informed him that he did not have a washing soap, Suryarao took the soap belonging to Ramulu, another student, informing Laxmu of the fact. Thereafter Suryarao went to the Employment Exchange and on his return gave back the soap to Ramulu who had already reported to the Warden that his soap was stolen by Suryarao. It is alleged by Suryarao that Shri Prabhakar Rao, Manager of the Hostel, and Shri Prasad Babji, Dy. Warden working as Commerce Lecturer under the Education Department, beat him and took him to a barber's shop and got his head shaved. They also used foul language stating “Mala lanja kodaka”. The police arrested both the accused u/s 341, IPC., and u/s 7(c), PCR Act, and they were later released on bail. The chargesheet was filed in the Addl. J. F. C. Magistrate's Court, Srikakulam, and the case is pending trial.

#### *Orissa*

(3) In a press report that appeared in the Oriya daily Samaj dated 16-5-1979, it was alleged that a Harijan woman was discriminated on the grounds of untouchability in the Police Reserve Colony, Chatrapur, Ganjam District. This matter was taken up by the Deputy Director of this Commission at Bhubaneswar. The District Magistrate, Ganjam, reported that Smt. Soudamini Bhorasagar W/o Sergeant Bankim Bhorasagar of New Police Colony, Chatrapur, was alleged to have been intimidated, assaulted and abused in obscene language on 22-3-1979 by Shri Prakash Chandra Misra. In this connection Chatrapur P. S. case No. 48 dated 22-3-1979 u/s 506/294/323, IPC, and Ganjam S.R. No. 41/79 u/s 7(4), PCR Act, were started against the accused who was arrested. The chargesheet was put up on 5-5-1979.

#### *Rajasthan*

(4) Shri Chhotariya and three other Jatav Harijans of village & P. S. Kumher, District Bharatpur, alleged in their representation dated 3-3-1979 that caste Hindus of village Sikrori, P. S. Kumher, did not allow them to draw water from public wells. When the Harijans attempted to resist such a move of caste Hindus, false cases of dacoity were filed against them with the police. The Superintendent of Police, Bharatpur, informed the Commission that the Harijans had made a false complaint against the caste Hindus. As case No. 33/79 u/s 392/354, IPC (molestation of women and snatching of ornaments), was pending against the Harijans, they had involved the caste Hindus.

#### *Tamil Nadu*

(5) It was alleged in the press that some Members in the Tamil Nadu Legislative Assembly complained of practice of untouchability against Harijans in village tea stalls and hotels in certain parts of the State. Shri M. Manimaran and Shri R. T. Amaraikani had tabled questions in the Assembly about the practice of pro-

viding separate tea cups for Harijans in tea stalls in Mahadevi village in Tiruchirapalli District and serving food to them outside the hotel premises in the Tiruvilliputur Assembly constituency areas. Shri P. Soundarapandian, Minister for Harijan Welfare, replied that the above complaints were examined by the Special Anti-untouchability Cell and found to be wrong. Shri Amaraikani said that the Minister's reply was contrary to facts and offered to prove the allegations. On 15-3-79 the Commission asked for the facts from the Chief Secretary to the State Government and a reply is still awaited.

### *Uttar Pradesh*

(6) Shri Itwari Lal, President, Balmiki Sabha, Village Nurpur Vilok, P. S. Baldev, District Mathura, in his representation dated 22-12-78 alleged that Jatav Harijans were not allowing Balmiki Harijans to draw water from the wells and thereby the latter had to look for water elsewhere. The Balmikis had earlier drawn the attention of the officers in this regard but in vain. The Commission took up the matter with the District Magistrate, Mathura, on 18-1-1979 but a reply is still awaited.

# ANNEXURE I

## STATEMENT NO. 1

Statement regarding cases registered under the Protection of Civil Rights Act, 1955 and their disposal during the year 1978

| S. No.      | State/U.T.                           | Brought forward and pending with |       | No. of fresh cases registered | No. of cases closed by Police after investigation but without challaning | No. of cases challaned in court | No. of cases disposed of by court |                                                      |       | No. of cases pending at the end of the year with |          |
|-------------|--------------------------------------|----------------------------------|-------|-------------------------------|--------------------------------------------------------------------------|---------------------------------|-----------------------------------|------------------------------------------------------|-------|--------------------------------------------------|----------|
|             |                                      | Police                           | Court |                               |                                                                          |                                 | No. of cases ending in conviction | No. of cases ending in acquittal/compound-ing/others | Total | Police                                           | Court    |
| 1           | 2                                    | 3                                | 4     | 5                             | 6                                                                        | 7                               | 8                                 | 9                                                    | 10    | 11                                               | 12       |
| 1.          | Andhra Pradesh                       | 5                                | 44    | 151                           | 24                                                                       | 105                             | 10                                | 31                                                   | 41    | 27                                               | 108      |
| 2.          | Assam . . .                          |                                  | Nil   |                               |                                                                          | Nil                             |                                   | Nil                                                  |       |                                                  |          |
| 3.          | Bihar . . .                          | 16                               | 42    | 51                            | 4                                                                        | 23                              | ..                                | 1                                                    | 1     | 40                                               | 64       |
| 4.          | Gujarat . . .                        | 69                               | 848   | 716                           | 71                                                                       | 520                             | 33                                | 501                                                  | 534   | 194                                              | 834      |
| 5.          | Haryana . . .                        | ..                               | 1     | 4                             | 1                                                                        | 2                               | ..                                | ..                                                   | ..    | 1                                                | 3        |
| 6.          | Jammu & Kashmir                      |                                  | N.A.  |                               |                                                                          | N.A.                            |                                   | N.A.                                                 |       |                                                  |          |
| 7.          | Himachal Pradesh                     | 9                                | 23    | 14                            | 9                                                                        | 11                              | 3                                 | 10                                                   | 13    | 3                                                | 21       |
| 8.          | Karnataka . . .                      | N.A.                             | N.A.  | 426                           | 35                                                                       | 315                             | 8                                 | 17+7                                                 | 32    | 76                                               | 283      |
| 9.          | Kerala . . .                         |                                  | N.A.  |                               |                                                                          | N.A.                            |                                   | N.A.                                                 |       |                                                  |          |
| 10.         | Madhya Pradesh .                     | 24                               | 492   | 398                           | 41                                                                       | 352                             | 208                               | —                                                    | 208   | 29                                               | 636      |
| 11.         | Maharashtra .                        |                                  | N.A.  |                               |                                                                          | N.A.                            |                                   | N.A.                                                 |       |                                                  |          |
| 12.         | Orissa . . .                         | ..                               | 89    | 106                           | 24                                                                       | 68                              | 2                                 | 29                                                   | 31    | 14                                               | 126      |
| 13.         | Punjab . . .                         |                                  | N.A.  |                               |                                                                          | N.A.                            |                                   | N.A.                                                 |       |                                                  |          |
| 14.         | Rajasthan . . .                      | ..                               | 152   | 87                            | ..                                                                       | 87                              | 13                                | 10+17+1                                              | 41    | ..                                               | 198      |
| 15.         | Tamil Nadu . . .<br>(Upto 30-6-1978) | 43                               | 623   | 547                           | 119                                                                      | 365                             | 82                                | 321                                                  | 403   | 106                                              | 585(—1)@ |
| 16.         | Tripura . . .                        |                                  | N.A.  |                               |                                                                          | N.A.                            |                                   | N.A.                                                 |       |                                                  |          |
| 17.         | Uttar Pradesh .                      | 38                               | 103   | 287                           | 80                                                                       | 187                             | 10                                | 7                                                    | 17    | 58                                               | 273      |
| 18.         | West Bengal .                        |                                  | Nil   |                               |                                                                          | Nil                             |                                   | Nil                                                  |       |                                                  |          |
| 19.         | Chandigarh .                         |                                  | Nil   |                               |                                                                          | Nil                             |                                   | Nil                                                  |       |                                                  |          |
| 20.         | Delhi . . .                          | ..                               | 5     | 15                            | 3                                                                        | 1                               | ..                                | ..                                                   | ..    | 11                                               | 6        |
| 21.         | Goa, Daman & Diu .                   | ..                               | 5     | 2                             | 1                                                                        | 1                               | 1                                 | ..                                                   | 1     | ..                                               | 3        |
| 22.         | Pondicherry .                        | ..                               | 3     | 34                            | 15                                                                       | 18                              | 2                                 | 8                                                    | 10    | 1                                                | 11       |
| TOTAL . . . |                                      | 204                              | 2428  | 2838                          | 427                                                                      | 2055                            | 372                               | 960                                                  | 1332  | 560                                              | 3151     |

@Tamil Nadu — 1 case charge abates due to the death of the accused.

N.B. : In the following States/U.Ts. inhabited mostly by the Scheduled Tribes there is no untouchability and there are no cases under the PCR Act : Manipur, Nagaland, Andaman & Nicobar Islands, Arunachal Pradesh, Dadra & Nagar Haveli, Lakshadweep and Mizoram.

## ANNEXURE I

## STATEMENT No. 2

*Statement showing number of cases registered with the Police, challaned and pending investigation under the PCK Act during 1978*

| S. No. | Name of the State/ Union Territory | No. of cases brought forward and pending with Police + fresh cases registered with Police | %age of Total of Col. 3 | No. of cases closed by Police after investigation but without challaning | %age of Total of Col. 5 | No. of cases challaned in courts | %age of Total of Col. 7 | No. of cases pending with Police | %age of Total of Col. 9 | % of Col. 5 to Col. 3 | %age of Col. 7 to Col. 3 | %age of Col. 9 to Col. 3 |
|--------|------------------------------------|-------------------------------------------------------------------------------------------|-------------------------|--------------------------------------------------------------------------|-------------------------|----------------------------------|-------------------------|----------------------------------|-------------------------|-----------------------|--------------------------|--------------------------|
| 1      | 2                                  | 3                                                                                         | 4                       | 5                                                                        | 6                       | 7                                | 8                       | 9                                | 10                      | 11                    | 12                       | 13                       |
| 1.     | Andhra Pradesh                     | 156                                                                                       | 5.13                    | 24                                                                       | 5.62                    | 105                              | 5.11                    | 27                               | 4.82                    | 15.38                 | 67.31                    | 17.31                    |
| 2.     | Bihar                              | 67                                                                                        | 2.21                    | 4                                                                        | 0.94                    | 23                               | 1.12                    | 40                               | 7.14                    | 5.97                  | 34.32                    | 59.70                    |
| 3.     | Gujarat                            | 785                                                                                       | 25.81                   | 71                                                                       | 16.63                   | 520                              | 25.30                   | 194                              | 34.64                   | 9.04                  | 66.24                    | 24.71                    |
| 4.     | Haryana                            | 4                                                                                         | 0.13                    | 1                                                                        | 0.23                    | 2                                | 0.10                    | 1                                | 0.18                    | 25.00                 | 50.00                    | 25.00                    |
| 5.     | Himachal Pradesh                   | 23                                                                                        | 0.75                    | 9                                                                        | 2.11                    | 11                               | 0.54                    | 3                                | 0.53                    | 39.13                 | 47.83                    | 13.04                    |
| 6.     | Karnataka                          | 426                                                                                       | 14.00                   | 35                                                                       | 8.20                    | 315                              | 15.33                   | 76                               | 13.58                   | 8.21                  | 73.94                    | 17.84                    |
| 7.     | Madhya Pradesh                     | 422                                                                                       | 13.88                   | 41                                                                       | 9.60                    | 352                              | 17.13                   | 29                               | 5.18                    | 9.71                  | 83.41                    | 6.87                     |
| 8.     | Orissa                             | 106                                                                                       | 3.49                    | 24                                                                       | 5.63                    | 68                               | 3.31                    | 14                               | 2.50                    | 22.64                 | 64.15                    | 13.20                    |
| 9.     | Rajasthan                          | 87                                                                                        | 2.86                    | ..                                                                       | ..                      | 87                               | 4.24                    | ..                               | ..                      | 0.00                  | 00.00                    | 0.00                     |
| 10.    | Tamil Nadu                         | 590                                                                                       | 19.39                   | 119                                                                      | 27.87                   | 365                              | 17.77                   | 106                              | 18.93                   | 20.17                 | 61.86                    | 17.97                    |
| 11.    | Uttar Pradesh                      | 325                                                                                       | 10.68                   | 80                                                                       | 18.73                   | 187                              | 9.10                    | 58                               | 10.36                   | 24.61                 | 57.54                    | 17.85                    |
| 12.    | Delhi                              | 15                                                                                        | 0.49                    | 3                                                                        | 0.70                    | 1                                | 0.04                    | 11                               | 1.96                    | 20.00                 | 6.66                     | 73.33                    |
| 13.    | Goa, Daman & Diu                   | 2                                                                                         | 0.06                    | 1                                                                        | 0.23                    | 1                                | 0.04                    | ..                               | ..                      | 50.00                 | 50.00                    | 0.00                     |
| 14.    | Pondicherry                        | 34                                                                                        | 1.12                    | 15                                                                       | 3.51                    | 18                               | 0.87                    | 1                                | 0.18                    | 44.12                 | 52.94                    | 2.94                     |
| TOTAL  |                                    | 3042                                                                                      | 100.00                  | 427                                                                      | 100.00                  | 2055                             | 100.00                  | 560                              | 100.00                  | 14.04                 | 67.55                    | 18.40                    |



## ANNEXURE I

## STATEMENT No. 3

*Statement showing disposal of cases by Courts under the PCR Act, 1955 during 1978*

| Sl. No.   | State/U.T.       | Total no. of cases in courts | %age of total of Col. 3 | No. of cases ending in conviction | %age of total of Col. 5 | No. of cases ending in acquittal/compounding/others | %age of total of Col. 7 | %age of Col. 5 to Col. 3 | %age of Col. 7 to Col. 3 | No. of cases pending in courts | %age of Col. 11 to Col. 3 |
|-----------|------------------|------------------------------|-------------------------|-----------------------------------|-------------------------|-----------------------------------------------------|-------------------------|--------------------------|--------------------------|--------------------------------|---------------------------|
| 1         | 2                | 3                            | 4                       | 5                                 | 6                       | 7                                                   | 8                       | 9                        | 10                       | 11                             | 12                        |
| 1.        | Andhra Pradesh . | 149                          | 3.32                    | 10                                | 2.69                    | 31                                                  | 3.24                    | 6.71                     | 20.80                    | 108                            | 72.48                     |
| 2.        | Bihar . .        | 65                           | 1.45                    | ..                                | ..                      | 1                                                   | 0.10                    | ..                       | 1.54                     | 64                             | 98.46                     |
| 3.        | Gujarat . .      | 1368                         | 30.51                   | 33                                | 8.87                    | 501                                                 | 52.18                   | 2.41                     | 36.62                    | 834                            | 60.96                     |
| 4.        | Haryana . .      | 3                            | 0.07                    | ..                                | ..                      | ..                                                  | ..                      | ..                       | ..                       | 3                              | 100.00                    |
| 5.        | Himachal Pradesh | 34                           | 0.77                    | 3                                 | 0.80                    | 10                                                  | 1.04                    | 8.82                     | 29.41                    | 21                             | 61.76                     |
| 6.        | Karnataka . .    | 315                          | 7.03                    | 8                                 | 2.15                    | 24                                                  | 2.50                    | 2.54                     | 7.62                     | 283                            | 89.84                     |
| 7.        | Madhya Pradesh   | 844                          | 18.83                   | 208                               | 55.91                   | ..                                                  | ..                      | 24.64                    | ..                       | 636                            | 75.35                     |
| 8.        | Orissa . .       | 157                          | 3.50                    | 2                                 | 0.54                    | 29                                                  | 3.02                    | 1.27                     | 18.47                    | 126                            | 80.25                     |
| 9.        | Rajasthan . .    | 239                          | 5.33                    | 13                                | 3.50                    | 28                                                  | 2.92                    | 5.44                     | 11.71                    | 198                            | 82.84                     |
| 10.       | Tamil Nadu .     | 988                          | 22.04                   | 82                                | 22.04                   | 321                                                 | 33.44                   | 8.30                     | 32.49                    | 585                            | 59.21                     |
| 11.       | Uttar Pradesh .  | 290                          | 6.46                    | 10                                | 2.69                    | 7                                                   | 0.73                    | 3.45                     | 2.41                     | 273                            | 94.13                     |
| 12.       | Delhi .          | 6                            | 0.13                    | ..                                | ..                      | ..                                                  | ..                      | ..                       | ..                       | 6                              | 100.00                    |
| 13.       | Goa, Daman & Diu | 4                            | 0.09                    | 1                                 | 0.27                    | ..                                                  | ..                      | 25.00                    | ..                       | 3                              | 75.00                     |
| 14.       | Pondicherry .    | 21                           | 0.47                    | 2                                 | 0.54                    | 8                                                   | 0.83                    | 9.52                     | 38.09                    | 11                             | 52.38                     |
| TOTAL . . |                  | 4483                         | 100                     | 372                               | 100                     | 960                                                 | 100                     | 8.30                     | 21.41                    | 3151                           | 70.28                     |

## ANNEXURE I

## STATEMENT NO. 4

*Statement showing the pendency period of cases with Police and Courts under the PCR Act in selected States during 1978*

| S. No.    | State/U.T.       | Number of cases pending between |       |                |       |              |       |              |       |                    |       |
|-----------|------------------|---------------------------------|-------|----------------|-------|--------------|-------|--------------|-------|--------------------|-------|
|           |                  | 1 to 6 months                   |       | 6 to 12 months |       | 1 to 2 years |       | Over 2 years |       | Total No. of cases |       |
|           |                  | Police                          | Court | Police         | Court | Police       | Court | Police       | Court | Police             | Court |
| 1         | 2                | 3                               | 4     | 5              | 6     | 7            | 8     | 9            | 10    | 11                 | 12    |
| 1.        | Andhra Pradesh . | 27                              | 108   | ..             | ..    | ..           | ..    | ..           | ..    | 27                 | 108   |
| 2.        | Bihar . .        | 24                              | 5     | 6              | 12    | 10           | 40    | ..           | 7     | 10                 | 64    |
| 3.        | Gujarat . .      | 81                              | 561   | 113            | 212   | ..           | 52    | ..           | 9     | 194                | 834   |
| 4.        | Haryana . .      | 1                               | 3     | ..             | ..    | ..           | ..    | ..           | ..    | 1                  | 3     |
| 5.        | Himachal Pradesh | 2                               | 5     | ..             | 7     | 1            | 6     | ..           | 3     | 3                  | 21    |
| 6.        | Madhya Pradesh   | 25                              | 162   | 4              | 128   | ..           | 267   | ..           | 79    | 29                 | 636   |
| 7.        | Orissa . .       | 6                               | 32    | 8              | 7     | ..           | 87    | ..           | ..    | 14                 | 126   |
| 8.        | Tamil Nadu .     | 106                             | 585   | ..             | ..    | ..           | ..    | ..           | ..    | 106                | 585   |
| 9.        | Uttar Pradesh .  | 41                              | 76    | 15             | 75    | 2            | 122   | ..           | ..    | 58                 | 275   |
| 10.       | Delhi . .        | 9                               | ..    | 2              | 1     | ..           | 5     | ..           | ..    | 11                 | 6     |
| 11.       | Goa, Daman & Diu | ..                              | ..    | ..             | 1     | ..           | 2     | ..           | ..    | ..                 | 3     |
| 12.       | Pondicherry .    | ..                              | 3     | 1              | 8     | ..           | ..    | ..           | ..    | 1                  | 11    |
| TOTAL . . |                  | 322                             | 1540  | 149            | 451   | 13           | 581   | ..           | 98    | 484                | 2670  |
| % . . .   |                  | 66.54                           | 57.68 | 30.78          | 16.89 | 2.68         | 21.76 | ..           | 3.67  | 100                | 100   |

N.B. : The percentages under Cols. 3, 5, 7 and 9 show the break-up of cases pending with Police and total up to 100 under Col. 11.  
The percentages under Cols. 4, 6, 8 and 10 show the break-up of cases pending with courts and total up to 100 under Col. 12.

## ANNEXURE II

### *Details of Legal Aid Schemes for the Scheduled Castes and Scheduled Tribes*

#### *Andhra Pradesh*

Free legal aid is provided to the victims of atrocities and harassment. Under this scheme the entire expenditure involving the cost of attendance in Courts, filing of various documents, moving applications in the Court, payment of fees to lawyers, etc., is fully met as part of legal aid. At the district level the Collectors have been empowered to sanction necessary assistance to the victims of atrocities. Amount of Rs. 16.5 lakhs and Rs. 1.5 lakhs were earmarked during 1977-78 for the Scheduled Castes and Scheduled Tribes respectively. In 1978-79 these amounts were Rs. 16.5 lakhs and Rs. 2 lakhs respectively.

#### *Bihar*

Legal aid is given to SC/ST persons whose annual income does not exceed Rs. 3,600. During 1978-79 a sum of Rs. 3.55 lakhs was provided for this purpose in 30 districts.

#### *Gujarat*

Legal aid is given to SC/ST persons whose annual income does not exceed Rs. 1,800. The scheme is implemented by the Social Welfare Department over and above the general scheme of the legal Department.

#### *Haryana*

Legal aid to the Scheduled Castes/Vimukta Jatis is provided to pursue their compensation cases in the Courts arising out of untouchability. A sum of Rs. 100 can be sanctioned by the District Social Welfare Officer and an amount exceeding Rs. 100 is sanctioned by the Deputy Commissioner in the shape of financial aid to the affected persons. }

#### *Himachal Pradesh*

The State Government have framed "Himachal Pradesh Legal Aid to Scheduled Castes and Scheduled Tribes Rules 1974". Under these Rules legal aid is allowed to a person whose annual income is less than Rs. 3,000 per annum or who owns or cultivates less than 10 acres of cultivable land. Even in this group the persons coming within the annual ceiling of Rs. 1,500 are given preference.

#### *Karnataka*

The State Government have framed "Karnataka Legal Aid and Advice Rules 1977" and have established Legal Aid & Advisory Centres for providing legal aid and advice to persons of weaker sections of the society and working people. They have created a legal cell for conducting litigations of persons in the High Court. This cell render legal aid in the form of giving advice, preparation and presentation of appeals, and appearance and conduct of cases pending before the High Court. A similar cell has been created in the Karnataka Appellate Tribunal. Legal Advisors have also been appointed in all the districts to render free legal aid to SC/ST persons.

#### *Kerala*

A member of a Scheduled Caste or a Scheduled Tribe, if poor, is entitled to legal aid in all proceedings before the Civil and Criminal Courts of the State. Assistant Public Prosecutors are authorised to conduct cases under the PCR Act.

#### *Madhya Pradesh*

The legal aid scheme to the Scheduled Castes and Scheduled Tribes is governed by a general legislation, viz., The Madhya Pradesh Samaj Ke Kamjor Vargon Ke Liye Vidhik Sahayata Tatha Salah Adhinyam, 1976, and two sets of rules, viz., the M.P. Ansuchit Jati (Vidhik Sahayata) Niyam 1963 and the M.P. Ansuchit Jan Jati (Kanuni Sahayata) Niyam 1960. Under the Act, during 1977-78 out of a sum of Rs. 6,307 the share of the Scheduled Castes and Scheduled Tribes was Rs. 2,328 and Rs. 1,088 respectively. Under the special scheme for the Scheduled Castes and Scheduled Tribes, during 1977-78 sums of Rs. 0.21 lakh and Rs. 0.31 lakh were spent respectively against the allocations of Rs. 1.20 lakhs and Rs. 1.70 lakhs.

#### *Maharashtra*

In order to enable the Scheduled Castes to exercise their rights free legal aid is granted under a special scheme implemented by the Law and Judiciary Department. The income limit for eligibility under this scheme has been raised to Rs. 3,600. The scheme is extended to the High Court in appellate matters.

#### *Orissa*

There are two legal aid schemes in the State, viz. The Orissa Legal Aid to the Poor Rules 1975 and Legal Aid to the Scheduled Castes and Scheduled Tribes. The former scheme provides legal aid to the economically and socially underprivileged sections of the society including the Scheduled Castes and Scheduled Tribes to facilitate access to legal remedies. A Scheduled Caste person is entitled to receive legal aid in cases under the PCR Act provided his annual income does not exceed Rs. 2,500. During 1977-78 a sum of Rs. 4,050 was spent under the general scheme but no Scheduled Caste/Scheduled Tribe person was benefited. Under the latter scheme during 1977-78, 155 SC and 35 ST persons were given legal assistance amounting to Rs. 16,850 (Rs. 12,000 for SC and Rs. 4,850 for ST).

#### *Punjab*

There is a scheme for legal aid to the Scheduled Castes under which legal aid is provided for the defence of cases of untouchability etc.

#### *Rajasthan*

The aid is granted under the Legal Assistance (Scheduled Castes and Scheduled Tribes) Rules, 1969.

*Tamil Nadu*

Legal aid is provided to the Scheduled Castes and Scheduled Tribes in cases of eviction or ejection, accidents, service matters and in other cases relating to social or economic rights individually or jointly including complaints under the PCR Act, if the annual income of the beneficiary is Rs. 2,500 or less. Poor SC/ST persons are eligible for assistance for proceedings before the Civil & Criminal Courts and legal assistance is also given in appeal and revision cases.

*Tripura*

The Tripura Scheduled Castes and Scheduled Tribes (Legal Assistance) Rules, 1978, have since been modified to incorporate in the 'object' (Clause 3) that any person subjected to any disability due to untouchability as provided for the PCR act will also be entitled to legal assistance and that there should not be any limit as to the number of times this assistance can be availed of within a year. During 1977-78 and 1978-79 legal assistance amounting to Rs. 6,000 and Rs. 2,800 was provided to 25 SC and 15 ST persons respectively.

*Uttar Pradesh*

A State Level Committee and District Legal Aid Committee have been set up for giving free legal advice to the poor Scheduled Castes. During 1978-79 provision of Rs. 5 lakhs was made for this purpose. For providing legal counselling and pleading their cases a proposal to appoint Assistant D.G.C. preferably belonging to the SC and ST is under consideration of the State Government. The Asstt. D.G.C. dealing with such cases would get emoluments similar to those of Asstt. D.G.C. (Criminal). Legal aid would be provided under the PCR Act in disputes relating to land and property, bonded labour, indebtedness and forced labour.

*West Bengal*

The Judicial Department of the State Government is taking necessary action for providing adequate facilities including legal aid to the persons subjected to any disability arising out of untouchability in consultation with the High Court at Calcutta.

*Pondicherry*

The Administration have a scheme for grant of legal aid to the Scheduled Castes in ejection and eviction cases. A Legal Aid cell is also functioning in the Union Territory to give legal aid to the needy Scheduled Castes. A retired District Judge is the Director of the Cell.

### ANNEXURE III

#### *Appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the PCR Act*

##### *Andhra Pradesh*

The Ministry of Home Affairs have accorded their approval for strengthening the enforcement machinery of the PCR Act in the State during 1978-79. Accordingly a temporary Cell has been established at the Secretariat level, besides sanctioning one Addl. Supdt. of Police with the supporting staff in the office of the Crime Branch, C.I.D., and certain skeleton staff in five districts of the State.

##### *Bihar*

The State Government have organised Harijan Cells from State to Block Police Station level under the Home Department. These Cells look after the cases of the Scheduled Castes and Scheduled Tribes.

##### *Gujarat*

(a) The State Government have set up three Harijan Cells at Gandhinagar, Rajkot and Baroda under a D.I.G. of Police. It is proposed that District S.Ps. will visit all places of atrocities on Harijans while Circle Police Inspectors will visit cases of suicides and accidental death (except fatal motor accidents) and Police Sub-Inspectors will investigate cases under the PCR Act. Harijan Cell Officers are also required to contact the Asst. Public Prosecutors whenever they visit a Police Station and look into the question of delay as well as other difficulties in prosecution, etc.

(b) The State Government have created special Cells (Revenue-cum-Police Cells) consisting of Mamlatdar, Police Inspector and supporting staff in four districts, viz., Ahmedabad (Rural), Mehsana, Sabarkantha and Surendranagar. These Cells have been working for quick disposal and settlement of land problems of Harijans. Among these Cells the one in Sabarkantha has completed its work and has now been shifted to Valsad District. These Cells have visited 1719 villages making detailed survey of 1615 villages and 17,875 Harijan Khatadars. Due to their efforts, 4,576 plots of land for house-sites have been allotted to landless Harijans and 157 cases of land disputes out of 169 cases presented by Harijans have been solved. The authorities concerned have been instructed to take stern action at places like hotels, restaurants, hair cutting saloons, water posts/stands and such other public places.

(c) A Harijan Cell set up in the Labour, Social Welfare and Tribal Development Department at the Secretariat level attends to complaints promptly, calls for reports and issues instructions wherever necessary for redress of grievances of Harijans.

(d) The State Government have appointed the following officers for initiating prosecution for contravention of the provisions of the Act :

- |                     |   |                                     |
|---------------------|---|-------------------------------------|
| (i) At State level  | — | Director, Social Welfare.           |
| (ii) District Level | — | Collectors and District Magistrate. |
| (iii) Tehsil level  | — | Maslatdars and Taluka Magistrate.   |

##### *Haryana*

As the State is small and the number of cases under the Act are very few the State Government have not constituted any Special Cell.

##### *Himachal Pradesh*

Special Cells have been set up in the Secretariat and in the Police Headquarters at the State and the District levels to look into complaints received from the members of the Scheduled Castes. Keeping in view the small number of cases separate prosecution officers have not been appointed. However, the prosecuting agencies have been instructed to plead the cases effectively in courts for awarding deterrent sentences to culprits and to expedite decisions. The concerned officers have also been instructed to inquire/investigate into the complaints of Harijans personally and have been informed that slackness in this matter will be considered as dereliction of duty.

##### *Karnataka*

A special Cell known as 'Civil Rights Enforcement Cell' under the charge of a Superintendent of Police has been created in the State CID to supervise and coordinate the work of all agencies entrusted with the task of taking action on complaints of harassment, ill-treatment, social boycott and atrocities on members of the Scheduled Castes and Scheduled Tribes, and the enforcement of the PCR Act. This Cell is also required to directly take up inquiries and investigations, where called for. The Director of Prosecutions in Bangalore city and the Deputy Director of Prosecutions at the Range headquarters are charged with the responsibility of giving opinion to local police in the matter of investigation and appeals in those cases in which the punishment awarded is less than the prescribed punishment. Instructions have been issued to the local police to take action against the offenders and to implement the provisions of the PCR Act effectively. The I.G. of Police has also issued instructions that all officers from the Rank of Head of Department and below should visit Harijan colonies while on tour and to their best to redress the grievances of Harijans in cooperation with the concerned Departments.

##### *Kerala*

A Special Mobile Police Squad has been posted at Kasargode in Cannanore District under the administrative control of the DIG Police Crime Branch, C.I.B. to detect and investigate cases under the PCR Act. This squad maintain liaison with local leaders including members of Panchayats.

##### *Madhya Pradesh*

(a) The Government of Mahya Pradesh have constituted a Special Cell in the Tribal and Harijan Welfare Department for protecting Harijans from atrocities *vide* Notification dated 9-3-1979. They have sanctioned Rs. 1.64 lakhs for this Cell.

(b) There is a Cell headed by a DIG of Police (Harijan Welfare) for registration, investigation and immediate legal action on complaints lodged by SC/ST persons. He is assisted by a Dy. S.P. and other office staff. In addition, seven Special Police Stations have been established at Divisional levels to handle such cases.

#### *Maharashtra*

The State Government have created a Special Cell for the enforcement of the PCR Act. It consists of 16 persons including 1 DIG of Police, 1 Dy. S.P., 6 Police Inspectors and other Ministerial and Constabulary staff. PCR Act Police Units (Task Force) have been formed at 6 Police Range Headquarters for dealing with cases under the PCR Act. Efforts are being made to provide vehicles to these police units.

The I.G. of Police has issued instructions to the police to take active interest in dealing with the offences under this Act and to take prompt action in registration, investigation and launching prosecution. They have been instructed to act on information without waiting for complaints to be formally lodged by the aggrieved party. Failure on the part of police officers to implement these instructions rigidly is being regarded as grave dereliction of duty and viewed seriously.

#### *Orissa*

A Cell has been set up in the Crime Branch of the State Police Hqs. to deal with cases under the PCR Act. The Cell registers and investigates into the cases and launches systematic drives against the social evil of untouchability.

The State Government have issued a set of guidelines to the District Administration and Police with a view to dealing promptly and effectively with cases relating to atrocities. The Collectors and the Superintendents of Police have been made fully responsible for proper implementation of the Act. The important aspects of the guidelines are as follows:—

- (i) Joint enquiry by the Police and Revenue Officers into cases of atrocities;
- (ii) Identification of trouble prone areas;
- (iii) Preventive measures in these cases against escalation;
- (iv) Provision of relief to the victim of atrocities;
- (v) Mobilization of non-official agencies to arouse public opinion against untouchability.

Besides, the Chief Minister has issued an appeal to the Panchayat Samitis and local bodies to tackle the problem at social level.

#### *Punjab*

The State Government have reported that in view of the small number of cases registered under the PCR Act there is no necessity for appointing any special officer.

#### *Rajasthan*

A Cell in the office of the Chief Minister has been set up to deal with complaints received from the members of the Scheduled Caste and Scheduled Tribes and officers of the rank of S.P. have been posted in the Cell to enquire into the complaints. An officer of the rank of Additional I.G. of Police has been appointed as the Director of Vigilance in the Police Department to ensure quick investigation of the offences registered under the PCR Act. Orders have also been issued that cases under the Act will be investigated by a police officer not below the rank of Dy. S.P., as this measure will help in effective and quick investigation. The Director of State Prosecution Department has been entrusted with the responsibility of keeping watch on the prosecution of the cases sent to court under the Act. Orders have also been issued that the prosecution of the cases under the Act should be conducted by an officer at least of the rank of Assistant Public Prosecutor, I Class, and that the progress report on every case should be sent by the prosecuting agency to the Director of Prosecution. On being approached by the State Government, the Rajasthan High Court has also instructed the Judicial Magistrates that they should take all necessary steps for speedy disposal of cases under the Act.

#### *Tamil Nadu*

Six Mobile Police Squads are already functioning in the districts of South Arcot, Thanjavur, Tiruchirappalli, Tirunelveli, Coimbatore and Madurai. During January 1979 the Government have sanctioned the establishment of seven additional Mobile Squad in the districts of Chengalpattu, Ramanathapuram, Kanyakumari, North Arcot, The Nilgiris, Salem and Dharmapuri with an outlay of Rs. 4 lakhs.

The State Government had set up during 1976 a Special Cell with a Police officer in the rank of D.I.G. of Police designated as Director of Civil Defence, Madras, to oversee the effective enforcement of the PCR Act throughout the State. The Cell is now functioning as the PCR Wing under the control of Director of Civil Defence from 1-4-1977.

#### *Tripura*

The State Government have appointed Sub-Divisional Officers of the Sub-Divisions, Sub-Deputy Collectors (Circle Officers of the Revenue Circles) and Police officers upto the rank of Sub-inspectors under the provisions of this Section of the PCR Act.

#### *Uttar Pradesh*

A special enquiry Cell headed by a D.I.G. of Police has been functioning to enquire into incidents concerning Harijans including those under the PCR Act and to suggest administrative action to be taken thereon. For his assistance a Senior S.P. and two S.Ps. have been provided. This Cell is being strengthened by providing additional staff, viz., one S.P. and 7 Dy. S.Ps. Harijan Cells have also been set up in the Police Department at district level. The State Government have also appointed Sub-Divisional Magistrates and Senior Public Prosecutors of the respective districts as competent authorities for this purpose. Offences under Sections 3, 4, 5, 6 and 7 of the Act have been classified as 'Special Report' cases.

#### *West Bengal*

The question of appointing special officers is under active consideration of the Home Department.

#### *Pondicherry*

The S.P., C.I.D., is in charge of the enforcement of the PCR Act. The police keep vigil over occurrences of cases under the Act. A Cell headed by the Collector-cum-Secretary also reviews periodically incidents involving offences against Members of the Scheduled Castes.

## ANNEXURE IV

*Setting up of Committees at appropriate levels to assist the State Governments in formulating or implementing various measures under the Protection of Civil Rights Act, 1955*

### *Andhra Pradesh*

The Government of Andhra Pradesh have reconstituted the State level Committee with official and non-official members under the Chairmanship of Shri C. Narayan, MLA, on 4-11-1978 for effective implementation of various measures provided for in the Protection of Civil Rights Act and have directed the Committee to review the following :—

- (i) registration, investigation and prosecution of cases under the PCR Act.
- (ii) implementation of the PCR Act.
- (iii) results of the efforts directed towards removal of untouchability, and

to make recommendations to the Government in respect of the above. The Committee has suggested various measures to combat the evil practice of untouchability which are under consideration of the Government.

District level Committees have been set up of which the Collector is the *ex-officio* Welfare Deputy Commissioner for Scheduled Castes and Scheduled Tribes.

### *Bihar*

A Committee for implementation and review of the PCR Act has been constituted at the State level termed as Asprishyata Aparadh Adhinyam Karyanvayan Samiti. The question of reconstitution of this Committee is under active consideration of the Government, and as such no meeting of the Committee was held during the year 1978.

### *Gujarat*

The State Government have set up the following Committees for the purpose :

- (i) A high level Committee headed by the Chief Minister and including the Home Minister, the Social Welfare Minister, representatives of the political parties and Voluntary Organisations, social workers and high Government officers.
- (ii) A Sub-Committee at the State level under the Chairmanship of the Social Welfare Minister to watch the progress of implementation of various suggestions and resolutions made by the high level (State) Committee for the effective enforcement of the provisions of the PCR Act.
- (iii) District level Vigilance Committees under the Chairmanship of the District Collectors.
- (iv) Taluka level Committees under the Chairmanship of the Mamlatdars.
- (v) A House Committee for the Welfare of SC/ST/Nomadic & Denotified Tribes consisting of 15 MLAs was constituted in October 1978. Watching of proper implementation of the PCR Act is one of the terms of reference of this Committee.

### *Haryana*

The Government of Haryana do not feel the necessity of setting up of any Committee in view of the small number of cases registered under this Act.

### *Himachal Pradesh*

A State level Committee under the chairmanship of the Chief Minister has been set up to look into complaints of Harijans and others relating to untouchability and other offences. District level Committees under the charge of a Minister have also been set up for the same purpose.

### *Karnataka*

The State Government have set up a State level High power Committee under the Chairmanship of the Minister for Law, Social Welfare and Backward Classes to review, *inter alia*, the working of the Civil Rights Enforcement Cell. Advisory Committee at State, District and Sub-Divisional/Taluka levels have also been set up to provide protection and necessary safeguards to the Scheduled Castes and Scheduled Tribes and to redress their grievances.

### *Kerala*

A Committee for the Protection of Civil Rights Act has been constituted with the Sub-Collector, Ksargode, as the Chairman and prominent citizens of the locality as its members, for reviewing the cases reported under the Act and for proper implementation of the provisions of the Act.

### *Madhya Pradesh*

The State level Committee was constituted by the Tribal and Harijan Welfare Department on 12-3-1979 under the chairmanship of the Minister for Harijan Welfare. It comprises 30 SC and ST members and the Director Tribal Welfare is its Secretary. District level Committees have also been set up under the chairmanship of the Collectors, with officials and non-officials as members. The District Publicity Officer is the Secretary of the Committee.



### *Maharashtra*

The State level Committee has been set up under the chairmanship of the Minister for Social Welfare with a view to devoting special attention to the task of the effective implementation of the provisions of the PCR Act. During 1977-78 the Committee met only once in January 1978 and issued suitable instructions to the implementing authorities. At the district level Vigilance Committees are functioning under the chairmanship of the Collector of the district to suggest ways and means for proper implementation of the Act and to create an atmosphere in the district and in the rural areas in favour of removal of untouchability.

### *Orissa*

The State Government have appointed Committees consisting of officials and non-officials to advise the Government in the matter of rapid eradication of untouchability. They are :

- (i) A Sub-Committee on Untouchability at the State level. The Committee made on the spot visits in different districts and collected evidence on prevalence of untouchability. Its report is under process. This problem is also broadly reviewed from time to time in the meetings of the State Harijan Welfare Advisory Board.
- (ii) District Welfare Committees.
- (iii) Harijan Welfare Boards at the Sub-Divisional level for regular review of the problems of untouchability.

The State Government have also constituted a high level Committee to enquire into atrocities on Harijans and Adivasis. This Committee has enquired into some cases of atrocities.

### *Punjab*

No such Committee has been set up in view of the small number of cases under the Act.

### *Rajasthan*

A State level Committee under the chairmanship of the Chief Minister has been constituted to give policy directions in the matters concerning effective implementation of the PCR Act. District Vigilance Committees with SC/ST MLAs as members have been set up to make suggestions in this regard.

### *Tamilnadu*

A State level Committee for the PCR Act was functioning during the Government's Rule. The Committee has ceased to function now. The reconstitution of the Committee is under the active consideration of the Government. However, the Harijan Welfare Committee during its quarterly meetings generally discusses this problem.

### *Uttar Pradesh*

The State Government have set up Committees at the State, District and Tahsil levels, under the chairmanship of the Minister for Harijan and Social Welfare, the District Magistrate and the Sub-Divisional Magistrate respectively, for considering the suggestions and difficulties regarding the effective implementation of the provisions of the PCR Act.

### *Tripura*

All matters arising out of the implementation of the PCR Act will be considered by the Harijan Advisory Committee of the State which has already been set up under the chairmanship of the Chief Minister. The Minister for Welfare of Scheduled Tribes and Scheduled Castes is its Vice-Chairman.

### *West Bengal*

There is a Committee at the State level with the Minister of State incharge of Scheduled Castes and Scheduled Tribes Welfare Department as the ex-officio Chairman and including M.Ps, MLAs and officials. The Director & ex-officio deputy Secretary, Scheduled Castes and Tribes Welfare Department, is the Secretary of the Committee.

### *Pondicherry*

A Committee for the Welfare of Scheduled Castes under the chairmanship of the Home Minister has been constituted to review, *inter alia* incidents involving offences against the Scheduled Castes.

## CHAPTER VI

### ATROCITIES

#### *Introduction*

The term 'atrocities' has not been defined by the Penal Laws. Cases involving grave offences like murder, rape, arson, violence resulting in grievous hurt and such other cases are considered as atrocities. In this report 'atrocities' denote the above types of offences committed on Scheduled Castes and Scheduled Tribes which are taken cognizance of under the Indian Penal Code. The cases arising out of the practice of untouchability are dealt with separately as these are covered under the Protection of Civil Rights Act, 1955.

6.2 From 1974 onwards, the National Integration Division of the Ministry of Home Affairs have been collecting information on the incidents of atrocities committed on Scheduled Castes only from all the States/Union Territories. The atrocities are classified under four main categories, i.e., murder, rape, violence and arson; and those cases which are not covered by these categories are classified as 'other cases'.

In order to draw a comparative picture of the trend of atrocities committed in the country, the category-wise number of offences committed during 1977 and 1978 were collected from the National Integration Division of the Ministry of Home Affairs.

#### *State/Union Territory-wise analysis*

6.3 The number of offences reported by 16 States and 3 Union Territories, during 1977 and 1978 has been stated in Annexure-I. The States/Union Territories which did not report any case of atrocity during the said years have not been included in the list.

#### *(A) Number of atrocities during 1977*

6.4 During 1977, cases of atrocities were reported from 15 States and 3 Union Territories. No cases were reported from 7 States like Assam, Jammu & Kashmir, Manipur, Meghalaya, Nagaland, Sikkim and Tripura and 6 Union Territories of Andaman & Nicobar Islands, Chandigarh, Goa, Daman & Diu, Lakshadweep, Mizoram and Arunachal Pradesh. In all these States/Union Territories, the population of Scheduled Castes was meagre and the problem of untouchability is quite uncommon.

The total number of atrocities committed in the rest of the 15 States and 3 Union Territories during 1977 was 10,879. Maximum number of cases i.e. 4974 cases constituting 45.8 per cent of the total cases

reported in the country, were from Uttar Pradesh followed by Madhya Pradesh reporting 3366 cases (30.9 per cent), Bihar, Maharashtra, Gujarat, Rajasthan and Kerala reported 681, 570, 331, 261 and 233 cases respectively. One State (West Bengal) and all the 3 Union Territories (Dadra and Nagar Haveli, Delhi and Pondicherry) reported less than 10 cases of offences each, while 6 States (Haryana, Himachal Pradesh, Karnataka, Orissa, Punjab and Tamil Nadu) reported less than 100 cases of atrocities each. Uttar Pradesh and Madhya Pradesh were the two States reporting more than 3000 offences each. Taken together, 76.7 per cent of the total number of atrocities committed during the year was thus reported from the two States of Uttar Pradesh and Madhya Pradesh only.

#### *(B) Number of atrocities during 1978*

6.5 The total number of atrocities in the country being 10,879 during 1977, it increased to 15,053 in the year 1978. In addition to the 15 States and 3 Union Territories reporting cases of offences against Scheduled Castes during 1977 one case of atrocity was also reported from Assam during 1978.

Five States (Asam, Haryana, Himachal Pradesh, Punjab and West Bengal) and all the 3 Union Territories (Dadra and Nagar Haveli, Delhi and Pondicherry) reported less than 100 cases of atrocities each, while 6 States (Andhra Pradesh, Gujarat, Kerala, Orissa, Rajasthan and Tamil Nadu) reported cases varying from 110 to 886, i.e., less than 1000 cases each. Uttar Pradesh recorded the maximum number of 5660 cases constituting 37.60 per cent of the total 15,053 cases reported during 1978 followed by Madhya Pradesh, Bihar and Maharashtra reporting 3240 (21.52 per cent), 1811 (12.69 per cent) and 1046 (6.94 per cent) cases respectively. Taken together the number of offences reported from the 3 States of Uttar Pradesh, Madhya Pradesh and Bihar constitute 71.81 per cent of the total atrocities reported in the country.

#### *(C) Comparative analysis of number of atrocities during 1977 and 1978*

6.6 A comparative analysis of the cases of atrocities reported during 1977 and 1978 indicates that the number of atrocities during 1977 being 10,879 it increased to 15,053 in 1978 showing an increase of 38.37 per cent over a period of one year. A comparative picture of trend of atrocities in 11 States which

reported more than 100 cases each during 1978 is indicated below :

| S. No. | Name of the States | No. of atrocities reported during |      | % of increase/decrease | % of cases to the total no. of 15,053 cases in India during 1978 |
|--------|--------------------|-----------------------------------|------|------------------------|------------------------------------------------------------------|
|        |                    | 1977                              | 1978 |                        |                                                                  |
| 1.     | Andhra Pradesh     | 102                               | 110  | 7.84(+)                | 0.73                                                             |
| 2.     | Bihar              | 681                               | 1911 | 180.62(+)              | 12.69                                                            |
| 3.     | Gujarat            | 331                               | 540  | 63.14(+)               | 3.58                                                             |
| 4.     | Karnataka          | 59                                | 376  | 537.27(+)              | 2.49                                                             |
| 5.     | Kerala             | 233                               | 767  | 229.18(+)              | 5.09                                                             |
| 6.     | Madhya Pradesh     | 3366                              | 3240 | 3.74(—)                | 21.42                                                            |
| 7.     | Maharashtra        | 570                               | 1046 | 83.51(+)               | 6.94                                                             |
| 8.     | Orissa             | 69                                | 135  | 95.65(+)               | 0.89                                                             |
| 9.     | Rajasthan          | 261                               | 886  | 239.46(+)              | 5.88                                                             |
| 10.    | Tamil Nadu         | 54                                | 130  | 140.15(+)              | 0.86                                                             |
| 11.    | Uttar Pradesh      | 4974                              | 5660 | 13.79(+)               | 37.60                                                            |

6.7 It may be observed from the above table that except Madhya Pradesh, where the number of atrocities declined from 3366 during 1977 to 3240 during 1978, in rest of the ten States reporting 100 and more cases of atrocities each the number showed an upward trend. The rate of increase was maximum in Karnataka (537.27 per cent) followed by Rajasthan (239.46 per cent), Kerala (229.18 per cent), Bihar (180.62 per cent), Tamil Nadu (140.15 per cent), Orissa (95.65 per cent) and Maharashtra (83.51 per cent) respectively.

6.8 Taking into consideration all the 15 States and 3 Union Territories reporting cases of atrocities during 1977 and 1978 (Annexure II), it is seen that the rate of increase in number of atrocities is comparatively low in respect of States and Union Territories which were already reporting sizeable number of atrocities, while there has been sharp rise in the per cent of increase in atrocity cases in the States/Union Territories where the incidence of atrocities is reportedly less in number. Delhi reporting only 14 cases of atrocities during 1978 indicates an increase by 366.67 per cent as compared to 3 cases during 1977. Likewise, the maximum increase of 537.27 per cent is reported in case of Karnataka where the number of atrocities increased from 59 during 1977 to 376 in 1978. As against the All India increase of 38.37 per cent, the percentage of increase in atrocities in Rajasthan, Kerala, Bihar, Haryana, Tamil Nadu, Orissa, Maharashtra, Gujarat and Himachal Pradesh was 239.46, 229.18, 180.62, 153.88, 140.75, 95.65, 83.51, 63.14 and 57.14 respectively.

6.9 There was no increase in number of atrocities in Punjab during 1978, as the case of atrocities during each of the two years of 1977 and 1978 was 84. No cases being reported by Assam during 1977, only 1

case was reported from this State during 1978. There was, however, a downward trend in incidence of atrocities in Dadra and Nagar Haveli, West Bengal and Madhya Pradesh indicating decrease of atrocity cases by 85.50 per cent, 14.28 per cent and 3.74 per cent respectively.

#### (D) Crime-wise analysis of atrocities (1977)

6.10 The crime-wise classification of atrocities reported in different States/Union Territories during 1977 and 1978 may be seen in Annexure II. It may be seen from this Annexure that majority of the crimes are classified as 'other offences'. The number of such offences is 8156 during 1977 which accounts for 74.96 per cent of the total 10,879 cases reported during the year.

6.11 The total number of murders being 334, these constitute 3.07 per cent of the total number of atrocities reported during 1977. Uttar Pradesh alone reported 143 murder cases which account for 42.8 per cent of the total 334 cases of murder in the country, Madhya Pradesh, Bihar and Gujarat reported 57, 32 and 21 murder cases, respectively, during the year, while 18 cases were reported from each of the two States of Maharashtra and Rajasthan.

6.12 Offences leading to violence and grievous hurt in the country were 1341 which account for 12.33 per cent of the total number of atrocities during 1977. Maximum number of violence cases was from Madhya Pradesh which reported 465 cases constituting 34.7 per cent of the total violence cases in the country. Uttar Pradesh followed Madhya Pradesh with 447 violence cases constituting 33.3 per cent of the total 1341 violence cases. Thus taken together 78 per cent of the total violence cases were reported from the two States of Madhya Pradesh and Uttar Pradesh, Maharashtra, Bihar and Rajasthan reported 130, 113 and 74 violence cases during the year.

6.13 3.06 per cent of the total offences committed in the country during 1977 were rape (332) cases. 27.1 per cent of the rape cases were from Uttar Pradesh which reported 90 cases closely followed by Madhya Pradesh with 87 (26.2 per cent) such cases. Bihar and Rajasthan reported 70 and 20 rape cases, respectively.

The total number of arson cases during 1977 being 716, these constitute 6.58 per cent total offences reported during the year. 73.3 per cent of arson cases were from the States of Uttar Pradesh and Madhya Pradesh reporting 278 (38.3 per cent) and 247 (34.5 per cent) cases, respectively. Bihar and Rajasthan reported 84 and 33 such cases during the year.

#### (E) Crime-wise atrocities during 1978

6.14 Majority of the atrocities, reported during 1978 were classified as 'other offences'. Out of the total 15,053 cases, 74.96 per cent cases (11,284) were 'other offences'. The rest 25.04 per cent of the

offences relate to murder, violence, rape and arson. 10.43 per cent cases were violence and 7.98 per cent were arson cases. Rape and murder cases constitute 3.60 per cent and 3.03 per cent of the total offences committed during the year. 219 cases constituting little more than 48 per cent of the total 456 murder cases were reported from Uttar Pradesh only followed by Bihar with 63 cases, Madhya Pradesh and Rajasthan with 41 and 38 cases respectively.

Out of the 1570 violence cases, 613 (39 per cent) were reported from Uttar Pradesh. Madhya Pradesh, Bihar, Rajasthan and Maharashtra reported 411, 146, 137 and 119 violence cases constituting 26.2 per cent, 9.3 per cent, 8.7 per cent and 67.6 per cent of the total violence cases, respectively.

6.15 541 being rape cases, these constitute 3.6 per cent of the total offences reported during the year. 188 rape cases constituting 34.7 per cent of the total rape cases, were reported from Uttar Pradesh which was followed by Madhya Pradesh, Bihar, and Rajasthan with 94 (17.4 per cent), 76 (14 per cent), and 68 (12.5 per cent) rape cases respectively.

1202 cases were arson cases during 1978 and these constitute 7.98 per cent of the total offences reported in the country during the year. More than one third of these cases were from Uttar Pradesh which reported 445 (37 per cent) cases. Bihar followed Uttar Pradesh with 260 cases (21.6 per cent) while Madhya Pradesh and Maharashtra reported 201 (16.7 per cent) and 167 (13.9 per cent) cases respectively.

#### (F) Comparative analysis of crime-wise atrocities

6.16 The number and types of atrocities reported in the country during 1977 and 1978 are indicated below :

##### *Crime-wise classification of number of atrocities reported during 1977 and 1978*

| Sr. No. | Category of atrocities | No. of atrocities committed during |        | % of increase/decrease |
|---------|------------------------|------------------------------------|--------|------------------------|
|         |                        | 1977                               | 1978   |                        |
| 1.      | Murder                 | 334                                | 456    | 36.52(+)               |
| 2.      | Violence               | 1341                               | 1570   | 17.07(+)               |
| 3.      | Rape                   | 332                                | 541    | 66.87(+)               |
| 4.      | Arson                  | 716                                | 1202   | 67.88(+)               |
| 5.      | Other offences         | 8156                               | 11,284 | 38.35(+)               |
| TOTAL   |                        | 10,879                             | 14,053 | 38.37(+)               |

6.17 It may be observed that there has been increase in all types of offences during 1978 as compared to those reported during 1977. The percentage of increase in the total number of offences during 1978 being 38.37 per cent than the previous year, the increase is 38.35 per cent in respect of 'other offences'. The proportionate increase in minimum in cases of violence which have increased from 1341

during 1977 to 1570 during 1978 indicating an increase by 17.07 per cent. The number of murders being 334 during 1977 it has increased to 456 in 1978, thus showing an increase by 36.52 per cent. There has been maximum increase in rape and arson cases. The rape cases have increased from 332 to 541 indicating an increase by 66.87 per cent while arson cases have gone up from 716 to 1202 during 1978 indicating an increase by 67.88 per cent.

6.18 The Commission would like to recommend to the State Governments where there has been an increase in atrocities during 1978 than the preceding year, to find out the causes of rising trend in the incidents and adopt suitable remedial measures for prevention of such incidents in future. The Commission may be apprised regarding the steps taken in this regard by the concerned State Governments.

#### *Review of cases received in the Commission*

6.19 The Commission for Scheduled Castes and Scheduled Tribes have also called for information regarding the action taken by the State Governments/ Union Territory Administrations into the various incidents of atrocities on Scheduled Castes and Scheduled Tribes from July 1978 to March 1979. The main source regarding the cases of crime committed on the weaker sections in different parts of the country has been the press reports from some of the leading national newspapers both in English and Hindi. Cases of atrocities have also been brought to the notice of the Commission during this period by its field offices. Besides, in certain cases the victims or their next of the kin on whom atrocities have been perpetrated have also written direct to the Commission. In certain cases where the Commission felt that the crimes were gruesome or of heinous nature these have been investigated either by the Commission or by the local offices of the Commission. Based on the above mentioned sources the Commission has initiated action on about 110 cases of atrocities in different States. Their State/U.T.-wise and crime-wise break-up is given in the following table :

TABLE I

| Sr. No. | State/U.T.     | Murder/<br>Suicide | Rape | Violence | Arson | Others | Total |
|---------|----------------|--------------------|------|----------|-------|--------|-------|
| 1.      | Andhra Pradesh | 5                  | —    | —        | —     | 2      | 7     |
| 2.      | Bihar          | 27                 | 8    | 11       | 3     | 9      | 58    |
| 3.      | Haryana        | 2                  | —    | 1        | —     | 1      | 4     |
| 4.      | Karnataka      | 1                  | —    | 1        | —     | —      | 2     |
| 5.      | Kerala         | —                  | —    | —        | 1     | —      | 1     |
| 6.      | Madhya Pradesh | —                  | 1    | —        | —     | 4      | 5     |
| 7.      | Maharashtra    | —                  | —    | 1        | —     | —      | 1     |
| 8.      | Orissa         | 3                  | 1    | 3        | —     | 1      | 8     |
| 9.      | Tamil Nadu     | 2                  | —    | 2        | 1     | —      | 5     |
| 10.     | Uttar Pradesh  | 9                  | —    | 6        | 1     | —      | 16    |
| 11.     | West Bengal    | —                  | —    | —        | —     | 2      | 2     |
| 12.     | Delhi          | —                  | —    | —        | —     | 1      | 1     |
| TOTAL   |                | 49                 | 10   | 25       | 6     | 20     | 110   |

6.20 An analysis of the above mentioned atrocities, alongwith brief particulars of the incidents, action taken by the State Governments and the recommendations made by the Commission is added in Annexure VIII. The sample study of about 110 cases may appear to be very insignificant compared to the total number of atrocities committed in the entire country during the period under review. The Commission *vide* d.o. letter No. 31/2/SCTC/79-RU, dated the 26th July, 1979, have brought to the notice of the Ministry of Home Affairs, Government of India, as well as to the Chief Secretaries of the State Governments that at present there is no arrangement under which this Commission are kept informed of the atrocities committed against the Scheduled Castes and Scheduled Tribes in different parts of the country. So far the Commission have been relying mainly on press reports and representations received from the aggrieved persons. This does not enable the Commission to have a total picture of the atrocities in the States/U.Ts. Even at the field level there is no regular system of feeding our zonal offices by the State/U.T. Administrations on this issue.

Keeping in view the fact that atrocities against Harijans have been showing a reported rising trend, this Commission would like to remain in close touch with the State Governments/U.Ts. to get details of all the atrocities committed from time to time. The Commission, therefore, requested the State Governments/U.T. Administrations to send us regularly reports of all cases of atrocities against the Scheduled Castes and Scheduled Tribes. They were also requested to send a brief report on each case of atrocity to the Commission either by teleprinter/telex or wireless followed by a detailed report through a letter

6.21 The Ministry of Home Affairs, Government of India, was also requested by the Commission *vide* their d.o. letter No. 31/23/SCTC/79-RU, dated 15th November, 1979 to make suitable arrangements in the Ministry of Home Affairs itself for collection of statistical information relating to atrocities on the Scheduled Tribes, besides issuing such instructions to the State Governments/Union Territories.

6.22 For analysing the various cases of atrocities committed on the Scheduled Castes and Scheduled Tribes the Commission had made a review of some sample cases of atrocities based on the replies received from the State Governments as well as the spot enquiries conducted by the Commission and its field offices. The salient points of some of the following enquiry reports of the Commission and its field officers on incidents of crimes committed from July 1978 to March, 1979 in different areas are given in the following pages :

- (1) Enquiry Report of the Commission on the incidents in Muzaffarnagar (Uttar Pradesh) (Annexure III).
- (2) Enquiry Report of the Chairman in Jamshedpur incidents, Bihar (Annexure IV).

- (3) Report on arson in village Bahura, P. S. Naubatpur, District Patna, Bihar (Annexure V).
- (4) Enquiry Report of the Chairman on the incidents of atrocity on Harijans in Villupuram town of South Arcot district in Tamil Nadu (Annexure VI).
- (5) Salient findings of the enquiry report on alleged atrocities on Godda Sub Division of District Santhal Parganas, Bihar.
- (6) Salient points of the enquiry report on alleged atrocities in Singhbhum district, Bihar.
- (7) Salient features of the enquiry report on the alleged incidents in Bajitpur village in Begusarai district, Bihar Zonal Office, Patna.
- (8) Salient points of the enquiry report on alleged violence in Marathwada region, Maharashtra-Ahmedabad Office.
- (9) Salient points of the enquiry report on alleged suicide by two Harijan girl employees of Mysore Tobacco Company.
- (10) Steps suggested by the Commission to check atrocities on the Scheduled Castes and Scheduled Tribes (Annexure VII).

1. *Summary of the inquiry report on the incidents in Muzaffarnagar on 11-12 February, 1979*

6.23 The Home Minister, *vide* d.o. No. III-13015/1/79-NID(D) dated 3rd March, 1979 requested the Commission for Scheduled Castes and Scheduled Tribes to enquire into the incidents which took place in Muzaffarnagar on 11-12 February, 1979. In response to this, the Commission conducted an on-the-spot study of the incidents in Muzaffarnagar between 10—13 March, 1979. The caste Hindus of Brahmapuri mohalla, however, did not cooperate with the Commission in giving any evidence relating to the incident. During their visit to Muzaffarnagar, the Commission interviewed the affected Harijans of Raidaspuri mohalla and held discussions with the local officials and non-officials. Subsequently, they also met the Chief Minister of Uttar Pradesh and discussed with the Chief Secretary and other senior officials at Lucknow on 26th March, 1979.

The incidents relate to clash between the caste Hindus of Brahmapuri mohalla and Harijans of Raidaspuri mohalla of Muzaffarnagar District of Uttar Pradesh. Both these mohallas are situated side by side separated by a narrow lane. One Shri Meghraj Tyagi had built up a house with a wall which considerably narrowed the passage providing outlet to the main road. A litigation about this wall had been going on in the Civil Court for many years and a compromise was filed between the Harijans and the caste Hindus on 3rd February, 1979, according to which Shri Meghraj Tyagi was to shift his wall to provide wider passage for the residents of the Raidaspuri mohalla, but on account of some dispute over the interpretation of the compromise terms,

Shri Tyagi again filed an application in the Court on 9th February, 1979 against the compromise.

6.24 The Ravidas Jayanti celebrations were due to take place on Sunday, i.e., 11th February, 1979, and the State Government had also declared holiday on 12th February, 1979 for this occasion. On 11th February, 1979, the Harijans of Raidaspuri mohalla wanted to take out the Ravidas Jayanti procession, but since the passage was very narrow it was alleged that some of them demolished the wall of Shri Meghraj Tyagi. This led to a dispute between the Tyagis and the Harijans. The City Magistrate, Dy. S.P. of Police (City) and other officials visited the area for negotiation, but since some rowdy elements started throwing brick-bats the City Magistrate ordered for firing tear-gas shells and grenades. 13 caste Hindus and 11 Scheduled Castes were also arrested under Sections 116/151/107 Cr.P.C. and the situation was brought under control.

6.25 On 12th February, 1979, the local officials held negotiations between both the parties and a compromise was arrived at Shri Meghraj Tyagi agreed to shift his wall backward by 3 feet more than what had been agreed to in the Court and after actual demarcation the wall was demolished and new one constructed upto a height of about 4 feet. Thereafter, the Harijans of Raidaspuri wanted to take out the Ravidas Jayanti procession which they could not do on 11th February, 1979 on account of the prevailing tension which grew due to the demolition of the wall and the firing of tear-gas shells and grenades. They alleged that while they were starting to take out the procession, tear-gas shells and grenades were suddenly fired at them about 4 P.M., and they were lathi charged by the police. They complained that the orders under Section 144 Cr.P.C. banning the procession were not communicated to them or announced by the local officials. Some gun shots were also reported to have been fired from the Brahmapuri mohalla causing injuries to the people. The electricity supply to Raidaspuri mohalla was cut off and the Harijans alleged that the police entered into their house beating them, molesting their women-folk and looting away their valuables. The injured were treated in the local hospital.

6.26 The version of the local Administration, however, was that the Harijans of Raidaspuri mohalla had already taken out the procession on 11th February, 1979, and they wanted to do so again on 12th February, 1979 to show their victory in removing the wall of Shri Tyagi. This was objected to by the Tyagis who felt that the victory procession was proposed to be taken out with a view to humiliate them. The local administration, therefore, considered it necessary to impose orders under Section 144 Cr.P.C.

6.27 After the on-the-spot enquiry, the Commission submitted the following conclusions and recommendations to the Government of India :—

- (i) The version of the State Government that the Ravidas Jayanti procession of the Harijan of Raidaspuri mohalla was taken on 11th February, 1979 was not proved to be correct

keeping in view the contradictory evidence of the official witnesses and the highly suspicious evidence of the Band Master who could not produce the Bill towards the full payment for accompanying the procession on 11th February, 1979. The Commission were of the view that no procession could have been taken out on that day from Raidaspuri mohalla.

- (ii) Since a compromise had been arrived at on 12th February, 1979 between the residents of both the mohallas and the wall had been realigned and reconstructed, it was not unjustified for the Harijans to take out the procession on 12th February, 1979 as it could not be taken out on 11th February, 1979. The Commission felt that in case the Administration had carefully and tactfully handled the situation and made proper police arrangements, it should have been possible for the Harijans to take out their procession on 12th February, 1979. The action of the Administration in banning the procession was not justified and the police action taken against the Harijans was excessive.
- (iii) Since the police action was excessive there was no justification for pursuing the criminal cases instituted against the residents of Raidaspuri.
- (iv) Regarding the alleged missing of three children of the Harijans, the Commission urged that the local Administration should take all possible steps to trace out these missing children, or otherwise to account for them.
- (v) Though the incident took place on 11 to 12 February, 1979 no case was instituted against Shri Meghraj Tyagi till one of the residents of Raidaspuri filed a petition to the Prime Minister of India on 20th February, 1979. Though Shri Tyagi and some others were alleged to have fired at the Harijans no case was registered against them under the Fire Arms Act. The Commission felt that the case instituted against the offenders should be investigated by the CID with assistance of the CBI and appropriate sections under the Fire Arms Act should also be invoked while investigating the case.
- (vi) The allegations of molestation of the Harijan women should be further enquired into by an impartial agency and suitable action be taken against the culprits.
- (vii) The allegations of looting of jewellery and cash should also be properly investigated and the persons who suffered the loss be duly compensated by the State Government.
- (viii) Relief should be provided by the State Government to those Harijans who suffered injuries in the clash.



6.28 The report of this Commission was sent to the Government of India who subsequently informed this Commission that they had sent the report along with the recommendations of the Commission to the State Government for taking suitable action thereon. However, it has been learnt that the Government of Uttar Pradesh have appointed a one-man enquiry commission consisting of Shri Mohammed Wahajuddin, District Judge of Agra to hold an enquiry into the incident. A copy of the enquiry report is added at Annexure-III.

*2 Salient points of the enquiry report of the Chairman, Commission for SCs and STs in Jamshedpur incidents (Bihar)*

6.29 On 15th August, 1978, five dead bodies were recovered from the river Subarnarekha and of those dead people two were Scheduled Tribes, two Scheduled Castes and one other Backward Class. All those whose bodies had been recovered were between the age of 12 to 20. Of them two of the girls were married and one of them was pregnant. The youngest girl was of 12 years old. The other was a 14 years old boy and another male was only about 20 years old.

Shri Bhola Paswan Shastri, Chairman of this Commission visited Jamshedpur on 20th August, 1978 soon after he heard about the sad incident in that town.

6.30 The background of this incident was that the practice of assigning contract for right to collect iron pieces from the slag started some seven years back. Earlier, the poor residents of Babudeeh and other habitations, largely members of the Scheduled Tribes and Scheduled Castes were free to collect them. This practice must have developed ever since the establishment of Jamshedpur. After the award of the contract, the pickers were at the mercy of the contractor and his men. They had been harassed continuously, their women had been insulted by undesirable men. Their huts were threatened by the Demolishing Squads of the Town Committee since they were 'encroachers'. The trouble arose because the contractors forced them to sell their collection at low rates or pay them something every day. The lack of concern by the TISCO management after this incident was quite shocking. None of them either visited the area or consoled the aggrieved families after the above noted incident. The Chairman of the Commission considered this incident as an indirect out-come of the way of their management of the 'refuge' of their (TISCO) plant and they should have assumed some responsibility for what was done by the contractors and their men.

6.31 After the incident, someone rang up the nearby police station and the local police party rushed to the spot and rounded up the wanted persons from there. Two key persons involved in the incident had, however, fled away. The property of these two absconders had been attached by the court to force them to surrender. The local administration also provided some instant relief by giving Rs. 100

in kind, ration, clothes, kerosene etc. to each affected family. The Chief Minister of Bihar also announced an *ex-gratia* payment of Rs. 5,000 for each of the deceased persons.

6.32 The Chairman of the Commission made the following suggestions/recommendations :

1. The villages like Babudeeh located in the fringe of Jamshedpur township require urgent protective and development measures. In the first instance the precarious existence of the labourers under the constant fear of the demolishing squad of the town administration and the strong men of the contractors has to end. If they have been living in this area for a long time, they have acquired some right which have to be honoured. A solution acceptable to the people and the town administration should be evolved forthwith.

2. The district administration should act in this case on behalf of the residents of this habitation who claim that they are the original displaced people belonging to some area. Their case should not be left to the vicissitude of local opinion or tardy procedures.

3. The present arrangement of giving contract for collection of the iron pieces from the slag should be terminated forthwith. The poor who are dependent on picking the iron pieces may be organised in the form of a cooperative or a society, each habitation being represented in the governing body by the Mukhiya under the guidance of Development Administration. The society should organise the work of picking iron pieces without giving rise the mutual rivalry. The TISCO management should not charge any fee from the pickers' cooperatives.

4. Integrated Development programme for each of these habitations should be prepared. Dairy and poultry appear to be most promising occupation. Those engaged in rickshaw pulling may also be suitably helped.

5. The level of literacy in these villages is near zero. The programme of adult education in this area should begin with these hamlets. Pending a final decision about the status of their habitation etc, tent schools may be opened in these hamlets. Their children may be given facilities like free text-books, uniforms and mid-day meal. Drinking water facilities and other health facilities may also be extended to these habitants.

6. The development of these habitations should be a joint responsibility of the TISCO management and the local Tribal Development Administration. A Committee may be constituted with representatives of the TISCO and local administration as also the people's representatives from the area and representatives of the habitations who may formulate these programmes, oversee their implementation. The financial outlays for these programmes may be found from the State Plan and special Central assistance. The management should consider the welfare of these people as

one of their legitimate tasks which should not consider that their 'world' ends at the fringe of slag heaps.

7. The Union Government have a special responsibility for good administration of the Scheduled Areas. There is an urgent need to have an effective check on the contractors and their men operating in various activities in Scheduled Areas.

8. The district administration should be specially empowered to verify the antecedents of the contractors and their men and also other elements which he may deem fit for work in these regions. There should be a provision for expelling them from these regions.

6.33 The Minister of State in the Ministry of Home Affairs vide his d.o. letter No. 17011/23/78-TD, dated 24th May, 1979, informed the Chairman that the incident which occurred at Jamshedpur was really a very sad affair and the Government of India were taking up the whole affair very seriously, so that this type of incident did not occur in future. He also indicated that the various suggestions given by the Chairman in his note were being looked into by the Ministry of Home Affairs. One of the important suggestions made by the Chairman was to bring in certain regulations in this regard, so that the tribals evicted by projects were able to take benefit from such programmes. The Minister informed the Chairman that the Ministry of Home Affairs have also taken up this issue for preparation of regulations on the development of Scheduled Tribes in the hinterland areas of various projects.

Based on the recommendations of the Chairman of this Commission, one Cooperative Society called the Iron Slag Pickers Labourers Cooperative Society Limited was formed and the TISCO Management gave it contract for picking up iron slag till the end of December 1979. Later in response to this Commission's d.o. letter No. 25/4/SCTC/79-RU dated 6th December, 1979, the Vice-Chairman and Managing Director of the TISCO extended the contract for picking up iron pieces from slag to the Society for a further period of 3 years. The decision has been communicated to the Sub-Divisional Officer, Dhalbhum, who is also the Chairman of the Iron Slag Pickers Labourers Cooperative Society Limited, Jamshedpur. A copy of the enquiry report is given at Annexure IV.

### 3. Enquiry report on the incident of burning of houses of Harijans in Bahuara village, Naubatpur police station of Patna District (Bihar)

6.34 A news item published in some of the national dailies of 28-1-79 indicated that about 7 to 10 houses of the Harijans of Bahuara village, under Naubatpur Police Station of Patna District were set on fire by landlords of that village on 26th January, 1979. According to the version of the State Government Shri Lallan Singh a caste Hindu landlord of Ahuara, on adjoining village under Naubatpur police station, voluntarily surrendered about 43 acres of surplus

land which was assigned to 41 persons of Aituara and Bahuara villages. The beneficiaries, among others, included three Scheduled Caste persons. The ownership rights were conferred on the allottees in 1976 and they were in actual possession of the land till 1977 when the wife of Shri Ashok Kumar Singh, brother of Lallan Singh filed a suit that the land surrendered by Shri Lallan Singh was transferred to her by her late father-in-law and Shri Lallan Singh had no right to surrender the land to the Government. The Patna High Court passed an interim order to maintain the status quo in favour of the applicant who had dispossessed the three Harijans of the land allotted to them. On 10th March, 1979 the High Court gave a final judgment to the effect that all actions of the lower court were to be quashed. The case was remanded to the Collector, and it was also made clear that during the pendency of the proceedings before the Collector, the status quo should continue and the persons already in possession of the land should not be disturbed. Since the petitioner had already evicted the Scheduled Caste allottees from the land, they stood evicted from the land.

6.35 On 26th January, 1979, a caste Hindu of Ahuara village filed an FIR in the Naubatpur police station that three Harijans including two of the allottees of the land had stolen about 3 maunds of rice and Rs. 400 from his house. On 26th January, 1979 at 9.00 P.M., the police authorities of Danapur received a telephone that the houses of the Harijans of Bahuara village were set on fire. Though the arson took place at about 11.00 A.M., no one had informed the Naubatpur police station which is situated at a distance of about 10 Kms. from Bahuara village. It is alleged that Shri Lallan Singh set fire to the thatched roof of one of the Harijans (Nemi) and the houses of other 7 persons were set on fire thereafter. Soon after receiving the information, the police authorities reached Bahuara at the midnight of 26 January, 1979 and arrested Shri Lallan Singh and his men.

Protection by a police party comprising an Inspector and 6 constables was provided to the Harijans on 27th January, 1979. The seven affected families were provided free rations for two weeks at the rate of 2.5 Kg. per adult per week and half the quantity per minor. Clothes and tarpaulin for temporary shelter were also distributed among the victims.

6.36 Shri Bhola Paswan Shastri, Chairman of the Scheduled Castes and Scheduled Tribes Commission held an on-the-spot enquiry of the incident on 5th February, 1979. The following are the observations made by the Chairman of the incident :

(1) Seven houses of Harijans of Bahuara village were set on fire by Lallan Singh, the landlord of Ahuara village and his men.

(2) Rajdev Manjhi, whose house was burnt and against whom a case of theft was registered, was severely beaten by the landlord's party.

(3) The theft case, registered against Rajdev Manjhi was found to be false by the police.



(4) The State Revenue authorities should have confirmed that the land voluntarily surrendered by Lallan Singh was without any encumbrances, before distributing it.

(5) In the present incident, three Scheduled Caste families assigned with the land were evicted from their land in spite of the fact that they were given ownership *parcha* as well as actual possession of the land. It is, therefore, desirable that the State Government should continue ensure that the land allotted to the Harijans should continue to be in their possession, and they are not forcibly evicted from it.

(6) The power of cognizance has been withdrawn from the executive and this has acted as a great deterrent to the criminals. It is, therefore, suggested that this power should be restored upto the level of SDO(Civil).

A copy of the enquiry report is added at Annexure V.

4. *Salient points of Enquiry Report of the Chairman, Commission for Scheduled Castes and Scheduled Tribes on the incident on atrocity on Harijans in Villipuram town of South Arcot District in Tamil Nadu*

6.37 It was alleged in a news report dated 24th July, 1978 published in Indian Express that violent clash had taken place between the Harijans and the Caste Hindus in Villipuram resulting in loss of life and property. It was further alleged that houses belonging to the Harijans as well as the Caste Hindus had been set on fire and 12 Harijans of the Periya Harijan Colony had died in the clash. Shri Bhola Paswan Shastri, Chairman of this Commission visited Villipuram on 13th August, 1978 for a spot enquiry into the incident. Shri A. Jayaraman, Ex-M.P. and one of the Members of this Commission also accompanied the Chairman to look into the incident. Shri A. Jayaraman had visited the place of incident earlier also, i.e., on 29th July, 1978. Shri Shishir Kumar, a Member of this Commission as well as Commissioner for Scheduled Castes and Scheduled Tribes had also visited Villipuram on 1st August, 1978 in his capacity as Commissioner for Scheduled Castes and Scheduled Tribes.

A copy each of the tour reports of the Chairman and Member (Shri A. Jayaraman) on the incident in Villipuram is added at Annexure VI and VI-A respectively.

6.38 First of all the Chairman visited Periya Harijan Colony, which was reported to be the worst scene of incident. He found houses and shops burnt there. Temporary sheds had been put up to accommodate the inmates whose houses and shops were gutted in the fire. Victims were supplied food packages upto 12th August, 1978 and thereafter these supplies were discontinued. The victims complained that the food packages supplied to them were not adequate. They also requested that the supply of food packages to them be continued for some time more. Besides, the Harijans also wanted to have pucca houses constructed in place of their

burnt houses. They also wanted to be compensated for the losses suffered by them on account of arson. They were engaged in rickshaw pulling, transport depot and grain market. Some of them were also working as carpenters.

6.39 The Harijans of the Periya Colony were still panicky at the time of Chairman's visit. About 500 people were still missing, who had fled away from the colony after the incident. The womenfolk who met the Chairman were in a state of panic and requested him to ask the State Government of Tamil Nadu to have police posted in their colony for six months at least.

6.40 The Chairman also visited Maruthur tank wherefrom six dead bodies were recovered. Three dead bodies were also found below the railway culvert No. 163/14. He also visited Erumanthangal Eri, where two dead bodies were found on the morning of 26th and 27th July, 1978 by the local people. All the deceased persons were Harijans. Three of them belonged to Periya Harijan Colony and they were identified. The police sent the dead bodies for post-mortem.

The Chairman discussed this incident with the District Collector and requested him to give protection to the Harijans of Periya Colony till such time as the normalcy was restored. The Chairman also held discussions with the State Chief Minister on 14th August, 1978. The Chief Minister held two local Harijan leaders responsible for the trouble. He also branded both these leaders as anti-social and undesirable persons. However, the Chairman learnt from other reliable sources that the two Harijan leaders were neither anti-social nor undesirable persons. Both of them commanded leadership over the local Harijan population and consequently they had the upper hand in deciding the local affairs.

6.41 Taking the totality of the situation prevailing in Villipuram at the time of the incident the Chairman was of the opinion that the incharge of law and order there failed miserably. If strong and firm action had been taken by the authorities well in time the arson, violence and murder that had taken place could have been avoided. It appeared to be a clear case of failure on the part of law and order machinery.

6.42 This Commission make the following recommendations in this regard :—

- (i) Criminal proceedings should be instituted against the culprits who are responsible for the murder of Harijans and large scale arson of their houses and belongings.
- (ii) The families of the murdered Harijans should be adequately compensated.
- (iii) The State Government should make all possible efforts to rehabilitate the victim Harijans as quickly as possible. They should be provided with pucca houses at the same place.

The State Government of Tamil Nadu has appointed one-man Enquiry Commission to go into the incident.

*Enquiry reports from Headquarters/Field offices*

**5. Salient findings of the enquiry report on the alleged atrocities in Godda Sub-division of district Santhal Parganas, Bihar**

6.43 It was alleged in some of the press reports that atrocities have been perpetrated on the members of the Scheduled Castes and Scheduled Tribes in Godda Sub-Division of Santhal Parganas district. Consequently it was decided by this Commission to depute a research team headed by a Deputy Director from the Headquarters for the spot enquiry commencing from 3rd May to 10th May, 1979. The study team visited the affected villages like Pakharia, Pakharia Majhi Tola, Saraiketa, Karawar, Jagatpur, Bisaha, Dhamni and Beldia. Some of the salient findings of the above mentioned enquiry report are as follows :

(1) *Incidents in Dhamni village.*—The police reached Dhamni village in Sundarpahari block on 18th February, 1979 and found three dead bodies of which two were tribals and one non-tribal. The cause of the death was an altercation between the Santhals and the local money lenders regarding high rate of interests charged by the Mahajans (local money lenders), collection of more toll tax than officially prescribed on one *hat* days, refusal to return the pawned articles of the Santhals by the Mahajans in view of soaring prices of gold, silver, etc.

In the cases registered 10 non-tribals and 10 Santhals have been named as accused, Nine non-tribal accused were arrested and one was still absconding at the time of enquiry. Twice the value of the absconding accused's property was seized to force him to surrender. Amongst the accused Santhals two died in the incident, four found guilty and four were not found guilty. Those who have found guilty surrendered in the court. Two Santhals were also injured.

An amount of Rs. 2,000 towards monetary relief has been paid to the wife of the deceased tribals. Two injured persons have also each been paid an amount of Rs. 500.

(2) Four Santhal women alleged that they were raped by the Brahmins of Pakharia village. The State Government did not get them medically examined. The local officers denied the allegation. A number of tribal women were alleged to have been raped by the CRP men on 17/18th December, 1978 in Beldia village of Pathargama block. Here also the local officers had denied the allegation. The victims were not sent for medical examination. They did not go to the hospital of their own mainly due to police fear and also due to self-respect.

A lady social worker from Dhanbad along with a lady tribal advocate from Godda visited Kukortopa village in police station Jama on 3rd April, 1979. They have observed that on 13/14th December, 1978 after the villagers had gone to sleep the CRP and the

police reached the village accompanied by four money lenders dressed in police uniforms. Two of the money lenders were also Government servants. The police entered various houses some by breaking them open. Police had no search warrants of arrest either.

In some of the houses from where men-folk had disappeared and police had gained entry by force women were molested and raped. The number of raped women was four and one of them was pregnant. She aborted after this incident and was still sick.

Even prior to above incident there was some tension in the area between money lenders and peasants over the harvesting of paddy crops. On 14th December, 1978 the CRP went to the village Kukortopa again in the morning. They saw two villagers namely (1) Budhan Rana—an old man and (2) Raga Soren on the road where it adjoined the village foot path. These two were mercilessly beaten and dragged by the police men. The villagers surrounded the police force and demanded the release of the two old men. Police was panicky and fired shots to disperse the crowd. One man was killed on the spot. They took away Shri Manzi Kisku and Surendra Rama who was a guest from another village with them. Of them Manzi Kisku was in jail for two months. No FIR was made by the villagers due to police fear and also the local and fearless people of the community were in jail.

(3) In Majhitola of Pathargama block 16 houses of Harijans were burnt on 17th March, 1979. Losses suffered by the Harijans of Majhitola are of the value of Rs. 14,300. The local officers stated that the cause of arson could not be established by them. No case has been registered for the Harijans and Santhals.

The relief measures provided by the district administration to the victims include Rs. 5,330 as cash for construction of houses, 35 pieces of dhoti for men, 40 sarees for women, 20 pairs of clothes for children and two quintals of flour.

(4) The villagers of Kerwar, Jagatpur, Pathadas and Bisaha in Pathargama block were also in the grip of violence. Bhagwan Soren and Mangal Soren of village Kerwar were alleged to have been beaten by the CRP men numbering 200 persons. Cattle, rice, pulses, etc. were alleged to have been looted. In Jagatpur village the villagers alleged that the CRP men numbering about 38 reached the village on 23rd March, 1979 and on seeing them the villagers fled away. When they returned to the village after a few weeks they found their household effects missing.

(5) In village Pathadas the villagers alleged that police men numbering 30 came to the village on 19th March, 1979 at about 11.00 A.M. and beat the villagers and later ran away. After 11-12 days when they returned to the village they found their paddy, rice, utensils, etc. have already been looted by unknown persons.

(6) In village Bisaha the villagers alleged that some Brahmins passing through the village informed them that the CRP was coming to the village. In

the meantime one truck entered into the village and one truck and one jeep were outside the village. They were loaded with CRP men. The villagers ran away out of fear except some old men who had stayed back to watch their houses. Grains, utensils, etc. were alleged to have been looted by the CRP men.

(7) The Santhals of Saraiketa village in Pathargama block have also been looted. They had fled from their houses out of fear of the police and they stayed in open fields.

6.44 The Commission made the following recommendations/observations to the State Government of Bihar on the enquiry report relating to Godda Sub-division in Santhal Parganas —

- (1) It would appear from the report that tension had been brewing in Pakharia village in Pathargama police station for a number of months but effective and preventive action was not taken by the local authorities with the result that the situation flared up on 16th March, 1979 and 17th March, 1979 in Pakharia village as well as its adjoining Majhitola (Harijan Tola). The State Government may like to have this matter enquired into with a view to determining as to why effective and preventive actions were not taken in the matter in time.
- (2) In so far as the incident relating to the burning of houses of Majhitola (Harijan Tola) near Pakharia of Pathargama police station is concerned, it would appear that no police case was instituted. The Commission would recommend that a criminal case would be instituted immediately in the matter and it should be duly investigated by an independent agency for taking suitable action. The Commission would also recommend that suitable action may be taken for non-institution of the case so far in respect of this serious incident.
- (3) It is reported that no criminal case was instituted in respect of various incidents occurred in Saraiketa village of Pathargama police station. The Commission would recommend that a case should be instituted and suitably investigated by an independent agency. The Commission would also recommend that suitable action may be taken against the defaulting staff for not registering a case in respect of these serious incidents.
- (4) There is another incident which relates to Dhamni village in Sundarpahari police station of Godda Sub-division where weekly hats are held. It appears that trouble has been brewing in this area for quite some-time. In this case the police instituted a case and a counter case by the Santhals and non-Santhals respectively. Some Santhals and non-Santhals were also arrested. The Commission would recommend that the case should be got investigated quickly by an

independent agency so that the exact facts of the case are brought out.

- (5) It is alleged that five tribal women in village Beldia were raped by CRP men besides the alleged looting of houses of the Santhals and assault on their women. The Commission would recommend that this incident should also be enquired into by an independent agency with a view to arriving at the true facts of the case so that suitable action can be taken in the matter.
- (6) The Commission would also recommend that cases should be instituted and investigated by an independent agency in respect of the incident occurred in Kukortopa village in Jama police station on 13th and 14th December, 1978.
- (7) In the villages of Kerwar, Jagatpur, Pathadas and Bisaha in police station Pathargama of Godda Sub-division, it appears that the so-called combing operations were conducted by the police with a view to arresting the accused persons named earlier in some of the cases relating to forcible harvesting of crops. Cases of assault, looting and rape by the CRP men have also allegedly occurred in these villages on 19th March, 1979 and 23rd March, 1979. No cases were instituted by the authorities in respect of these allegations. As the allegations made in all these cases are serious, the Commission would recommend that criminal cases should be instituted in respect of these incidents and they should be investigated by an independent agency.
- (8) It appears that in Santhal Parganas there is a considerable dispute about the ownership and possession of land and there is a dispute about entries in land records of rights also. This is leading to considerable tension in the area resulting in a number of serious incidents of clashes between tribals and non-tribals.
- (9) It also appears that large scale share cropping is being practised but the share croppers are given only one-third of the share of the crops which is illegal. This is leading to fomentation of considerable discontentment among the Scheduled Castes and Scheduled Tribes in the district and is leading to tension between the landlords and share croppers, which have resulted in several incidents of clashes among them.
- (10) There are also reports that the prescribed wages are not being paid by the landlords (Tenants) to the Adiyasi agricultural workers. This is also leading to a lot of discontentment among the Adivasis.
- (11) There are also complaints that the local Mahajans charge exorbitant interest on loans taken by the Santhals and keep jewellery

etc. in mortgage. It is alleged that even in cases where the Santhals are willing to return the money, the Mahajans are reluctant to give back the jewellery in view of the stiff rise in the prices of gold, silver, etc. As the Santhals have become more conscious of their rights they are protesting against exorbitant rate of interest. This is also leading to tension in the area.

- (12) It would also appear that in the hats held in the district of Santhal Parganas the lessees have a tendency to levy charges in excess of the prescribed charges. This leads to dispute and tension and sometime to clashes in the area. The local administration should also take firm action against the hat lessees for charging exorbitant toll tax in excess of the prescribed rates and wherever considered necessary, cancel their leases and take suitable action against them. It is, however, necessary to ensure that the toll tax charged by the lessees do not exceed the prescribed rates.
- (13) These are also very important matters. The Commission would recommend that the State Government may make suitable arrangements to ensure that the prescribed minimum wages are paid to the Adivasi agricultural workers. The State Government may also make suitable arrangements for giving consumption loans to the Adivasis so that they do not have to borrow money from the Mahajans at exorbitant rate of interest. Steps should also be taken to ensure by the State Government that in cases where private loans are taken by the Santhals the rate of interest is reasonable and within the limits prescribed by law. In case there are any cases where Adivasis are willing to refund the loans taken by them it may be ensured that the Mahajans concerned return the jewellery etc. pawned with them.

6.45 The above mentioned matters are important ones. The Commission would recommend that the State Government may have them examined in depth with a view to finding out suitable solutions for problems arising out of them. In the incidents occurred where there has been loss of life and property the State Government may arrange to grant adequate relief and compensation to the aggrieved families.

#### 6. *Salient points of the enquiry report on the alleged atrocities in Singhbhum District, Bihar.*

6.46 It was alleged in some of the press reports that atrocities have been committed on Scheduled Castes and Scheduled Tribes in Singhbhum district. The representatives of the People's Union for Civil Liberties and Democratic Rights visited Dhanbad, Jamshedpur, Chaibasa, Ichahatu, Goelkhera, Serengda, Lonjo, Beheragoda, Ranchi and Patna from 2nd March, 1979 to 10th March, 1979 to make an on-the-spot study of certain incidents in the district in particular and the socio-economic conditions of the Adivasis and landless labourers in general. The S/16 HA/80.—12.

Commission deputed a research team headed by a Deputy Director from the headquarters for spot enquiry of some of the incidents.

6.47 The salient findings of the enquiry report are as follows :—

- (1) It is alleged that on 6th October, 1978 at about 2.00 P.M. the police opened fire in which Maheshwar Jamoda, a tribal, was killed. The police also arrested one Lambri Ho, of village Pitapiti who was going home with bows and arrows in his hand. The police is alleged to have arrested him, beaten him mercilessly and sent him to custody. Another tribal, Trivan Ho of village Tirilburu was also alleged to have been beaten by the police. The police also arrested 7 other people belonging to Ho tribe from different villages. The cause of the incident was allegedly unauthorised felling of teak trees in Santara forest range by the tribals. No monetary relief was given to the wife of deceased Maheshwar Jamoda.
- (2) In Serengda village three people were killed in the police firing on 25th November, 1978. Their names are Somnath Longa, Dukia Honga and Lupa Bhur. The village chowkidar Boas Longda was also alleged to have been beaten by the Police Inspector. Their next of the kin have not been provided with monetary or other relief. Shri Birdhya Singh, a police constable was injured on his forehead with a weapon by the mob. Other constables also were injured. 18 persons have been accused in this case u/s 148/149/188/307/324/337/325/379/332/511/323 I.P.C. The cause of the firing by the police according to the official version was that about 1,000 persons in a mob lashed with lethal weapons were marching in a procession and surrounded the police party in the middle school Serengda. They have also violated Section 144. The main demands of the tribal people are (a) the Forest Department has been paying them wages at the rate of Rs. 4.50 per day while they have been demanding a higher wage at the rate of Rs. 5.80 per day, (b) Khuntkatti rights to be restored to the tribals, (c) Munda and Manki system of traditional leadership should be given due respect and they should also be entrusted with the execution of developmental programmes, (d) more lands should be allotted to the tribals for cultivation, (e) middle school, Serengda may be upgraded into high school, (f) a sub-health centre and a sub-post office may be set up in the village and (g) Forest Corporation should not replace Sal trees with teak trees, etc.
- (3) In Lonjo village in Sonua block the police arrested Barla Babanja on 1st December, 1978 and was kept in jail for two months. The police party also reached the house of

Damo Son-di, Durga Son-di and Mutai Munda on 8th December, 1978 at about 4.00 A.M. under the pretext that they were searching for Sailendra Mahto (leader of Jharkhand Mukti Morcha), Damo Son-di was also arrested and kept in jail for two months. The police also entered the places of worship of the Sondis without their permission. In tribal families outsiders are generally not permitted to enter places of worship. The root cause of the problem in this village appears to be the agitation by the tribal people against the activities of the Forest Development Corporation and their alleged cutting of teak trees by the tribals from a nearby nursery. The tribals also stated that they had Khunkatti forest in the past (village forest according to the original records of rights) in Patukanda forest area and their rights are not at present being recognised by the Forest Department.

- (4) In the villages of Kumardobi, Jagannathpur, Gehramora, Beheragoda, Olda and Naya-basan in Beheragoda police station the problem by and large appears to be connected with the non-payment of stipulated wages by the land-owners to the agricultural labourers.
- (5) In Goelkhera town the tribals complained that excess toll tax is collected from them by the private contractors. They also do not provide facilities like shed for resting, drinking water etc. and their harassment particularly of tribal women by the local police. The Circle Officer under whose supervision weekly hats are held further alleged by the tribals that no official receipt is given for collection of toll tax. During 1979-80 the Goelkhera that has been given to the Panchayat for Rs. 11,000 and they have further sub-let to a private contractor who would no doubt try to double this amount by charging exorbitant rates from the tribals.

6.48 The Commission made the following recommendations/comments to the State Government on the enquiry report relating to atrocities in district Singhbhum :—

- (1) No relief was provided to the wife and children of the deceased Maheshwar Janoda who was alleged to have been killed in a police firing on 6th October, 1978 in Ichahatu village of police station Goelkhera.
- (2) It has been alleged that about 14 persons were arrested including the Mukhiyas of Aresa and Serengda villages in police station Goelkhera. Three women namely Salom Puri, Berna Puri and S. Cherwa were alleged to have been beaten by Shri R. D. Ojha, acting S.D.O. The Representatives of the People's Union for Civil Liberties and Democratic Rights who visited different areas in Singhbhum district from 7th March

to 10th March, 1979, in their report entitled "Repression in Singhbhum" have, *inter alia*, alleged that there was an altercation between a tribal woman and Lalchand, a contractor of Chakradharpur on 3rd November, 1978 in Goelkhera.

- (3) In village Serengda of police station Goelkhera three tribal people were alleged to have been killed in a police firing and their next of kin have not been provided any relief by the State Government.
- (4) It was observed that in some of the villages visited by the Research Team of the Commission's headquarters, namely Nayabasan, Jagannathpur, Kumardobi, Geheramora and Olda in Beheragoda police station that agricultural workers were not being paid the minimum wages by the land-owners as stipulated under the Minimum Wages Act. It was also observed that the so-called people's courts were allegedly being conducted by the CPI(M-L) and the local administration did not appear to have taken any action against the organisers of these courts.
- (5) It has been observed during the course of enquiry that tribal people feel agitated regarding plantation of teak trees in place of Sal trees. This controversy between the Forest Development Corporation and the local tribals needs to be settled amicably and effectively. There are other aspects of forest policy management, *vis-a-vis*, the tribals. These matters are also needed to be examined by the State Government.
- (6) Other issues that have been raised in the report relate to payment of minimum wages to the agricultural and forest labourers. State Government may ensure that the policy relating to payment of minimum wages is implemented in the field.
- (7) There are also complaints of charging excess toll tax over and above the prescribed rates by the hat lessees. This has been leading to tension between Adivasis and hat lessees. It is necessary that the disciplinary action be taken against those lessees who violate the tax collection rules and realise more than the prescribed charges.

#### 7. Summary of the enquiry report of Patna office on the alleged incident in Bajitpur village of Begusarai district in Bihar

6.49 On 15th November, 1978 an armed mob of about 200 to 300 people from the neighbouring villages of Nayanagar, Bariarpur and Seikhpura led by Shri Durga Prasad Singh, a landlord of Nayanagar village raided Bajitpur inhabited by 131 Backward Classes and 19 Harijan families. The mob ransacked the entire village, pulled down the houses and looted the belongings of the inhabitants including their cattle

and household articles. Three injured persons were admitted in the hospital out of whom one died on 16th November, 1978. Two girls were also allegedly raped by the aggressors.

6.50 The incident occurred due to the long-standing enmity between Shri Durga Prasad Singh, a landlord of Bhumihar Brahmin caste and the residents of Bajitpur belonging to Backward Classes and Harijans (Chamar). Bajitpur belongs to Begusarai district. During 1975-76, the District Revenue Officials initiated a case against Shri Durga Prasad Singh under the Land Ceiling Act and held that land to the extent of about 415 acres in his possession was surplus and was to be vested in the Government for allotment to the landless poor. This could not be done as the landlord got a stay order from the Patna High Court. During 1976, however, Shri Singh voluntarily surrendered 45 acres of land which was already in occupation of the people of Bajitpur. These people did not get *parchas* for the land in their possession and were thus deprived of the ownership rights. The local Panchayat, however, prevailed upon the landlord who agreed to part with 20 acres of his land for these people, but *parchas* were not issued to the allottees. It is also alleged that the aggrieved poor insulted the wife of the landlord in a local *mela* which infuriated him to launch the attack on them.

6.51 The victims of the attack were mostly from Backward Classes. The house of Shri Ram Singh Mochi (SC), a Cattle dealer, was ransacked and his cattle were taken away along with Rs. 4,500 and some silver ornaments of his wife. Seven bullocks of Shri Baldeo Mochi, another Harijan, were also taken away by the assailants. A Harijan girl of 18 years was also alleged to have been raped.

6.52 Twentyseven accused persons were arrested and 20 surrendered before the court. The property of Shri Durga Prasad Singh had been attached. Each affected family was given Rs. 50 by the State Government. The total amount having been disbursed on this account being Rs. 5,000. In addition to this relief, Rs. 5,000 was paid to the families of the accused and Rs. 9,000 to other victims from the Chief Minister's Relief Funds. 400 pieces of clothes and 250 blankets were provided to the affected families. As the mob had damaged most of the tube-wells, 4 new tube-wells were installed and the old ones were repaired. Police protection was given to the residents of Bajitpur.

8. *Salient points of the enquiry report on alleged violence in Marathwada region—Zonal Office, Ahmedabad*

6.53 Violence took place in Marathwada region during 25th July, 1978 to 6th August, 1978 in which extensive damage was done to Harijan property leaving about half-a-dozen people dead and about 100 persons seriously wounded. The causes that led to such a violence as mentioned in the enquiry report are the following :

- (1) The renaming of the Marathwada University as 'Dr. Babasaheb Ambedkar' Marathwada

Vidyapeeth' had posed a formidable challenge to regional sentiments of the people.

- (2) Concessions provided to Scheduled Castes in educational institutions and reservation in services have created a deep feeling of resentment amongst the Caste Hindu students. Further owing to various economic development schemes, Harijans are gaining better economic status in the villages and therefore the Caste Hindus consider that they would never be in a position to dominate over Harijans.
- (3) Formerly Hindus of this region felt discriminated in the old Hyderabad State as compared to Muslims. Now also they feel that greater share of power in the Maharashtra State is enjoyed by the Western Maharashtra people than those belonging to Marathwada region.
- (4) Despite scarcity of common pasture land *Gauchar* land was being allotted to Scheduled Castes for the last 3 years.
- (5) The Mahars in Marathwada are a new emergent group in a class spectrum from landless to middle class professionals.
- (6) In each village there are on an average 4 to 5 graduates mostly unemployed.
- (7) Spread of rumours that Marathwada University degree certificate would carry the photo of Dr. Ambedkar and that people would now be required to say Buddhist prayers and display Dr. Ambedkar's photo in their houses further helped to flame the agitation.

6.54 The following table shows the details of losses :

TABLE 1

(As on 31-10-1978)

| Type of loss                | Name of Districts |               |             |      |                |       |
|-----------------------------|-------------------|---------------|-------------|------|----------------|-------|
|                             | Auran-<br>gabad   | Par-<br>bhani | Nan-<br>ded | Beed | Osma-<br>nabad | Total |
| 1. No. of villages affected | 19                | 43            | 87          | 14   | 16             | 179   |
| 2. No. of families affected | 119               | 463           | 1049        | 47   | 171            | 1849  |
| 3. No. of persons affected  | 428               | 2112          | 6946        | 224  | 849            | 10559 |
| 4. Lives lost               | ..                | 2             | 2           | ..   | 3              | 7     |
| 5. Loss of houses           |                   |               |             |      |                |       |
| (a) completely damaged      | 18                | 77            | 441         | 1    | 29             | 566   |
| (b) partly damaged          | 26                | 54            | 306         | 17   | 75             | 478   |

It may be seen from the above table that 7 persons were killed and nearly 1849 families of 179 villages were affected. Number of houses damaged due to violence was 1044.



Financial assistance given to affected persons in Nanded and Parbhani districts.

TABLE 2

| Type of Assistance                                   | Nanded District | Parbhani District |
|------------------------------------------------------|-----------------|-------------------|
| <b>1. Gratuitous relief</b>                          |                 |                   |
| (a) Persons . . . . .                                | 6699            | 199 families      |
| (b) Amount in Rs. . . . .                            | 244771          | 42192             |
| <b>2. Subsidy for Profession</b>                     |                 |                   |
| (a) Persons . . . . .                                | 31              | ..                |
| (b) Amount in Rs. . . . .                            | 6615            | ..                |
| <b>3. Monetary Relief</b>                            |                 |                   |
| (a) Permanent incapacitation . . . . .               | 2               | ..                |
| (b) Amount in Rs. . . . .                            | 7000            | ..                |
| (c) Temporary incapacitation . . . . .               | 51              | ..                |
| (d) Amount in Rs. . . . .                            | 16125           | ..                |
| (e) Loss of personal belongings (movables) . . . . . | 930             | 428 families      |
| (f) Amount in Rs. . . . .                            | 392538          | 103237            |
| <b>4. Houses Repaired</b>                            |                 |                   |
| (a) No. of houses . . . . .                          | 766             | 131               |
| (b) Amount in Rs. . . . .                            | 1577645         | 173498            |

6.55 The Commission made the following recommendations/suggestions to the State Government :—

- (1) Pending cases against the Caste Hindus may be disposed of as quickly as possible to put an end to the tension in the villages.
- (2) The stolen property of the Scheduled Castes may be restored to them without waiting for the disposal of cases by holding Panchanamas.
- (3) Police arrangements may be maintained as considered necessary in the sensitive and trouble prone villages.
- (4) The special police machinery may be streamlined to keep a watch over the day-to-day situation in the trouble prone villages.
- (5) The Chief Executive Officers of the Zilla Parishads may be advised to issue necessary instructions to all the B.D.Os and the village Sarpanchs to see that no discrimination is observed against Scheduled Caste members at the time of meetings.
- (6) Wherever there is no specific cremation ground for the Scheduled Castes, separate and adequate cremation grounds may be provided for them.
- (7) One Sub-Centre under the Range Office at Aurangabad under the Protection of Civil Rights Act, 1955 may be created in each district.

(8) The feasibility of imposing collective fine on the Caste Hindus responsible for committing atrocities against the Scheduled Castes may also be considered.

(9) The monetary relief given to the victims is low. It is recommended that the feasibility of providing adequate financial assistance in genuine cases may be considered.

9. *Salient points of enquiry report on an alleged case of suicide by two Harijan girl employees of Mysore Tobacco Company in Whitefield near Bangalore on 5th December, 1978 Madras Office*

6.56 In the Deccan Herald of 8th December, 1978 appeared a news-item captioned "2 Harijan Girls Commit Suicide" which stated that "Two Harijan girls reportedly committed suicide by jumping before the running Brindavan Express near Whitefield". It added that 'they were employed in the Mysore Tobacco Company and due to a quarrel over a minor incident in the factory, they both had decided to end their lives. The mutilated bodies were seen by co-workers later in the evening. It is learnt that the girls were abused and sent out of the factory by a Supervisor. Overcome by grief and ashamed of what had happened to them in the factory the girls had committed suicide. Both the girls were unmarried. On learning of the tragic incident the Supervisor has resigned his job, it is learnt.

6.57 The Commission for Scheduled Castes and Scheduled Tribes directed its Zonal Office, Madras to probe into the case. The Deputy Director in that office visited Bangalore on 13th December, 1978. Salient findings of his enquiry report are as follows :

- (1) The two Harijan girls who are alleged to have killed themselves, were named Aswathama and Narayanamma. Both of them belonged to Adi Karnataka Community. The former worked in the factory since 10th November, 1976 and the latter since 1st December, 1976.
- (2) Shri Ramaiah Reddy, Supervisor on being informed by the Line Supervisor Shri Krishnappa and Line Maistry Smt. Kama-lamma, recommended to the Manager-in-Charge that the two girls were creating noise at the work spot and that they should be sent outside. He also recommended that they should be sent on half muster as they were passing all unstemmed leaf on the table.
- (3) Manager-in-Charge Shri Krishna Rao asked the girls to go back to their places and work and apologise to the Supervisor. Instead of resuming the work the girls asked for their tokens to be returned to them. After the tokens were returned to them at 1.40 P.M., they went to outer signal of the Whitefield Railway Station and later committed suicide at 2.40 P.M. by coming under Super Fast Brindavan Express.
- (4) On being threatened by the Workers Union, Shri Ramaiah Reddy, Supervisor had resigned from the job.



- (5) It has been reported that Shri Reddy, Supervisor was in the habit of abusing Harijan workers by saying that the Harijans were beefeaters, they were not human beings, they were devils, the girls were prostitutes, etc.
- (6) The Deputy I.G. Police, Bangalore informed that the case had been registered u/s 174 Cr.P.C. by the R.P.S.I., Bangalore Cantonment Railway Station.
- (7) It was noted from the *post mortem* report that the unmarried girls were pregnant at the time of committing suicide. This would naturally lead one to seriously doubt that there might be some connection between their pregnancy and death. Therefore, the Commission are of the view that the case may be further investigated by the State Government keeping this aspect of the matter in view.
- (8) The Commission have also recommended that *ex gratia* payment might be made to the families of the deceased, as the factory was run by the Agro-Industries Corporation under the State Government.

#### Causes of atrocities

6.58 Atrocities committed on Scheduled Castes have social and economic causes at the root. The social cause lies in the practice of untouchability which is a by-product of the Hindu caste system pushing the Scheduled Castes down to the lowest rung of the social ladder in the caste hierarchy. With the growing social awakening and the efforts made by the Scheduled Castes to get their rightful place in the society they have been victims of harassment and atrocities by the caste Hindus. The social disability against the Scheduled Castes is further reinforced by economic factors like land disputes, forcible harvesting of crops, dispute over payment of minimum wages, etc. Other factors like provision of house sites and other economic development schemes aiming at ameliorating the socio-economic conditions of the Scheduled Castes, their educational advancement, etc., also cause discontentment among many caste Hindus which lead to clashes among the two sections. It has been the broad experience that the atrocities on the Scheduled Castes are generally committed by the caste Hindus, who have vested economic interests and this tendency is getting accentuated by the measures taken by the Government to confer economic benefits on the Scheduled Castes. The situation is further aggravated by the fact that the Scheduled Castes are now demanding economic and social equality with the higher and middle castes.

6.59 The Scheduled Tribes mostly inhabit hilly and inaccessible forest areas. They do not suffer from the stigma of untouchability and the social disabilities arising out of it. The atrocities on them are alleged to have been mostly committed by the police and the local landlords. Land alienation, indebtedness, forest policy restricting the interests of the tribals in forests, changing excise policy against the tribals, non-payment of minimum wages, bonded labour, charging of exces-

sive toll tax by the Hat lessees from the tribals and exploitation by the local officers of the Forest and Police Departments and non-tribals are some of the main reasons of atrocities committed on the Scheduled Tribes.

6.60 Out of the total 110 sample atrocity cases available with this Commission (Annexure VIII) 92 (83.7%) are committed on Scheduled Castes and only 18 (16.3%) are on the Scheduled Tribes. The number of atrocities committed on Scheduled Castes and Scheduled Tribes and the reason of such atrocities are classified below :—

| Sr. No. | Causes of atrocities | No. of cases  |               |       | %     |
|---------|----------------------|---------------|---------------|-------|-------|
|         |                      | (Sch. castes) | (Sch. tribes) | Total |       |
| 1.      | Land dispute         | 23            | 1             | 24    | 21.8  |
| 2.      | Economic problem     | 11            | 2             | 13    | 11.8  |
| 3.      | Forest Policy        | ..            | 5             | 5     | 4.5   |
| 4.      | Police atrocity      | 4             | 1             | 5     | 4.5   |
| 5.      | Old enmity           | 5             | ..            | 5     | 4.5   |
| 6.      | Other reasons        | 18            | ..            | 18    | 16.4  |
| 7.      | Not known            | 31            | 9             | 40    | 36.5  |
| TOTAL   |                      | 92            | 18            | 110   | 100.0 |

It may be observed from above that in majority of the cases (40 cases constituting 36.5% of the total 110 cases) the reason of atrocities is not known. Of the remaining cases, maximum cases are on account of dispute over land. 24 atrocities constituting 21.8% of the total cases are due to land problems, while 13 cases (11.8%) are due to other economic factors like poverty, eviction from house sites, etc. All the 5 cases of atrocities relating to forest policy were committed on Scheduled Tribes, while out of the 5 atrocities committed by the Police, 4 were on Scheduled Castes and in one case a Scheduled Tribe was a victim of such atrocity. Personal quarrel and long-standing enmity led to atrocity on the Scheduled Castes in 5 cases, while 18 atrocities were due to other miscellaneous reasons.

6.61 Out of the total 110 cases of atrocities, 58 are from Bihar, 16 from Uttar Pradesh, 8 from Orissa and 7 from Andhra Pradesh while the remaining 21 cases are from the 7 States of Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu and West Bengal. Out of the 92 atrocity cases relating to Scheduled Castes, 43 are reported from Bihar and 16 from Uttar Pradesh. 5 cases each are from Andhra Pradesh, Madhya Pradesh and Tamil Nadu, while 7 cases are from Orissa. The cases from Haryana, Karnataka, West Bengal, Kerala, Maharashtra and Delhi number 4, 2, 2, 1, 1 and 1 respectively. 15 atrocity cases relating to Scheduled Tribes are from Bihar, while 2 are from Andhra Pradesh and 1 from Orissa.

6.62 Out of the total 58 cases of atrocities in Bihar, 43 were committed on Scheduled Castes and 15 on

Scheduled Tribes. 16 atrocities were on account of land dispute, 8 due to other economic factors, 5 relating to Forest cases, and 4 atrocities committed by the Police. Personal enmity was the cause of 3 atrocities, while 5 other cases were due to other reasons. In 17 cases, reasons of the atrocities were not known.

6.63 In Uttar Pradesh, 2 cases of atrocities were due to land dispute and 1 was on account of personal enmity. One atrocity was committed by the Police and 4 were due to other reasons. In 8 cases, the reason of the atrocities was not known.

As regards the other 9 States and Union Territories of Delhi, the number and details of cases of atrocities available with this Commission varies from 1 to 7 cases each and with such inadequate sample it is not possible to draw any general picture about the cases leading to atrocities in these States.

*Instructions issued by the Government of India, Ministry of Home Affairs for the prevention of atrocities*

6.64 The Ministry of Home Affairs vide their d.o. letter No. 33/41/70-POL(A), dated the 26th October, 1970 addressed to the State Governments/U.T. Administrations had requested them to initiate action on the following points :—

- (1) District officers may be requested to obtain prompt information about all incidents involving Harijans, whether or not such incidents have arisen due to any caste consideration. Communication of such information to the State and Central Governments would help investigate these matters in their correct perspective.
- (2) Investigation of all offences involving Harijans whether or not caste considerations are suspected should be prompt, efficient and adequately supervised.
- (3) Investigation of serious offences involving Harijans, where caste considerations are suspected, should be treated as special report cases and entrusted to selected investigating officers. The suggestions made that such investigation should be undertaken by officers not below the rank of Dy. Superintendent of Police or Inspector of Police may be adopted wherever possible.
- (4) Any failure to undertake prompt and efficient investigation or exercise adequate supervision should be regarded as grave dereliction of duty on the part of the officers concerned.

6.65 In another d.o. letter No. III/11013/105/74-NID(A), dated the 13th February, 1975 addressed to the State Governments the Ministry of Home Affairs had, *inter alia*, suggested that the following instructions would not only apply to cases under the Untouchability (Offences) Act but to other cases of serious nature such as murder, rape, grievous hurt, arson, etc. in

which members of the Scheduled Castes/Tribes are victims. The suggestion is reproduced below :

“Prosecuting agencies should be specifically advised to give high priority to cases under the Untouchability (Offences) Act and serious notice should be taken care of in lapses committed them in conducting these cases before courts. Investigating officers should request the court to award deterrent sentences so that people at large may be made aware of the legal consequences of their acts of discrimination. The supervisory officers should make it a point to ensure that no avoidable delay is caused in the disposal of such cases on account of any deficiencies on the part of the prosecuting staff.”

6.66 The Ministry of Home Affairs vide their d.o. letter No. III-11013/13/77-NID(D), dated the 26th October, 1977 had given certain other suggestions for consideration of the State Governments. They are as follows :

- (1) In areas where atrocities on Scheduled Castes and Scheduled Tribes have taken place, special police squad should be set up to take prompt action against the offenders to prevent recurrences of such offences.
- (2) Special Cells may be constituted at the State level under the personal supervision of the Chief Minister to look into the grievances of Scheduled Castes and Scheduled Tribes.
- (3) Suitable institutional arrangements should be made at the district level, viz., in the office of the Superintendent of Police and the District Collector to register complaints of harassment and other grievances of Scheduled Castes and Scheduled Tribes to monitor on a regular basis on action taken on such complaints.

6.67 In another d.o. letter No. III-11013/100/78-NID(D), dated the 18th July 1978 the Ministry of Home Affairs, Government of India, had urged on the State Governments to intervene promptly and effectively to ensure a sense of security amongst the Harijans as well as take deterrent action according to law against wrong doers. It was indicated that it was a matter of deep concern that complaints continued to be received of the Harijans being subjected to harassment and intimidation, and that administrative arrangements made so far, had not been able to instil in their minds a full sense of security. The State Governments' attention was also invited to the very first Conference of Chief Ministers convened by the Janata Government on 30th July 1977. One of the suggestions made by the Prime Minister related to holding Collectors and Superintendent of Police directly responsible for taking prompt and effective action in cases of crime against the Harijans. An adequate discharge of such a responsibility would involve :—

- (1) Vigilance particularly over the relations between Harijans and members of other communities in sensitive areas,

- (2) Prompt and effective intervention wherever tensions come to notice, and
- (3) Expeditious and firm action according to law in the event of the commission of any crime against the Harijans.

The Ministry of Home Affairs have been receiving several complaints regarding the use of fire-arms against the Harijans. Wherever untoward incidents had taken place or where there were complaints of harassment or intimidation of the Harijans the district authorities should correctly consider suspension of the armed licences of those reasonably suspected to be involved in such incidents. Further, in such areas greater caution needed to be exercised while granting new armed licences or renewing the existing ones and a careful assessment would have to be made where the mere fact of possession of arms by members of certain communities created or aggravated any sense of insecurity amongst the Harijans and other weaker sections.

Land dispute acts on prevalence of insecurity in the minds of Harijans. Resentment on various grounds against allotment of communal or surplus land to landless or grant of permanent rights to tenants had been known to result in attempts being made to dispossess the allottee or forcibly harvest or destroy the crops sown by him. Where the Harijans were the beneficiaries such incidents aggravated the problems. The Prime Minister in his letter of 31st August 1977 addressed to the Chief Ministers while drawing their attention to this problem had suggested that such offences should be made cognizable so that the police could directly intervene in such disputes. The offence of criminal trespass punishable under Section 447 of the Indian Penal Code is already cognizable and non-bailable offence. Any attempt to trespass into the lands of the Harijans, in order to commit an offence or to intimidate, insult or annoy the person in possession of the property, would fall within the purview of this provision of law and therefore the police should not have any hesitation in effectively intervening in such matters. Special attention should be given to such offences which should be handled on priority basis.

6.68 In a subsequent d.o. letter No. III-11013/128/78-NID(D), dated the 25th July, 1978, the Ministry of Home Affairs invited the attention of the State Governments to the question of atrocities on members of Scheduled Castes. The stand of the Government of India had been that even a single case of atrocity on a member of the Harijan community should make them hang their head in shame. It had been observed that the investigation relating to atrocity cases was not at all prompt with the result that charge-sheets were framed after a considerable lapse of time. This not only affected the outcome of the case but also created a feeling of helplessness in the minds of the victims in particular and members of the Scheduled Castes in general. The Government of India had issued detailed instructions repeatedly that—

- (1) District officers be requested to obtain prompt information about such incidents.

- (2) Investigation of such offences should be prompt, efficient and adequately supervised.
- (3) Any failure to undertake prompt and efficient investigation or to exercise adequate supervision should be regarded as a great dereliction of duty on the part of the officers concerned.
- (4) Monitoring on a regular basis should be instituted to control disposal of such cases.
- (5) Special Cells under senior police officers should be set up to look into all such cases.
- (6) The prosecuting officers should request the courts to award deterrent sentences so that the people at large may be made aware of the legal consequences.

6.69 The Ministry of Home Affairs further suggested that in cases of murder, violence resulting in grievous injuries, rape and arson or serious mischief charge-sheets wherever feasible be filed on an urgent basis. If necessary, the police department might be asked to set up some special investigating staff for this purpose. If the work-load justifies, the special Magistrate should be assigned for all such cases with the permission of the concerned judicial authority.

#### *Chief Ministers' Conference*

6.70 The Prime Minister had called a Conference of Chief Ministers and leaders of opposition parties on 17th December, 1978 to consider the problem of communal tension and atrocities on weaker sections. Highlighting the troubles on account of untouchability the Prime Minister said that it had been a great shame for them for many centuries and had to be removed. He further said that the canker of untouchability had not yet disappeared in many parts, particularly rural areas. In several places, it was more common. Sometimes absence of amity and lack of understanding between the two communities had led to such troubles.

6.71 While participating in the Conference Shri Bhola Paswan Shastri, Chairman of the Scheduled Castes and Scheduled Tribes Commission narrated his experience during his recent visits to Villupuram and Bajitpur in Tamil Nadu and Bihar respectively from where incidents of atrocities on Harijans had been reported. He mentioned the majority of the law and order problems arising on account of caste-conflict originated because of land disputes. A few of them arose because of trouble due to the desire for Harijan women and also on account of untouchability. He indicated that if the local administration was determined to prevent occurrence of such caste-conflict then most of them would not occur. In his opinion judicial inquiries which were set up by the Government had become a convenient face saving device. Such inquiries were no doubt necessary, but even before their institution, some concrete steps should be taken against the officers who had failed to prevent these incidents to set an example before the public. Delay in finalising these inquiries by various judicial Commissions often affected public confidence in Government. The people should be made to feel that administration could view their problems objectively and they could derive justice from it. In his opinion the CID and Intelligence machinery fail to give timely information to District

Magistrate and Superintendent of Police. He suggested that strict action should be taken in case of atrocities whatever might be the results.

6.72 He also cited that there was tremendous poverty in tribal areas. There were incidents of selling of tribal girls who are then taken to Punjab etc. He highlighted the need for giving special attention of administration to Harijans. He referred to the poverty of the Harijans and traced many atrocities to it. He said that when they demand prescribed wages, they are subjected to atrocities. 90% of atrocities were committed on the landless in matters connected with land. Often untouchability, land disputes got mixed up. Poverty of the Harijans was the main reason. Therefore, the Scheduled Castes and Scheduled Tribes Commission, had discussed with Dr. Lakdawala and the Planning Commission, Agriculture, Industries and Labour Ministries so as to attract attention to tackling this problem of poverty at the grass-root. Meanwhile, if the Chief Ministers so willed it, at least the Harijans' lives could be protected. There should be a District level Cell to review the situation in atrocity prone areas. It would also help to have a State level review under the responsibility of the Chief Minister. Sensitive areas were known and there Special Police Stations should be opened. The Scheduled Castes and Tribes should be given at least 50% of posts at Police Station level. Similar was the position in the Revenue Department at the village level.

6.73 The Prime Minister intervening in the debate observed that he would be agreeable to set up a Committee of 7 to 8 people to go into the recommendations and suggestion made by the NIC and various Commissions of Inquiries and to make definite suggestions by the Government for tackling the problem of communalism and putting an end to the atrocities on Scheduled Castes. He also suggested that a code of conduct for all parties should also be suggested by this Committee.

The Commission would be glad to know the action taken by the Government of India, Ministry of Home Affairs on the above mentioned suggestion of the Prime Minister.

6.74 In spite of the above mentioned instructions issued from time to time by the Ministry of Home Affairs, Government of India to the State Governments regarding prevention of atrocities on Scheduled Castes and Scheduled Tribes the number of atrocities committed against the Scheduled Castes has unfortunately increased from 10,879 during 1977 to 15,053 during 1978, thus showing an increase of 38.37%.

#### *Action taken by the States/U.Ts. on prevention of atrocities*

6.75 Very few States/U.Ts. have furnished information regarding action taken on prevention of atrocities, reasons for increase in atrocities, monetary and other relief measures provided to the victims of atrocities, etc. These are discussed below :—

#### *Andhra Pradesh*

6.76 *Vide* G.O.Ms. No. 55 dated 1st February, 1975, the General Administration (SC & ST Cell)

Department, Government of Andhra Pradesh sanctioned the scheme of providing financial assistance to the SC/ST victims of atrocities. As per the scheme, the following scale of relief is provided to the affected SC/ST persons :—

| Sl. No. | Nature of loss                                 | Of an earning member                                     | Of a non-earning member          |
|---------|------------------------------------------------|----------------------------------------------------------|----------------------------------|
| 1.      | Death of Permanent incapacitation              | Rs. 2,000                                                | Rs. 1,000                        |
| 2.      | Temporary incapacitation                       | Upto Rs. 500 (Depending on the degree of incapacitation) | Upto Rs. 250                     |
| 3.      | Loss of house and /or other belongings therein | Upto Rs. 500                                             | Depending on the extent of loss. |
| 4.      | Loss of movable properties                     | Upto Rs. 250                                             |                                  |

The District Collectors are empowered to sanction the relief after enquiry of the incident without waiting for the results of the proceedings.

#### *Bihar*

6.77 The Government of Bihar have reported that the increasing number of atrocities on the Scheduled Castes and Scheduled Tribes may be accounted for the age-old ill-feeling of the Caste Hindus against the Harijans, dispute over land, attempt to deprive the Scheduled Castes and Scheduled Tribes of the benefits provided to them by the Government and implementation of Minimum Wages Act. In some cases the Caste Hindus also use the poor Harijans as tools to take revenge on other upper caste members on account of past enmity.

The Government of Bihar *vide* their G.O. No. 10073, dated the 28th October, 1978 have decided to give financial help to the victims of atrocities belonging to the Scheduled Tribes as per details given below. It is presumed that similar financial help is also being provided to the Scheduled Caste victims of atrocities also by the State Government.

| Sr. No. | Types of atrocities                        | Earning member | Non-earning member                                   |
|---------|--------------------------------------------|----------------|------------------------------------------------------|
| 1.      | Death of permanent incapacitation          | Rs. 2000       | Rs. 1000                                             |
| 2.      | Temporary incapacitation                   | Rs. 500        | Rs. 200 (Depending on the degree of incapacitation). |
| 3.      | Rape                                       | Upto Rs. 1000  |                                                      |
| 4.      | Burning of houses                          | Upto Rs. 2000  |                                                      |
| 5.      | Loss to house or other house-hold articles | Upto Rs. 250   | (Depending on the extent of loss).                   |
| 6.      | Loss of movable property                   | -do-           | -do-                                                 |

### Gujarat

6.78 The scheme of provision of monetary relief to the Scheduled Castes and Scheduled Tribes victims in cases of atrocities was sanctioned by the State Government since 1977. As per the scheme Rs. 2000 is paid to each victim for loss of house or house-hold articles and loss of immovable property. In case of temporary incapacitation, an earning member gets 1,250 and Rs. 625 is given to a non-earning person. In case of murder or permanent incapacitation, Rs. 5000 is sanctioned for an earning member, while Rs. 2,500 is given for a non-earning member.

### Haryana

6.79 The Government of Haryana have stated that the District Superintendents of Police have been instructed to ensure that the investigation of cases where the Harijans have been victimised should be prompt and efficiently carried under the close supervision of Senior Police Officer. All cases in which Harijans are the victims are to be treated as special report cases. The Gazetted Officers incharge of the Police Stations have been directed to personally visit the spot in all such occurrences and closely supervise the investigation.

### Himachal Pradesh

6.80 As per the scheme sanctioned by the Government of Himachal Pradesh for providing monetary relief to the Scheduled Castes and Scheduled Tribes victims of atrocities, Rs. 2,000 is given for an earning member and Rs. 1,000 for a non-earning member for death or permanent incapacitation. For temporary incapacitation relief upto Rs. 500 is given for an earning member and Rs. 250 for a non-earning member depending on the degree of incapacitation. For loss of house or other belongings relief is paid upto an amount of Rs. 500 and Rs. 250 is paid for loss of movable properties.

### Jammu and Kashmir

6.81 The Government of Jammu & Kashmir have stated that the incident of atrocities on Scheduled Castes and Scheduled Tribes is very insignificant in the State. No scheme is sanctioned by the State Government for providing monetary relief to the Scheduled Castes and Scheduled Tribes persons in cases of atrocities.

### Karnataka

6.82 The causes of atrocities committed on the Scheduled Castes and Scheduled Tribes were ill-feeling and personal enmity between the members, land dispute, and factions in the village. In the past a section of caste Hindus having enmity with the other often instigated the poor Harijans against them to achieve their ends. The increasing awareness among the Scheduled Castes and Scheduled Tribes has also been a factor for increasing number of cases of atrocities reported to the police.

The Civil Rights Enforcement (CRE) Cell has been formed since 1974 and has been placed in charge of S/16 HA/80,—13.

a Deputy Inspector General of Police with effect from 13th February, 1978. In order to improve the lot of the Harijans and to protect them against any discrimination the Government of Karnataka have constituted a High Power Committee under the Chairmanship of the Minister for Law, Social Welfare and Backward Classes with six official members including the Commissioners for Revenue, Social Welfare and Home Departments and six non-official members including M.P./M.L.C./M.L.A and social workers. Similar committees have also been constituted at the district/sub-division/taluk levels to check the incidents of atrocities.

6.83 *Vide* G.O. No. SWL 94 SSC 76, dated 9th November, 1978, the Government have sanctioned a scheme to provide monetary relief to the SC/ST victims of atrocities. The rate of relief sanctioned for the types of atrocities committed is as under :

| S. No. | Nature of loss                        | Of an earning member                                         | Of a non-earning member            |
|--------|---------------------------------------|--------------------------------------------------------------|------------------------------------|
| 1.     | Death of permanent incapacitation     | Rs. 2000                                                     | Rs. 1000                           |
| 2.     | Temporary incapacitation              | Upto Rs. 500<br>(Depending on the degree of incapacitation). | Upto Rs. 250                       |
| 3.     | Loss of house and/or other belongings | Upto Rs. 500                                                 | } (Depending on the degree of loss |
| 4.     | Loss of movable properties            | Upto Rs. 250                                                 |                                    |

### Madhya Pradesh

6.84 The Government of Madhya Pradesh, Tribal and Harijan Welfare Department have stated *vide* their letter No. F-22/79/2/25 dated 6th June, 1979 that the Finance Department have accorded sanction for a scheme to provide relief to the SC/ST victims of atrocities.

### Maharashtra

6.85 The scheme of providing monetary relief to the Scheduled Castes and Scheduled Tribes victims of atrocities has been sanctioned by the State Government since 1976. The scale of relief paid is same as adopted by the Government of Himachal Pradesh and varies from Rs. 250 to Rs. 1,000 in case of a non-earning Scheduled Caste/Scheduled Tribe victim and Rs. 250 to Rs. 2,000 in case of an earning member depending on nature of the offence and extent of the loss.

### Orissa

6.86 The increase in cases of atrocities on Scheduled Castes/Scheduled Tribes is reported to be the outcome of free registration of crimes reported by the SC/ST complainants. Earlier, they were afraid of reprisals from the aggressors, and did not come out freely to register cases against them. They were also

ignorant of their rights and privileges and the safeguards provided to them under the Protection of Civil Rights Act.

6.87 In order to check the incidence of atrocities, Gazetted officers of the Police and Revenue Departments have been instructed to conduct joint enquiries in the rural areas. This has also helped to a great extent in restoring confidence and sense of social status amongst the weaker sections. Periodical drive by police officers is also made in affected areas to promote harmony and good feelings between the SC/ST persons and the caste Hindus. A High Power Committee constituted by the State Government have visited the affected areas and enquired about the specific cases of atrocities.

6.88 The State Government have sanctioned a scheme in 1978 for providing monetary relief to the SC/ST victims of atrocities. The amount of relief varies from Rs. 250 to Rs. 2,000 depending on the nature of atrocity.

#### *Punjab*

6.89 The basic cause of the atrocities on Harijans is their poverty and social backwardness. The higher caste people want to keep them under perpetual subjugation, while the Harijans are awakened and they fight for their rights.

6.90 The district authorities have been directed to register the cases of atrocities immediately and that this should be investigated and put up in the court expeditiously. No relief was given by the Government in any case of atrocity.

6.91. The Commission have observed that 84 cases of atrocities were reported from Punjab during 1977 and also during 1978 and it is, therefore, suggested that the State Government may initiate a scheme for providing monetary relief to the Scheduled Caste victims of atrocities.

#### *Tamil Nadu*

6.92 In order to provide monetary relief to the SC/ST victims of atrocities, the Government of Tamil Nadu sanctioned a scheme in 1977. The scale of relief is same as outlined in the scheme sanctioned by the Government of Andhra Pradesh during 1975 providing Rs. 250 to Rs. 2,000 depending on the nature of atrocity committed and the extent of loss suffered by the affected SC/ST persons.

#### *Uttar Pradesh*

6.93 The State Government has reported that with regard to atrocities on Harijans and weaker sections of society following types of complaints are generally received on account of untouchability, harassment on account of caste considerations, allotment of land, disputes arising out of forced labour or wages, loans and debts, rape on women and their molestation, disputes arising out of refusal by the Harijans to carry out traditional occupations like lifting of dead animals cutting of umbilical cord, etc.

6.94 The following orders have been issued from time to time :

- (1) To arrange police assistance to the Harijans for getting possession over the allotted land,
- (2) To impose upon the police to take action under section 107 Cr.P.C. and section 441/447 I.P.C. for restoring the land to the Harijans.
- (3) By amending U.P. Zamindari Unmulan Tatha Bhumi Sudhar Adhiniyam, 1950. Assistant Collectors have been empowered under Section 198A to use force to help the Harijans in restoring possession over land. In case the Harijans are again dispossessed from their lands the Assistant Collector can institute cases against such persons and they can be penalised. It has been made a cognizable offence.
- (4) The Officers-in-charge of Police Stations have been instructed to write down the complaints of Harijans in full in cases where they have been harassed by the non-Harijans. These instructions apply to cognizable, non-cognizable and P.C.R. cases. They have also been instructed to take prompt action on such complaints.
- (5) In cases pertaining to non-cognizable offences on the harassment of Harijans, permission should be obtained from the Magistrates concerned for investigation and further action may be taken according to the direction of the court.
- (6) All the District Collectors have been instructed to see the progress of such cases during their inspection of Police Stations. They should look into the progress at the level of investigation with the police and also its progress in the courts.
- (7) Arms licence should be suspended and these should not be renewed in cases of those persons, who were found guilty in harassing the Harijans.
- (8) In those non-cognizable offences where courts do not permit for investigation, action can be taken against the non-Harijans U/S 151/107/107/116 Cr. P.C.
- (9) In order to effectively look into the complaints of Harijans, Government have impressed upon the District Magistrates to visit at least one village during a month. They should immediately visit the spot of atrocity and should take action against the defaulting staff.
- (10) The defaulting Government servants should be punished and accordingly entry should be made in their C.Rs.



- (11) Police have been asked to take action according to the provisions contained in the U.P. Bhumihin Krishi Shramik Rin Anuthosh Adhiniyam, 1975.
- (12) Police should offer their assistance in arranging minimum wages according to Minimum Wages Act.
- (13) The District Magistrates and the District Superintendents of police have been personally made responsible to check atrocities on Harijans.

6.95 A scheme of providing monetary relief to the Scheduled Caste and Scheduled Tribes victims of atrocities is also being implemented as per details given below :

| S. No.                                         | Atrocity | Amount payable per individual (in Rs.) |                    |
|------------------------------------------------|----------|----------------------------------------|--------------------|
|                                                |          | Earning Member                         | Non-earning member |
| 1. Murder                                      |          | 5000                                   | 1000               |
| 2. Incapacitation on account of serious injury |          | 1000                                   | 500                |
| 3. Burning of houses                           |          | 500                                    | real               |
| 4. Loss to movable property and crops          |          | 250                                    | losses or          |
| 5. Other economic losses                       |          | 200                                    | whichever is less  |

6.96 The monetary relief shall not be provided in case both the parties are either Harijans or Tribals. The monetary relief shall be determined by a committee comprising the District Magistrate, Senior Superintendent of Police and District Harijan and Social Welfare Officer. With a view to undertake prompt investigation of atrocity committed on Harijans, the Government of Uttar Pradesh have set up a Special Enquiry Cell under the I.G. Police at the State Headquarters. The Cell is being headed by a senior D.I.G. For his assistance a Senior Superintendent of Police and two Superintendents of Police have been provided. This Cell is being strengthened by providing additional staff, namely, one S. P. and 7 Deputy Superintendents of Police. According to an Ordinance passed on 21st January 1978, the Sub-Divisional Magistrates have been empowered to restore possession of land to the allottees. In case the encroachment has been made for the second time the encroachers can be imprisoned for 3 years and fine can also be levied. The Police officers have been instructed to help the Harijans in getting possession over the allotted land.

### West Bengal

6.97 The cases of atrocities in West Bengal are negligible in number. The Government of West Bengal do not consider it necessary to implement any scheme for providing monetary relief to the Scheduled

Castes and Scheduled Tribes victims in cases of atrocities.

### Other States/U.Ts.

6.98 The Government of Kerala and Assam have indicated that since atrocity cases are negligible and untouchability is not a problem in these States, no scheme for providing monetary relief to the SC/ST victims of atrocities is considered necessary by these State Governments. The Governments of Nagaland, Sikkim, and Manipur have also expressed that no cases of atrocity on SC/ST are reported from these States and hence it has not been necessary for sanctioning any scheme for providing relief to the victims of atrocities in these States.

6.99 As far as Union Territories are concerned, the Chandigarh and Andaman and Nicobar Administrations have informed that no cases of atrocities on Scheduled Castes have so far been reported from these places. The entire population of Arunachal Pradesh and Lakshadweep being Scheduled Tribes, cases of atrocities on Scheduled Castes are nil in these Union Territories. In view of the above, no steps have been taken by any of these Administration authorities for sanctioning a scheme to provide monetary relief to the SC/ST victims of atrocities.

### Conclusions

6.100 During the calendar year ending with December 1977 the total number of atrocities committed on the Scheduled Castes in the entire country was 10,879. This number increased during the calendar year 1978 to 15,053. Thus there was an increase in the crime to the extent of 38.37% in 1978 over the preceding year, that is, 1977.

2. No cases of atrocities were reported from seven States namely, Assam, Jammu and Kashmir, Manipur, Meghalaya, Nagaland, Sikkim and Tripura and six Union Territories of Andaman & Nicobar Islands, Chandigarh, Goa Daman & Diu, Lakshadweep, Mizoram and Arunachal Pradesh. In all these States and Union Territories the population of Scheduled Castes was meagre and the problem of untouchability is quite uncommon.

3. The main causes of atrocities against the Scheduled Castes and Scheduled Tribes are linked with their socio-economic conditions. In the case of the Scheduled Castes there is added disadvantages of their suffering from social disabilities based on the practices of untouchability. Apart from social factors, the other economic causes which appear to be mainly responsible for atrocities on the Scheduled Castes and Scheduled Tribes are their exploitation on account of problems related to land alienation, indebtedness, forest policy, excise policy, charging of excessive toll tax by the hat lessees, non-payment of minimum wages as stipulated under the Act and system of bonded labour.

4. In some cases it has also been observed that the local administration and particularly the local police



officials had connived with the Caste Hindus in committing atrocities on the Scheduled Castes and the Scheduled Tribes. At any rate they had not taken sufficient preventive measures to ensure that the occurrences of atrocities on these people could be avoided.

### *Recommendations*

6.101 The following recommendations are made by the Commission based on an analysis of atrocities. These recommendations are broadly divided into :—

- (i) General
- (ii) Law and order machinery
- (iii) Legal provisions
- (iv) Administrative measures
- (v) Relief

### *General*

6.102 The Commission have made specific recommendations to the State Governments/Union Territory Administrations in specific cases of atrocities as analysed in Annexure VIII. Some of these recommendations have been enumerated in the spot enquiries conducted by the Commission or its field offices. The concerned State Governments/U.Ts. are requested to take effective steps in implementing the recommendations made by the Commission for Scheduled Castes and Scheduled Tribes in these cases.

(2) The Commission also endorse the recommendations made by the Ministry of Home Affairs, Government of India to the State Governments/U.T. Administrations from time to time regarding measures to be undertaken for prevention of atrocities committed on the Scheduled Castes. The Commission would further recommend that these measures should also be extended for prevention of atrocities on Scheduled Tribes.

(3) The Commission would also request the Ministry of Home Affairs, Government of India to maintain separate data crime-wise and State-wise in respect of atrocities committed on the Scheduled Tribes as is being done by them in the case of atrocities committed on the Scheduled Castes.

### *Law and order machinery*

6.103 Strict implementation of the Protection of Civil Rights Act, 1955 is imperative as some of the cases falling under this Act can certainly be termed as atrocities. The following suggestions are being recommended by the Commission for proper implementation of this Act :—

- (1) It is noticed that provisions of this law are not sufficiently known among the police force in the rural areas. This shortcoming should be removed.
- (2) Special monitoring and evaluation cells should be set up at the Sub-divisional, District and State headquarters.

- (3) All cases reported under the Act should be declared as special report cases.
- (4) Police personnel posted in sensitive areas should have a correct attitude for dealing with this social problem and possess the necessary motive for rendering selfless and impartial service to the Scheduled Castes and Scheduled Tribes.

2. The police station is the pivot of the police administration and it is essential to reorganise and improve the police force at this level. Keeping in view the duties and responsibility of the officer in charge of a police station, this Commission consider that the police station should be managed by an officer of gazetted rank who should at least be of the status of the Dy. S. P. or Asstt. S. P. It will lead to better qualitative management of the police station, better public relations and elimination or mitigation of corruption at the level of the police station.

3. The Commission suggest that adequate personnel should be deployed at the police station particularly in sensitive areas to enable them to regularly move in the areas and keep in close touch with the people so that suitable and timely action can be taken to prevent the commission of any atrocity on the Scheduled Castes and Scheduled Tribes. The Commission also recommend that one or two CID men (S.I./A.S.I.) may be attached to the police station exclusively to collect intelligence bearing on atrocities against the Scheduled Castes and Scheduled Tribes.

4. In order that justice is done to the Scheduled Castes and Scheduled Tribes, the Commission suggest that at least 50% of the posts of Constables, Head Constables and as far as possible Sub-Inspectors and Inspectors of Police should be filled up by the Scheduled Castes and Scheduled Tribes.

5. The Commission would recommend to the State Govt./U.T. Administrations that sensitive areas prone to atrocities on Scheduled Castes and Scheduled Tribes should be identified in each district and in such areas more than 50% of the police force at the concerned police station should consist of the Scheduled Castes and Scheduled Tribes. It is felt that the preponderance of Scheduled Castes and Scheduled Tribes personnel at the police station level will act as a deterrent to commission of atrocities on or harassment of the Scheduled Castes and Scheduled Tribes.

6. At the State police headquarters there should be a evaluation cell to exclusively monitor and evaluate the performance of the police force at different levels in respect of the cases involving the Scheduled Castes and the Scheduled Tribes. This cell should function directly under the control of the Director General/I.G. of Police of the State. There should be similar cells at Divisional/District/Sub-divisional levels. These cells should exclusively monitor and evaluate the criminal cases against the Scheduled Castes and Scheduled Tribes and also cases registered under the

Protection of Civil Rights Act, 1955. In cases leading to failure in the court there should be proper evaluation to find out the causes of failure, to fix responsibility and also to take action against the defaulting police officials

7. Village chowkidars performing police duties are at present hereditary posts and they act as informants to the police station/outpost and have also to perform several miscellaneous duties. They are paid very meagre allowances. They hardly command any respect in the village community and do not even inspire fear in the minds of the villagers which is done by the constables or other regular police force. In order to provide a more positive and respectable role to the institution of village chowkidars the Commission would suggest that it should be professionalised and these posts suitably redesignated and manned. They should be paid adequate remuneration. The composition of this force should be at least 50% Scheduled Castes/Scheduled Tribes and in the sensitive areas or in the areas predominantly inhabited by the Scheduled Castes and Scheduled Tribes their position should be much larger. Similarly, among the Homeguards constituting the rural police force at least 50% should belong to the Scheduled Castes/Scheduled Tribes. In order that the existing chowkidars do not lose their only source of livelihood they should be given suitable reorientation course and employed.

8. The Commission would propose the setting up of special machinery for the protection of Scheduled Castes and Scheduled Tribes. At the State level, there should be a consultative committee with Chief Minister as Chairman, the Home Minister as Vice Chairman and the Secretary (Home Department) as Secretary to the Committee to take policy decisions on all matters relating to law and order concerning the Scheduled Castes and Scheduled Tribes, the implementation of the PCR Act and the position regarding atrocities/harassment on Scheduled Castes and Scheduled Tribes.

9. At the State level there should be a Scheduled Castes/Scheduled Tribes cell under the control of the IG/Addl. IG/Dy. I G. of Police depending on the size of the police force of the State. Such special cells may be set up at the Divisional/District/Sub-Divisional levels also.

10. There should be a special police station at the State Headquarters under the charge of the State level SC/ST Police Cell. Similarly there should be special police station at the district level and where necessary even at the Sub-divisional level to exclusively deal with cases under the PCR Act as well as atrocity cases against the Scheduled Castes and Scheduled Tribes. Such special police station should be particularly set up in sensitive areas. This special arrangement should be treated only as supplementary to the normal police station. 50% of the personnel, if not more, deployed in these special police station should belong to the Scheduled Castes and Scheduled Tribes and they should be men of integrity and dedication.

11. In sensitive areas there should be a small cell in each police station to exclusively deal with cases relating to atrocities harassment of the Scheduled Castes and Scheduled Tribes,

12. The Commission recommend that priority should be given in dealing with criminal cases involving Scheduled Castes and Scheduled Tribes. Such cases should be speedily and properly investigated with a view to inspire confidence among the weaker sections. The trial of such cases should also be dealt with speedily and appropriately so that justice is not delayed or denied to the victims of Scheduled Castes and Scheduled Tribes. For ensuring prompt investigation and trial of cases and following suggestions of the Commission may be kept in view :—

- (1) The police at the police station level should be given priority in investigation of cases of atrocities and other crimes against the Scheduled Castes and Scheduled Tribes.
- (2) At the trial stage the prosecution and the court should give priority to the disposal of cases relating to the Scheduled Castes and Scheduled Tribes. Where the incident of atrocities is high special prosecution staff and special courts may be sanctioned on the regular basis to deal exclusively with cases of atrocities against the Scheduled Castes and Scheduled Tribes.
- (3) In cases not involving heinous offences and cases in which land and property disputes are involved the procedure of summary trial should be adopted and if necessary, law should be suitably amended.

#### *Legal Provisions*

6.104 With a view to ensuring that the Scheduled Castes and Scheduled Tribes receive adequate benefit of social legislation also the Commission suggest that the following offences may be made cognizable in respect of them :—

- (i) not giving possession of land legally allotted to the Scheduled Castes and Scheduled Tribes,
- (ii) unlawful eviction from the land in possession of the Scheduled Castes and Scheduled Tribes,
- (iii) unlawful eviction from houses in possession of the Scheduled Castes and Scheduled Tribes,
- (iv) prevention from cultivation of land either allotted to the Scheduled Castes and Scheduled Tribes or in their possession by the vested interest, and
- (v) prevention from harvesting of crops belonging to the Scheduled Castes and Scheduled Tribes, particularly where share-cropping is prevalent.

### *Administrative Measures*

6.105 In cases where in a land dispute a Harijan or a tribal is killed the Government machinery including the police must ensure that the land in possession of the deceased Harijan/tribal passes on to the heirs of the deceased and in no circumstances whatsoever the persons who have committed aggression should be allowed to take over possession of the land.

2. Some of the incidents of atrocities on the Scheduled Castes and the Scheduled Tribes that have recently taken place indicate that the local landlord/big tenants employ musclemen or specially hired goondas for committing atrocities on the Scheduled Castes and Scheduled Tribes. The Commission recommends that it should be the special duty of the police to collect prior intelligence about such musclemen or goondas in the locality and to take preventive action against them u/s 107/117 Cr. P.C. as well as the section 110 Cr. P.C. so that they can be bound down to maintain peace. Wherever necessary, preventive arrests should be made to maintain peace and to prevent atrocities against the Scheduled Castes/Scheduled Tribes. Collective fines may be imposed in areas where the Scheduled Castes and Scheduled Tribes people are subjected to continuous atrocities. In sensitive areas where atrocities on the Scheduled Castes and Scheduled Tribes persist special police force may be posted and the entire cost of maintaining such force be realised from the residents of the area.

3. It has also been observed that sometime even the police personnel commit atrocities on the Scheduled Castes and Scheduled Tribes in collusion with the landlords or otherwise. The Commission recommends that the State Government should award exemplary punishment to the guilty officials.

4. It is further recommended that there should be an automatic judicial enquiry by Sessions/Addl. Sessions Judge into the incidents of death in police custody, death by grievous hurt arising from the alleged torture, death resulting from police firing and alleged rape of women in police custody. As judicial enquiries are time consuming the Government should also take criminal and executive action against the police officials responsible for these crimes and all such offences should be made non-bailable.

### *Relief*

6.106 The Commission recommends that those States/Union Territories which have not so far taken a policy decision regarding providing monetary and other relief to the victims of atrocities should introduce a suitable scheme. It is also recommended that the quantum of relief provided should be adequate and should be commensurate with the seriousness of the loss caused to the persons or the families concerned. Arrangements should be made to provide relief on the spot immediately after the commission of atrocity.

## ANNEXURE I

Number of atrocity cases reported from States/Union Territories during 1977 and 1978

| S.<br>No.                   | Name of the State/U.T. | No. of cases reported during |        | % of increase/<br>decrease<br>Col. 3 to 4 |
|-----------------------------|------------------------|------------------------------|--------|-------------------------------------------|
|                             |                        | 1977                         | 1978   |                                           |
| 1                           | 2                      | 3                            | 4      | 5                                         |
| <i>A. States</i>            |                        |                              |        |                                           |
| 1. Andhra Pradesh           | .                      | 102                          | 110    | +7.84                                     |
| 2. Assam                    | .                      | ..                           | 1      | ..                                        |
| 3. Bihar                    | .                      | 681                          | 1911   | +180.62                                   |
| 4. Gujarat                  | .                      | 331                          | 540    | +63.14                                    |
| 5. Haryana                  | .                      | 26                           | 66     | +153.88                                   |
| 6. Himachal Pradesh         | .                      | 42                           | 66     | +57.14                                    |
| 7. Karnataka                | .                      | 59                           | 376    | +537.27                                   |
| 8. Kerala                   | .                      | 233                          | 767    | +229.18                                   |
| 9. Madhya Pradesh           | .                      | 3366                         | 3240   | -3.74                                     |
| 10. Maharashtra             | .                      | 570                          | 1046   | +83.51                                    |
| 11. Orissa                  | .                      | 69                           | 135    | +95.65                                    |
| 12. Punjab                  | .                      | 84                           | 84     | ..                                        |
| 13. Rajasthan               | .                      | 261                          | 886    | +239.46                                   |
| 14. Tamil Nadu              | .                      | 54                           | 130    | +140.75                                   |
| 15. Uttar Pradesh           | .                      | 4974                         | 5660   | +13.79                                    |
| 16. West Bengal             | .                      | 7                            | 6      | -14.28                                    |
| <i>B. Union Territories</i> |                        |                              |        |                                           |
| 1. Dadra & Nagar Haveli     | .                      | 8                            | 1      | -87.50                                    |
| 2. Delhi                    | .                      | 3                            | 14     | +366.67                                   |
| 3. Pondicherry              | .                      | 9                            | 14     | +55.56                                    |
| GRAND TOTAL                 | .                      | 10,879                       | 15,053 | +38.37                                    |

The States/Union Territories which have not been listed in this table have not reported any case of atrocity during 1977 and 1978.

Source : Data of NID of Ministry of Home Affairs.

## ANNEXURE II

*Crime-wise details of atrocity cases reported during 1977 and 1978*

| S. No. | Name of the State/<br>Union Territory | Total number of cases reported during |       |      |       |        |        |      |       |      |       |        |        |
|--------|---------------------------------------|---------------------------------------|-------|------|-------|--------|--------|------|-------|------|-------|--------|--------|
|        |                                       | 1977                                  |       |      |       |        |        | 1978 |       |      |       |        |        |
|        |                                       | Mur.                                  | Vio.  | Rape | Arson | Others | Total  | Mur. | Vio.  | Rape | Arson | Others | Total  |
| 1      | 2                                     | 3                                     | 4     | 5    | 6     | 7      | 8      | 9    | 10    | 11   | 12    | 13     | 14     |
| 1.     | Andhra Pradesh                        | 7                                     | 1     | 5    | 7     | 82     | 102    | 5    | 7     | 12   | 6     | 80     | 110    |
| 2.     | Assam                                 | ..                                    | ..    | ..   | ..    | ..     | ..     | ..   | ..    | 1    | ..    | ..     | 1      |
| 3.     | Bihar                                 | 32                                    | 113   | 70   | 84    | 382    | 681    | 63   | 146   | 76   | 260   | 366    | 1811   |
| 4.     | Gujarat                               | 21                                    | 32    | 9    | 16    | 253    | 331    | 14   | 48    | 5    | 10    | 463    | 540    |
| 5.     | Haryana                               | 4                                     | 10    | 4    | ..    | 8      | 26     | 4    | 10    | 14   | 5     | 33     | 66     |
| 6.     | Himachal Pradesh                      | ..                                    | 9     | 3    | 2     | 28     | 42     | ..   | 3     | 2    | 1     | 60     | 66     |
| 7.     | Karnataka                             | 9                                     | 9     | 3    | 6     | 32     | 59     | 17   | 10    | 10   | 28    | 311    | 376    |
| 8.     | Kerala                                | 5                                     | 3     | 3    | 3     | 219    | 233    | 10   | 20    | 17   | 13    | 707    | 767    |
| 9.     | Madhya Pradesh                        | 57                                    | 465   | 87   | 247   | 2510   | 3366   | 41   | 411   | 94   | 201   | 2493   | 3240   |
| 10.    | Maharashtra                           | 18                                    | 130   | 16   | 20    | 386    | 570    | 26   | 119   | 35   | 167   | 699    | 1046   |
| 11.    | Orissa                                | ..                                    | 30    | 7    | 13    | 29     | 69     | 5    | 14    | 5    | 8     | 103    | 135    |
| 12.    | Punjab                                | 14                                    | 26    | 12   | 3     | 29     | 84     | 10   | 20    | 6    | 1     | 47     | 84     |
| 13.    | Rajasthan                             | 18                                    | 74    | 20   | 33    | 116    | 261    | 38   | 137   | 68   | 51    | 892    | 886    |
| 14.    | Tamil Nadu                            | 2                                     | ..    | ..   | ..    | 52     | 54     | 4    | 8     | 6    | 4     | 108    | 130    |
| 15.    | Uttar Pradesh                         | 143                                   | 447   | 90   | 278   | 4016   | 4974   | 219  | 613   | 188  | 445   | 4195   | 5660   |
| 16.    | West Bengal                           | 1                                     | 2     | 1    | 3     | 1      | 7      | ..   | 2     | ..   | 1     | 3      | 6      |
| 17.    | Dadra & Nagar Haveli                  | 1                                     | ..    | 2    | ..    | 5      | 8      | ..   | ..    | ..   | ..    | 1      | 1      |
| 18.    | Delhi                                 | ..                                    | ..    | ..   | 2     | 1      | 3      | ..   | 2     | 2    | ..    | 10     | 14     |
| 19.    | Pondicherry                           | 2                                     | ..    | ..   | ..    | 7      | 9      | ..   | ..    | ..   | 1     | 13     | 14     |
| 20.    | TOTAL                                 | 334                                   | 1341  | 332  | 716   | 8156   | 10879  | 456  | 1570  | 541  | 1202  | 11284  | 15053  |
| 21.    | %                                     | 3.07                                  | 12.33 | 3.06 | 6.58  | 74.96  | 100.00 | 3.03 | 10.43 | 3.60 | 7.98  | 74.96  | 100.00 |

Source : Data of NID of Ministry of Home Affairs.

## ANNEXURE III

*Inquiry Report into Incidents in Muzaffarnagar of the 11th and 12th February, 1979*

## INTRODUCTION

Home Minister in his letter D.O. No. III-13015/1/79-NID(D) dated March 3, 1979, requested the Commission for Scheduled Castes and Scheduled Tribes to visit Mazaffarnagar and undertake a thorough investigation into the incidents that took place on 11th and 12th February, 1979. In response to this request the Commission consisting of Shri Bhola Paswan Shastri, the Chairman and two other Members S/Shri Shishir Kumar and S. K. Mallick, accompanied by Shri R. P. Khanna, Secretary to the Commission and Shri A. Padmanaban, Joint Secretary visited Muzaffarnagar and held enquiries between 10th to 13th March, 1979. Individual intimation about the Commission's visit and the proposed enquiry was sent to the different persons/organisations. They were requested to meet the Commission and give evidence/information relating to the incidents on 11-12 February, 1979. Notification informing the general public about the Commission's visit and inquiry was also published by the Commission in the local Hindi daily, Dainik Dehat, published from Muzaffarnagar.

2. The Commission arrived at Muzaffarnagar Inspection Bungalow in the afternoon of 10th March, 1979. The District Magistrate and the Superintendent of Police, Muzaffarnagar briefed the Commission in general about the incidents on 11th and 12th February, 1979. They informed the Commission that the dispute involved the residents of Brahampuri and Raidaspuri mohallas in the town. The former was mainly inhabited by Tyagis and Jats and the latter by Scheduled Castes though some people of other castes and religions also lived in these mohallas. Each of the mohallas had a population of about 3000 to 4000 persons. They further informed the Commission that according to their information the residents of Brahampuri mohalla had decided to boycott the inquiry to be made by the Commission. They also indicated that the Commissioner, Meerut Division, had also been entrusted by the State Government to hold an inquiry into the matter and that in his case the Scheduled Castes of Raidaspuri mohalla had decided to boycott the inquiry.

*Local Sites Inspection at Muzaffarnagar on 10th March, 1979*

3. The Commission also visited Raidaspuri mohalla and Brahampuri mohalla, the places of incidents, on the 10th March in the afternoon. In Raidaspuri mohalla the Commission saw the newly constructed wall, the houses which were alleged to have been damaged or forcibly opened by the police, the alleged bullet/pellet marks on the persons and houses, blood stains on walls and floors etc. The Commission also saw some of the injured persons in their houses and listened to representations by the residents.

In the course of their inspections, one Smt. Bugli complained that she was badly beaten and her adopted son Dassi (about 10 years old) was dashed against the wall and also heavily beaten by the policemen on the 12th February, 1979 and that he was not traceable after the incident. It was also reported by one Sukhbibi wife of Soma in another house that out of five of her children, two children, namely, Ashok (aged 10) and Dhanna (aged 6) were missing since the incident on the 12th February.

4. The Kotwal Shri Ram Singh explained to the Commission that the Ravidas Jayanti procession on the 11th could not be taken out through the disputed wall route but through another lane and he showed the Commission the lane through which, according to him, the procession had been taken out by the residents of Raidaspuri mohalla on the 11th February. The Commission and the staff of the Commission accompanied by the Superintendent of Police and the Kotwal and other officials also went on foot through the lane which is very narrow (4 to 5 feet wide) and which opens into a bazaar, the Commission made enquiries from one Shri Hans Raj of Taj Mahal shop which is located at the end of the lane to its right, about the procession but he stated that no procession had come out of that lane on the 11th February, 1979.

5. The Commission later proceeded to Brahampuri mohalla which adjoins Raidaspuri mohalla. On the way the Commission saw banners asking the "Bhola Paswan Commission to go back", "We boycott Bhola Paswan Commission" etc. Although the Commission specially requested the residents of this area particularly the occupants of the house of Shri Meghraj Tyagi and Shri Hukum Chand Malik to show their houses and damages, if any, they flatly refused. They even said that they were boycotting the Commission. The Commission did not visit Muzaffarnagar hospital since the District Magistrate and the Superintendent of Police told the Commission that all the injured persons were already discharged from the Hospital. On 11-3-1979 forenoon a group of persons held a demonstration in front of the Inspection Bungalow while the Commission was holding its sittings, asking the Commission to "go back". Some of the persons invited to meet the Commission to give evidence regretted their inability to do so on the ground that they were boycotting the Commission. The Commission were not able to secure their attendance and record their evidence as they were handicapped in the matter, not having been empowered with powers under the Commission of Enquiries' Act, even though before the Commission left for making the inquiry a request had been made to the Government of India that the Commission should be vested with suitable legal authority to inquire into the matter.

*Visit to Lucknow for discussions with Chief Minister, Uttar Pradesh*

6. Subsequently, the Commission went to Lucknow and met the Chief Minister and other concerned Cabinet Ministers on the 26th March, 1979. They also met Chief Secretary and other senior officers of the State Government on the same day. It was brought to the notice of the Commission that the State Government had decided to set up a judicial inquiry into the Muzaffarnagar incidents.

*Conduct of Enquiry List of Witnesses etc. Examined by the Commission*

7. The inquiry was started on the 10th evening at Muzaffarnagar. Officials, persons belonging to Scheduled Castes and non-Scheduled Castes, local leaders, organisations, journalists and others were examined by the Commission.

*Gist of explanation by some prominent persons of mohalla Brahampuri for refusing to attend Enquiry*

8. Even though the residents of Brahampuri mohalla had boycotted the inquiry by the Commission even after notices had been issued to them earlier, the Joint Secretary of the Commission under instructions from the Commission again wrote to the District Magistrate on 11th March, 1979, requesting him to convey to Shri Hukum Chand Mallick and Shri Rakesh Mallick as also to Shri Meghraj Tyagi of Brahampuri mohalla that the Commission would like to reiterate that they would like to inquire from all the three of them about

the incidents that took place on the 11th and 12th February, 1979. These letters were handed over to the District Magistrate on 11-3-1979. Shri Meghraj Tyagi sent his reply addressed to the District Magistrate on 11-3-1979 and Shri Hukum Chand Mallick and Shri Rakesh Mallick sent their replies dated 11-3-1979 which were delivered to the Commission by the District Magistrate on 13-3-1979. Shri Meghraj Tyagi indicated in his letter to the District Magistrate that a long-standing dispute existed between him and the residents of mohalla Raidaspuri for a number of years which culminated in a compromise between the parties. The compromise was to be executed by the Court but the residents of mohalla Raidaspuri with the intention of backing out from the compromise under the camouflage of Ravidas Jayanti struck the final blow on 11-2-1979 by completely demolishing the western and northern boundary wall of his residence and made a pavement of the same wall bricks, thereby causing a substantial loss to him. The situation remained tense and the authorities continued to give protection to the residents of mohalla Raidaspuri in the name of protecting the Harijans. On the 12th February the authorities pressed him for giving a portion of his land to the Harijans and they finally succeeded in doing so while demarcating the boundary. The Harijans took this concession as a victory and under the patronage and abetment of their leaders started brick-batting, throwing fire balls and firing from country-made pistols and attacked their mohalla Brahampuri. He further added that the Commissioner, Meerut Division, was entrusted with the inquiry into the incidents and that he had participated in the inquiry to give full details of the incidents but the residents of mohalla Raidaspuri had boycotted the inquiry.

He further added that Shri Bhola Paswan Shastri is a political man and belongs to the Harijan community. He was a party in the Parliament when the matter was debated there. In view of the above circumstances he did not expect a fair inquiry and justice from the Commission and hence he was unable to appear before the Commission.

Shri Hukum Chand Mallick and Shri Rakesh Mallick sent a letter addressed to the District Magistrate that the Incidents of 11th and 12th February had already been inquired into by several other agencies. Shri Bhola Paswan Shastri, M.P., is a political man and belongs to the Harijan community. He was also a party in the Parliament when the matter was debated there. In view of the above circumstances, they did not expect any fair inquiry and justice from the Commission and hence they were unable to appear before the Commission. They further added, "We completely boycott this inquiry."

Shri Rajrup Singh Verma, Editor of Dainik Dehat, a local newspaper, sent a written reply in response to the notice to appear before the Commission that on principle he did not consider it proper that the incidents that took place on the 11th and 12th February in connection with the Ravidas Jayanti celebrations should be inquired into by the Scheduled Castes and Scheduled Tribes Commission. He indicated that his demand was that the incidents should be inquired into by a judicial authority and added that in the circumstances he was unable to appear before the Commission and make any statement before them. He also added that he had already expressed his views in the matter in a press report published in his newspaper, a copy of which he enclosed with his letter.

In the Press report, published in his paper it has been alleged that the inquiry by a Commission headed by Shri Bhola Paswan Shastri would not be impartial as Shri Shastri is actively involved in politics and is even now performing the role of an opposition leader. It has been further alleged in the press report that since the opposition parties and others have already lent deep political colour to the incidents, the impartiality of the inquiry is bound to be affected. It is further alleged that Shri Shastri is himself a Harijan and the case of Raidaspur-Brahampuri Mohallas relates to Harijans and caste Hindus. It is difficult to presume that such a Commission would not adopt a prejudicial attitude against the non-Harijans and no caste Hindu can accept it as an impartial inquiry. A demand has, therefore, been made in the press report that there should be a judicial inquiry.

#### *Background of dispute between residents of Mohallas Raidaspuri and Brahampuri*

9. The background of the dispute is broadly as follows. Both the Raidaspuri and Brahampuri mohallas are located close to each other with narrow streets separating them. Raidaspuri mohalla had been in existence before the Brahampuri mohalla came into existence. One Shri Meghraj Tyagi had built up a house with a wall which had considerably narrowed the passage providing an outlet to the main road. A litigation about this wall had been going on in Civil Courts for many years and a compromise was filed between the parties on 3rd February, 1979 under which Shri Meghraj Tyagi was required to shift his wall backwards so as to provide for a wider passage serving as an outlet for the residents of Raidaspuri mohalla. Some dispute over the interpretation of the compromise arose on 9th February, 1979 on which Shri Meghraj Tyagi again filed an application in Court the same day.

The Ravidas Jayanti celebrations were due to take place on Sunday, the 11th February, 1979. The State Government had declared the 12th February, 1979 as a holiday for Ravidas Jayanti. On the 11th February the residents of Raidaspuri mohalla wanted to take out a procession but since the passage was very narrow it was alleged that some of them demolished the wall belonging to Shri Meghraj Tyagi at about 11 in the forenoon. This immediately led to a dispute between the Scheduled Castes and Tyagis living in the area. The matter was reported to the local authorities and the City Magistrate, Deputy Superintendent of Police (City) and the Kotwal visited the area. While they were having negotiations with the parties, it appears that some rowdy elements among both the communities started throwing brick-bats from roof tops. The City Magistrate, therefore, declared the assemblies to be unlawful and ordered the firing of tear-gas shells and grenades. Accordingly a few shells and grenades were fired. 13 Caste Hindus and 11 Scheduled Castes were also arrested under section 116/151/107 Cr. P.C. This brought the situation under control. Thereafter, there were some further negotiations between the Administration and the parties and it was decided that the matter should be amicably settled through the intervention of the Administration. Accordingly, the arrested persons were released on Personal bonds. Later, in the evening, the Superintendent of Police also visited the mohalla and set up a Peace Committee of both the parties. Police patrolling was continued in the area and the situation remained under control.

10. The next day as a result of the negotiations between the parties assisted by the City Magistrate, Circle Officer (Deputy Superintendent of Police) and Tehsildar a compromise was arrived at under which Shri Meghraj Tyagi agreed to shift his wall backwards by about 3 ft. more than what had been agreed to in Court so as to provide a much wider outlet for the Harijans of Raidaspuri mohalla. This compromise was accepted by all parties under the aegis of the aforesaid official team. The actual demarcation was also made in their presence and the construction of the wall was also completed upto about 4 ft. by about 3 in the afternoon. At this stage the City Magistrate had to be relieved as his wife was reported to be seriously ill. According to the City Magistrate, when he left the place, there was no tension and the situation was peaceful. He was replaced by the Sub-divisional Magistrate.

11. While there is general agreement on the facts up-to the stage acted above except the allegation relating to the demolition of the wall on the 11th by the processionists which the residents of Raidaspuri mohalla generally denied, there is a divergence of views thereafter.

#### *Version of District Administration*

12. According to the Administration (District Magistrate, Superintendent of Police, Sub-Divisional Magistrate etc.) after the compromise and the construction of the wall the Harijans wanted to take out a victory procession. This was objected to by the Tyagis of Brahampuri mohalla who felt that the victory procession was proposed to be taken out with a view to humiliate them even though they had gone out of their way to concede more land than was allowed even by Court so as to maintain good neighbourly relations between the



two mohallas. The Administration was further of the view that the Harijans had taken out procession from Raidaspuri mohalla on the 11th and, therefore, there was no occasion for them to take out a fresh procession on the 12th February. According to the Administration this was also the view-point of the Tyagis. According to the version of the Administration the Harijans under the instigation of Shri Vijaypal Singh of CPI and Shri Manphool Singh of Congress and some other leaders, however, insisted on taking out a victory procession. This led to the development of considerable tension in the area. With a view to prevent any breach of peace, the Sub-Divisional Magistrate promulgated orders under section 144 Cr. P.C. prohibiting the taking out of procession. The Harijans, however, under the instigation of the political and other leaders defied these orders and took out a procession. In the meanwhile brick-bats and throwing of fire balls also started to be exchanged between the residents of the two mohallas. The local officers, therefore, ordered Lathi charge but when this proved ineffective in controlling the crowds they ordered the firing of tear-gas shells and grenades. There was also report of firing of gun shots. The wind was blowing from the direction of Raidaspuri mohalla towards Brahampuri mohalla. Therefore, even the tear-gas shells and grenades were not so effective in controlling the crowds. Therefore, with a view to bring the situation under control, the District Magistrate ordered the P.A.C. and the District Armed Police to cordon off the Raidaspuri mohalla, to enter into the mohalla and make arrests. This was subsequently reiterated by the Superintendent of Police also when he arrived at the scene a little later. In accordance with this, several arrests were made and while arresting the rioters some of the policemen got injured also. A case under sections 147/148/149/188/307/332/336/435 IPC and 25 Arms Act was instituted against the arrested persons who were 47 in number. Thakur Vijaypal Singh, an ex-M.P., CPI and Shri Manphool Singh of Congress who were alleged to be the brains behind the clashes and exhorted the Harijans to defy the orders under section 144 Cr. P.C. were also arrested. Another FIR was lodged by Shri Meghraj Tyagi under sections 147/148/149/307/336/436/452 IPC against six named and 40 others in which it was alleged that one Om Pal Singh of Brahampuri mohalla had received gun shot injuries and had been hospitalised. With the arrest of these people, the situation was brought under control. Armed force was deployed in the area and patrolling was continued. 15 of the arrested persons all of whom were Harijans suffered from gun shot wounds. The arrested persons were in due course released on bail over a period of several days.

The police did not take any action against Shri Meghraj Tyagi who had admitted to have first gun shots in self-defence with a gun belonging to a friend of his who was reported to be staying with him. The Administration were of the view that no action was indicated against Shri Meghraj Tyagi as he had fired on self-defence and it was in view of this that no case had been instituted against him. It was only much later, on 20-2-1979, that the police instituted a case under sections 147/148/149/307/323/324/326 IPC against Shri Meghraj Tyagi and others on receipt of a written complaint from Shri Harish Chand son of Shri Meherdas of Raidaspuri mohalla which was addressed to the Prime Minister of India with copies to others including the District Magistrate and the Superintendent of Police of Muzaffarnagar.

#### *Version of witnesses of Raidaspuri Mohalla*

13. The version of the witnesses from Raidaspuri mohalla was, however, entirely different. According to them they could not take out any procession on the 11th February because of the tension that developed as a result of the alleged demolition of the wall of Shri Meghraj Tyagi. They supported the further version of the Administration for the 11th evening, in respect of the firing of teargas shells as also of arrests of a few persons from among Harijans as well as from among Tyagis and their subsequent release on personal bonds. They also supported the version of the Administration that a compromise was duly effected on the 12th February in the forenoon in the presence of the City Magistrate and the DSP (City) and that as a result of the compromise a realigned wall had also been duly constructed. It was after this that they decided that they should take out the Ravidas Jayanti procession which had to be abandoned on the 11th on account of the disturbances that took place on the 11th. According to them, the Tyagis had no objection to it as a settlement had been reached. However, while they had just started taking out the procession, all of a sudden teargas shells and grenades were fired on them at about 3.30 to 4 P.M. The police also made a lathi charge on them. They further complained that orders under section 144 Cr. P.C. banning the procession were not communicated or announced to them by the local authorities when they started firing tear gas shells and grenades and made a lathi charge on them. There were also reports of gun shots being fired from some houses in the Brahampuri mohalla as a result of which several people got injuries. There was an allegation that some policeman also had a hand in the firing of gun shots and even of bullets. As a result of bursting of teargas shells, firing etc. they had to take shelter in their homes. Later on the PAC and District Police broke into several of their houses, beat up the men and also assaulted the women. There were at least two specific cases, one of Smt. Murti and another of Smt. Kunta who alleged positive molestation on the part of the policemen and Smt. Murti indicated that she escaped by attacking the policeman with a knife that is used for cutting vegetables while Smt. Kunta explained that even though her clothes were torn away and removed alongwith those of her Munshi who had tried to give her protection, she had ultimately succeeded in escaping by running away and taking shelter in a temple. It was also complained by the Harijans that a large number of their women had to take shelter that night in a temple nearby as they were afraid to stay in Raidaspuri mohalla. It was also complained that while the policemen were attacking them in their houses, the lights only in Raidaspuri mohalla went out and that somebody had cut off the lights mischievously with a view to enable the police to indulge in atrocities on men and women as also in molestation of women. They also complained that while some of them were treated in the hospital others were refused treatment while some more could not get treatment because they could not get out of their houses out of fear. They also complained that gun shots were fired only from Brahampuri mohalla and not from their side and that this was proved by the fact that only the Harijans had suffered gun shot injuries. It was also complained by a large number of women and men that their jewellery and cash were looted by the attacking policemen.

14. One Rakesh, son of Shri Ram Kishan, aged 14 years, also appeared before the Commission and deposed that no procession was taken out on the 11th and that on the 12th when tear-gas shelling and gun firing were started, he was also hit by a pellet. Later the Police and the goonda elements entered their house and started beating his mother. He was also beaten while protecting his mother and became unconscious. Later he was taken to the hospital where he was bandaged. His mother who had also received serious injuries was treated and bandaged but was not admitted in the hospital. Later as a result of the injuries she died and was cremated on the 21st February. Shri Rakesh also told the Commission that his father had left the family during his childhood and that at present he was doing denting work. It was also brought to the notice of the Commission by Shri Mithan Singh who had accompanied Rakesh that a request for the *post mortem* of the deceased lady had been made by him before the District Administration but the District Administration had refused to undertake any *post mortem*.

15. (a) Some of the independent witnesses like Shri Uttam Chand Sharma, Editor of local paper, as also Shri Bhag Chand Jain, General Secretary of the Merchants' Association, broadly supported the version of the Scheduled Castes of Raidaspuri mohalla.

15. (b) Some of the witnesses such as Shri Uttam Chand Sharma and Shri Mithan Singh also made a complaint before the Commission that the District Magistrate himself was present at the spot right when orders under section 144 Cr. P.C. were passed, and subsequent actions were also taken under the directions of the District Magistrate himself.

15. (c) A few witnesses like Shri Mithan Singh, Shri Vijaypal Singh, Shri Manphool Singh and Shri Bhagwat Singh Kashyap made a complaint before the Commission that a group of youngmen which consisted mainly of caste Hindu youngmen allegedly belonging to the Chhatra Shanghaish Samity had taken a prominent part in the incidents that took place on the 11th and 12th February and in particular on the 12th evening when the Administration took action against the Harijans, they were in collusion with the District Administration.

### *Medical Evidence*

16. (a) The medical evidence before the Commission clearly shows that apart from some policemen who had sustained some injuries, it was mainly the people of Raidaspuri mohalla who had sustained injuries both by blunt weapons as well as by gun shots. All the 15 persons injured by gun shots were from Raidaspuri mohalla. In one case, namely, that of Shri Harish Chand, Medical report shows that it was a case of bullet injury.

16. (b) It was alleged that in one case, viz., that of Shri Om Pal Singh of Brahampuri mohalla, there was a gun shot injury but the medical officer concerned in his examination before the Commission indicated that it was an injury from a blunt weapon and not a gun shot injury.

### *General Assessment of the Commission*

17. The Commission have carefully assessed the available evidence. While it is unfortunate that the residents of Brahampuri mohalla did not cooperate with the Commission and did not adduce any evidence before them, it is clear from the version of the Administration that on the 12th February administrative action had been taken only against people of Raidaspuri mohalla and not against the residents of Brahampuri mohalla. While it may have to be conceded that there may have been some exchange of brick-bats and even of some fire balls between the residents of the two mohallas even on the 12th February and there may have been some damage caused in Brahampuri mohalla about which the Commission could not make any assessment, the fact remains that it was mostly the people from Raidaspuri mohalla who had sustained injuries and the people who had sustained gun shot and bullet injuries all belong to Raidaspuri mohalla. This included those who had come there to participate in the Ravidas Jayanti celebrations on the 12th February. The evidence adduced before the Commission also shows that a number of women and men from Raidaspuri had suffered injuries which could have been caused by blunt weapons such as lathis etc.

### *Conclusions and Recommendations of the Commission*

18. After careful assessment of the evidence the Commission have the following conclusions and recommendations to make :

- (1) One of the important issues on which the Commission have to form a conclusion is whether the Harijans of Raidaspuri mohalla did take out a procession on the 11th February and whether that procession actually went to the Town Hall to join the general congregation for Ravidas Jayanti day celebrations. When the Commission visited the spot on the 10th March soon after their arrival at Muzaffarnagar, the Kotwal, Shri Ram Singh, mentioned to the Commission that the Harijans had taken out a procession on the 11th but since the dispute had arisen over the wall the procession was taken out through another route, i.e., through a by-lane. The Commission were taken along the by-lane (about 4-5 ft. wide). It was the impression of the Commission that a Rath (a decorated bullock cart or even a decorated Cycle Rickshaw) carrying the portrait of Saint Ravidasji could not be physically taken out through the narrow lane. The lane ends into a bazar and inquiries were made from a shopkeeper named Hans Raj of Taj Mahal shop, which was the first shop at the end of the lane to its right, and the shopkeeper, Hans Raj, mentioned that on the 11th no procession had come out through that narrow lane.

Subsequently, the City Magistrate and the Deputy Superintendent of Police deposed before the Commission as eye-witnesses that on the 11th February between about 11 to 11.30 a.m. when they received reports about a dispute about a wall in Raidaspuri mohalla, they went to the spot immediately but separately. Both of them reported to have seen a small procession. The Deputy Superintendent of Police who had reached a few minutes earlier than the City Magistrate indicated that when he arrived at the spot about 11.30 a.m. he saw a small procession consisting of about 40 to 50 persons moving towards the main road, that is, the Ansari Road. The City Magistrate who arrived a few minutes later indicated that he saw this small procession on Ansari Road itself. The Deputy Superintendent of Police further clarified before the Commission that the small procession had been taken out through the route adjoining the disputed wall, and the Rath carrying the portrait of Saint Ravidasji was a bullock-cart. The Ansari Road on which the procession is ultimately alleged to have emerged and the disputed route through which it passed are entirely different from the narrow lane and the bazaar into which it opens out, that had been shown to the Commission by the Kotwal Shri Ram Singh at the time of their inspection in the afternoon of the 10th March.

In the course of evidence the District Administration produced before the Commission one Gopal Krishna Sobti who claimed to be a Band Master and deposed that he had been given an advance on the 29th December, 1978, by one Shri Jai Prakash of Raidaspuri mohalla for booking his Band for accompanying the procession to be taken out on the 11th February from Raidaspuri mohalla. He indicated that he had duly gone to Raidaspuri mohalla on the 11th February and that he had accompanied a small procession consisting of about 70 to 80 persons through the disputed wall route into the Ansari Road at about noon time and that procession ultimately went to the Town Hall and dispersed peacefully there. With a view to check the veracity of his evidence the Commission asked him to produce the final payment receipt which he could not do though he showed the Commission a receipt for booking the Band. He also could not tender any reasonable explanation as to why he had not issued a final payment receipt when he had issued a receipt for the part advance given to him. He also could not give the Commission any clue about the identity of Shri Jai Prakash, who was reported to have booked him for the procession or even the residential address of Shri Jai Prakash, so that the Commission could examine him.

The Commission also examined the three persons, viz., Shri Harishchandji, ex-MLA, Shri Gyan Chand Jayant and Shri Prithvi Singh Arya, who were mentioned in the leaflet given to the Commission by the District Administration as having been exclusively in charge of the organisation of the proposed procession from Raidaspuri mohalla. All the three persons deposed before the Commission that they could not organise and take out any procession on the 11th February because of the tension that had developed.

Considering the evidence of the official witnesses, it would appear that there are serious contradictions between the evidence tendered by them. According to the Kotwal, Shri Ram Singh, no procession could be taken out through the disputed route because of the tension that had developed in the area, and according to him, a procession had been taken out through a very narrow lane but the Commission's own inspection of the lane as also the inquiries made from the shopkeeper, Shri Hans Raj of Taj Mahal shop, at the end of the lane, led the Commission to believe that no procession carrying a Rath with a portrait of Saint Ravidasji could have been physically taken out through that narrow lane. On the other hand the City Magistrate and the Deputy Superintendent of Police had deposed before the Commission that a small procession had been taken out on the 11th between 11 to 11.30 a.m., and the Deputy Superintendent of Police had further deposed that this procession had been taken out through the disputed route adjoining the wall. There is a clear contradiction between the evidence of the City Magistrate and the Deputy Superintendent of Police on the one hand and the Kotwal on the other hand. This contradiction is further corroborated by the fact that the Band Master could not produce any evidence to show that he had received the final payment for the performance of his work even though he claimed that he had received the final payment. He could also not throw any light on the identity or residence of Shri Jai Prakash from whom he claimed to have taken advance for booking the Band.

The Band Master had reported that about 70 to 80 people had joined the alleged procession. The impression of the City Magistrate and the Deputy Superintendent of Police was that about 40 to 50 people had joined the alleged procession. It is clear that out of a total number of residents of 3000 to 4000 in Raidaspuri mohalla, only about 50 to 80 people at the maximum were claimed to have joined the alleged procession. The number is so insignificant that even if it is held to be correct, it would only prove that the large majority of the people of Raidaspuri mohalla did not participate in the alleged procession at all.

Keeping in view the contradictory evidence of the official witnesses and the highly suspicious evidence of the Band Master and keeping further in view the fact that as a result of the demolition of the wall, considerable tension had developed in the area, the Commission are of the view that no procession could have been taken out on the 11th February from Raidaspuri mohalla.

This view of the Commission is further corroborated by the fact that the very first joint Wireless Message sent by District Magistrate/Superintendent of Police, Muzaffarnagar to the State Government of Uttar Pradesh on 11-2-1979 on this incident makes a mention that the Harijan processionists from Raidaspuri mohalla had demolished the wall of Shri Meghraj Tyagi leading to tension but in that Wireless Message they had not specifically indicated that after the demolition of the wall, the procession had been duly taken out to the Town Hall and joined in the general congregation of processions there. On the other hand, there is a very crucial sentence in the Wireless Message which supports the conclusion of the Commission that no procession from Raidaspuri mohalla could have been taken out on that day and this crucial sentence is as follows :

“All other processions converged at Town Hall and celebrated the day as per plan”.

This Wireless Message nowhere mentions that the procession which was alleged to have demolished the wall of Shri Meghraj Tyagi also went to the Town Hall and celebrated the day as per plan.

- (2) Since a compromise had been arrived at on the 12th February and the wall had also been realigned and reconstructed, it was not unjustified on the part of the Harijans to have decided to organise a Ravidas Jayanti procession on the 12th particularly when they could not take out their main procession on the 11th. In the circumstances of the case, even if there was any objection from the side of Brahampuri mohalla people, the Local Administration should have properly tackled the situation and controlled the rowdy elements in Brahampuri mohalla and made proper arrangements for the taking out of the procession. It is the view point of the Commission that in case the Administration had carefully and tactfully handled the situation, and made proper police arrangements, it should have been possible to allow the procession to be taken out by the Harijans on the 12th February, particularly when there was considerable justification for the taking out of such a procession.
- (3) While the Commission are of the view that administrative action taken on the 11th February was fully justified and the situation had been firmly and tactfully handled, and are further of the view that while the same tact and firmness continued even on the forenoon of the 12th, resulting in a compromise between the parties and the realigned construction of the wall, the Commission feel that the subsequent action of the Administration in banning the procession was not justified. The Commission are further of the view that the fact that the taking out of the procession had been banned by the local authorities on the spot was not given adequate publicity and explicitly made known to the residents of mohalla Raidaspuri with the result that the residents of mohalla Raidaspuri started taking out the procession without prior knowledge that it had been banned. It is also the view of the Commission that the police force used against the residents of Raidaspuri mohalla was excessive and uncontrolled. This is admitted even by the District Magistrate and the Superintendent of Police who mentioned that after they had ordered that arrests should be made, they could not exercise any further control over the action of the District Police and the P.A.C.
- (4) The Commission are further of the view that since the action of the Administration in the evening of the 12th February against the residents of Raidaspuri mohalla was not justified, and the force used was excessive and uncontrolled, there is no justification for pursuing the criminal cases instituted against the residents of Raidaspuri mohalla and those who had come to participate in the procession and the cases concerned should immediately be withdrawn.
- (5) There is sufficient evidence that one boy named Dasai, aged 10 years, was missing after the police action on the 12th evening. There are allegations that he was dashed against the wall by the police and thereafter his body disappeared. The father of the boy gave evidence before the Commission that Dasai who was staying with his aunt was seen by him in the aunt's house 3 days before the Ravidas Jayanti day. The mother of the boy deposed before the Commission that when she visited Muzaffarnagar on the 17th February for joining a procession against the police atrocities she found that the boy was missing and was told that he was missing from the Ravidas Jayanti day, that is, 12th February. Similarly, there was another allegation of two other children missing in another house of one Sukhibibi wife of Soma. In the view of the Commission it is the duty of the local Administration to take all possible steps to trace out these missing children, or otherwise to account for them.
- (6) It is apparent from the evidence that gun shot wounds were all inflicted on the Harijans. Unfortunately no case was officially instituted initially against Shri Meghraj Tyagi and others against whom allegations of shooting had been made, by the Police on their own. It was only much later, on 20th February, 1979, when a petition had been filed by Shri Harish Chand son of Shri Meherdas, resident of mohalla Raidaspuri, which was addressed to the Prime Minister of India with copies to others including District Magistrate and Superintendent of Police, Muzaffarnagar, that the Police instituted a case u/s 147/148/149/307/323/324/326 IPC. However, even though the complaint of Shri Harish Chand made a mention of firing of Shri Meghraj Tyagi and others, no reference to the offence under the Fire Arms Act was made in the sections applied by the Police. The Police should suitably rectify this omission.

The Commission feel distressed to note that the Police failed to institute any case against Shri Meghraj Tyagi and others on their own on 12-2-1979 in spite of the fact that Shri Meghraj Tyagi had himself admitted having fired on the Harijans with the gun of a friend staying with him.

The case which was instituted by the Police against Shri Meghraj Tyagi and others on the 20th February, 1979, should be investigated by the CID with the assistance of the CBI and appropriate sections under the Arms Act should also be invoked while the investigation is being conducted.

- (7) The allegations of molestation against women particularly of Smt. Murti and Smt. Kunta should be further enquired into by an impartial agency so that suitable action can be taken against the person responsible for molesting them, in case the allegations are found to be true.
- (8) The allegations of looting of jewellery and cash should also be enquired into by an impartial agency and in case they are found to be correct, the persons who have suffered losses should be duly compensated by the State Government.

- (9) There are a number of people who had suffered injuries but who are bread-winners in the families. The families of such persons are suffering considerable hardship. It is necessary that the State Government should immediately arrange for the grant of relief to all the affected persons. In case of those whose bread-winners are affected the relief should continue until such time as they become fit for earning their livelihood.
- (10) The case of the beating of Rakesh (aged 14) and his mother also deserves special mention. It is unfortunate that his mother allegedly died as a result of the beating by the Police and her post mortem was refused by the District Administration in spite of specific request having been made to this effect. The Commission feels that this case also needs a thorough investigation by an independent agency so that the guilty persons can be brought to book. Shri Rakesh is of tender age. The Commission would recommend that the State Government should take over the responsibility for giving him further education, preferably vocational education, at their cost and subsequently provide him with a suitable government job.
- (11) There was one case of bullet injury, namely, that of Shri Harish Chand, duly certified by the Professor of Surgery of Meerut Medical College. Special Investigation should be conducted to ascertain whether this injury was caused by a police weapon or by any other weapon. The accused person or persons concerned should be brought to book for causing bullet injury to Shri Harish Chand.
- (12) Since the police action taken against the residents of Raidaspuri mohalla on the 12th was excessive and uncontrolled, suitable administrative action should be taken against those who were responsible for ordering this uncontrolled and excessive action. Suitable action should also be taken against these police personnel who actually caused uncalled-for injuries by breaking open and entering into the houses of some residents of mohalla Raidaspuri.
- (13) The residents of Raidaspuri mohalla are still living in fear. With a view to ensure adequate protection to them, it is necessary that independent armed forces such as CRP be posted in the area which may undertake patrolling in both the mohallas to ensure protection to the residents of these areas until such time as normalcy is restored.
- (14) There was disruption and disconnection of electricity in Raidaspuri mohalla in the evening when the police went into action against them. This should be thoroughly investigated and the persons responsible for disconnecting lights in the area should be brought to book.
- (15) It is the firm conclusion of the Commission that the action taken by the District Administration in the afternoon of the 12th February when they banned the procession from Raidaspuri mohalla and burst tear-gas shells and grenades and also made a lathi-charge, and thereafter directed the P.A.C. and the District Police to cordon off the Raidaspuri mohalla and make arrests and did not exercise any effective control over the use of force by the Police with the result that excessive and uncontrolled force was used by the P.A.C. and the District Police over the residents of Raidaspuri mohalla was, in the circumstances of the case, one-sided and entirely unjustified. On the other hand, even though Shri Meghraj Tyagi of Brahampuri mohalla had admitted that he had fired gun shots on the residents of Raidaspuri mohalla, no action was taken against him initially by the District Administration. In view of these facts, the Commission are of the view that the State Government should take suitable action against the District Administration responsible for excessive and uncontrolled use of force against the residents of Raidaspuri mohalla and for not taking any action against Shri Meghraj Tyagi initially.

Sd/-  
(BHOLA PASWAN SHASTRI)  
*Chairman.*

Sd/-  
(SHISHIR KUMAR)  
*Member.*

Sd/-  
(A. JAYARAMAN)  
*Member.*

Sd/-  
(T. S. NEGI)  
*Member.*

Sd/-  
(S. K. MALLICK)  
*Member.*

New Delhi,  
the 23rd April, 1979.

## ANNEXURE IV

*Copy of d.o. letter dated 22-8-1978 from Shri Bhola Paswan Shastri, M.P., Chairman, SC & ST Commission addressed to the Prime Minister about the Jamshedpur incident on 16th August, 1978*

I visited Jamshedpur on the 20th of August 1978 soon after we heard about the said incident in that town. Besides visiting the spot I also met the members of the bereaved families at their homes. I also met a cross-section of the people, representatives of TISCO Management and local offices. I am enclosing a detailed report which give the background of the incident, and the causes and given suggestions for protection and development of these unfortunate people.

The action of the local administration following the incident was prompt and effective. Immediate relief was also provided in cash and kind. The Chief Minister has also announced an *ex-gratia* payment to the bereaved families. The feeling aroused in the surrounding areas have been assuaged considerably by these measures.

The attack by the 'strongmen' of the contractor on the poor, who went to collect small iron pieces from the slag heap was barbaric. The culprits deserve severest punishment. I am sure administration will take further necessary measures. But I would like to invite your attention to the socio-economic background. The practice of assigning contract for right to collect from pieces from the slag started some 7 years back. Earlier, the poor residents of Babudesh and other habitations, largely members of the Scheduled Tribes and Scheduled Castes, were free to collect them. This must have developed over since the establishment of Jamshedpur. After the award of the contract, they are at the mercy of the contractors and his men. They have been harassed continuously even at the point of knife; their women have been insulted by undesirable men; their huts are threatened by demolishing squad of the Town Committee since they are 'encroachers'. The trouble arises because the contractors force them to sell their collection at low rates or pay them something every day.

These poor men of Babudesh have been left to found for themselves. The Management of Tata Iron and Steel Co. Ltd. do not care to look beyond the slag heaps. The lack of concern shown by the TISCO Management after this incident is quite shocking. None of them visited either the area or consoled the bereaved families. They could not have lighted the lamps which had gone out, (as stated by the mother of one deceased), but a word of consolation was the least they could have done. I consider that this incident is an indirect outcome of the way of their management of the 'refuge' of their plant and they should also assume some responsibility for what is done by the contractors and their men.

The entire development in this area has by-passed these unfortunate people, who had to give way to the industrial enterprise early in this century. Even their right to live on the spot is questioned. No body even bothers that as an ordinary citizen they have certain rights. There is no school, no drinking water and other facility. And within a stone's throw, there are multi-storeyed buildings, pucca houses even though encroachment, since they can afford.

I have suggested certain immediate and long-term measures for these people in my report. The right to collect iron pieces from the slag may be given to a pickers' cooperative without charging any contract money. Educational facilities should be immediately extended to these habitations. Intensive developmental programmes, particularly dairying and poultry should be taken up. The TISCO Management should take a direct interest in the welfare of these people. A Committee comprising representatives of TISCO, Local administration and peoples' representatives may be formed.

I am particularly concerned about the contractors and their men operating in the tribal areas. Their depredations go-un-noticed until situation like the one in Jamshedpur came to light. There should be a strict watch on the undesirable elements who operate in the tribal areas. The Union Government have a special responsibility for good administration of the Scheduled areas. I would request you advise the States to make suitable Regulations to authorise District Magistrates to keep a watch on the undesirable elements, particularly around the industrial and mining areas. If necessary, a Central Law may be enacted. You may consider periodically reviewing the administration of the Scheduled areas with the Chief Ministers.

### JAMSHEDPUR INCIDENT OF 16TH AUGUST 1978

The nation celebrated 31st Independence Day on the 15th of August. The work of carrying slag from the steel mill at Jamshedpur, therefore remained suspended for the day giving an opportunity to the scores of poor, mostly women and children, to collect small iron pieces in the dump near Babudesh on the bank of river Swaranrekha in Jamshedpur. There were about 60 to 100 of them variously estimated. Thus, about 60-100 of them went on the morning of 16th with a hope to collect something to sustain them for a day or so. The strong men of the contractor, however, were vigilant and drove them from the slag pile cornering them between overflowing Swaranrekha and a deep Nullah carrying the waste from the nearby dairy farm of the Company. Those who could not escape through the nearby bushes were alleged to have been pushed in the nullah, some of them survived while some had their watery grave. Five dead bodies were recovered from the nullah, two on the same day and three on the following day. The body of a child was also recovered downstream on the bank of the river Swaranrekha which has not been identified. The police swung into action soon after receiving the report rounding up about 20 persons. Two of the persons named in the F.I.R. were still absconding.

Two of the dead belong to Scheduled Tribes, two to the Scheduled Castes and one to other backward class. The news was received with a sense of shock and angered the local population. There were demonstrations which coincided with the movement already going on for Jharkhand. Normalcy, however, was soon restored in the area as a result of prompt administrative action. Small children could be seen on the 20th again busy picking up iron pieces from the dump, the area being cleared of the contractor's men after their arrest.

#### *Background*

Slag is the end-waste of steel production which has to be disposed of within a reasonable distance of a steel mill. In the early years of the working of Tata Iron and Steel Mills this was deposited in the uneven lands near the mill but as years passed by larger area was needed for this purpose. The Notified Area Committee of Jamshedpur selects the site which is assigned to TISCO for depositing the slag. In this process sometimes even the habitations have to be vacated for whom alternative sites are given. The present dumping sites are near the habitation of Babudesh on the bank of Swaranrekha river.



The slag contain some iron pieces which can be picked up and reprocessed locally by the iron smelters or by small plants. Poor people have been making a living out of these pickings ever since perhaps the establishment of the steel mill. The traders used to put up purchase points for the iron pickings near the dump site where the pickers could dispose of their collection every day. Sometimes there was rivalry between the purchasers leading to minor incidents also. It appears that some undesirable elements also intervened and tried to create areas of influence. There was also some trouble over the exact place of depositing the slag, each Basti trying to influence the transporter to favour them.

Some seven years back the TISCO decided to auction the right for collecting the iron pickings from the slag. The current year's contract is worth Rs. 5 lakhs 25 thousands. There was some trouble about two years back between two contractors' group. They indulged in cut-throat competition and offered even upto Rs. 36 lakhs for this right. The management, however, did not accept this offer because according to them the total iron pickings from the slag would amount to a much lower figure. They apprehended that the contractors may collude with their employees and there may be unauthorised leakage. They have been following the practice of negotiated contract ever since continuing with the same party.

The deposit of slag in the assigned area is a daily affair. If the iron pickings are not collected on the same day they are likely to be covered by a fresh layer of slag. Therefore, the contractor employ his own men numbering about 30 to 40 to collect the iron pickings from the site soon after the slag is thrown by the other contractor, who is responsible for carrying the waste from the steel mill to the dumping site. The contractor's men pick bigger pieces only. The poor people from the area then get busy with collecting the smaller pieces from the left over slag. It is here that the clash arises between the contractor's men and the local poor.

According to the people, the contractor's men insisted on the small iron pickings being sold at a cheap rate whereas in the market they could get double that price. They also some times insist on collecting some money from the pickers for the privilege, while the right to collect the bigger pieces is well-settled, the position about smaller pieces is fluid. It is obvious that the contractor cannot get all these pieces picked through hired labour which he would have done if it was profitable. Whatever is not picked is bound to be covered by the next layer of slag. Therefore the practice of poor collecting it has developed over the years, the contractor's men try to extricate out of them as much as possible. The position is similar to the left-over grains in the field picked by the poor or eaten by the birds after the cultivator has harvested it.

It appears that there have been not infrequent cases of intimidation ever since the new practice was started. A lady in Babudesh related the case of her brother being assaulted by the contractor's men two years back with Khukhri who sustained injuries and even today bears its marks. The case was reported to the police but apparently nothing happened. The resident narrated many small skirmishes between the two groups. Nevertheless, picking of small pieces has continued all through this area by scores of people every day, the ding-dong battle notwithstanding.

#### *The Sequence of events of 16th August*

On the 16th of August no fresh slag was to be thrown since 15th happened to be a holiday. Therefore, it was a good opportunity for the poor to pick small pieces from all over the area without the fear of being interfered. The number of these pickers is reported to be varying between 60 and 100. Just before the noon between 10 and 11 the contractor's men decided to chase the pickers away. Perhaps this time they wanted to teach them a lesson as well. The river Swarnrekha flows nearby, it was full to the brim. Nullah meets the river about 200 metres upstream from the slag dump. The nullah carries the water from the nearby dairy farm with quite a small discharge. On the confluence of the nullah and the Swarnrekha there is hard rock about 20 ft. wide. Just before this rock there is a soft earth where the nullah has cut very deep about 10-12 ft. The bed of the nullah at this spot is swampy. On this day the nullah was full to the brim because of the level of the Swarnrekha itself the depth of the water being 15-20 ft. The contractor's men chased the pickers who ran along the side of the river but were trapped when they came to the confluence of the nullah and the river. They got completely frightened but the strong men were after them. The narration by sister of Sita will present a picture of what might have happened.

Kamla and Sita had gone from Sitag Ramdara, a traditional locality of tribals in Jamshedpur to the dumping site for picking the iron pieces. Kamla had a child aged two years tied to her waist, Sita and Kamla were cornered on the water front. The strong men were showing the Khukhri and pushing them back. Sita, a child of 12, came in between Kamla and the strong men, crying that he may not push her sister. The strong men held her by the hand, twisted it and pushed aside. Again she tried to rush in but again the men caught her hand, twisted it further and threw the child in the water. Kamla saw all this dazed, saw Sita sinking in the water, crying for some time and finally got drowned. Kamla does not know what happened after this because she swooned and got her consciousness back only after a day. She could only remember vividly the raised hand of her sister Sita crying from the water for help as she was sinking.

All those whose bodies have been recovered are between the age of 12 and 20 although two of the girls were married, one of them was pregnant. The youngest was a girl aged 12. Other was a boy aged 14 and another male was also only about 18 years old. They were all in the category of adolescent early youth. As was narrated by a resident of Babudesh he was born there, has not had the benefit of any education and he has grown picking the iron pieces and doing whatever odd jobs he could get in the town.

Someone rang up the nearby police station who received the information of some trouble in the area of about 12.10. The local police party rushed to the spot and reached there within 15 to 20 minutes. The scuffle was over by then and the contractor's men had gone to their sheds built on the slag heap. The steps were taken immediately to recover the bodies and also to apprehend the culprits.

According to the police they were informed about five persons being drowned on that day. They requisitioned the services of the local divers who could extricate two bodies on the same day. The operation was again taken up on the next day when three further bodies were recovered. An extensive search was also made around the area and body of a two years old child was found on the bank of Swarnrekha. The body, however, could be identified and it is not known whether it is connected with this incident. The police also went to the sheds of the contractors, rounded up the wanted persons from there. Two key persons of the incident, however, had fled away. The search continued on the next day also and in all 20 persons have been taken into custody. The property of two absconders has been attached and the police are asking their best efforts to apprehend them.

The local administration also provided some instant relief giving Rs. 100 in kind and ration, clothes, kerosene, etc., also to each affected family. The Chief Minister, Bihar, has also announced an *ex gratia* payment of Rs. 5,000 for each dead.

The action by the local administration has been swift and effective. They have been able to assuage the feelings of the people by their personal contact and deterrent treatment to the suspects. The normalcy has been restored largely due to the handling of the situation by the administration.

There is some lurking suspicion about the number of persons drowned. No one has been able to tell about any missing person from the area. The unclaimed body of the child gives rise to a suspicion that perhaps the mother of the child might have been washed away. It is also said that some bodies may be buried in the slush of the nullah. These are all conjectures so far as in the absence of any concrete suggestion having been made. The possibility of some persons having been washed away cannot be ruled out but there is no evidence so far to this effect. The local administration agreed to get the thorough search made in the nullah bed after diverting the water with the help of

the men from the fire brigade. This will set at rest the suspicion of bodies having got trapped in the slush. The administration have also appealed to the people in the area to let them know about the missing persons, if any, so that further action could be taken.

#### *TISCO and the incident*

Since the incident arose from the picking of iron pieces from the slag heap, the end of waste of the steel mill, the problem was also discussed with the General Manager of TISCO. The Managing Director was not in town. The formal position of TISCO is that once they have given the contract, they have nothing to do with the further action by him. The Jharkhand Morcha and others had demanded *ex-gratia* payment by the TISCO to the bereaved families as also termination of the contract by them. The reaction of the TISCO has been quite cool and of being completely unconcerned with the incident.

In a meeting called by the local administration on the day after the incident the representative of the TISCO is reported to have said that such deaths may occur anywhere and they cannot be their concern. The General Manager also was of the view that after the slag has been sold it was entirely a matter between the contractor and his men. Consequently TISCO did not take a note of the incident beyond what perhaps they have learnt from papers or gossips. No one from the management either visited the place of incident or went to the bereaved families. Whatever may be the finer details of law in relation to the constructive responsibility, the fact that this incident is an indirect outcome of the method of handling of the waste product by the TISCO cannot be denied. They have been concerned only with getting the last penny even from their slag which they throw. They did not accept a higher offer for the contract because of the fear that it may result in leakage from their mill in connivance with their lower officials. It is true that the amount which they are getting is insignificant and the management may consider reverting to the earlier practice. However, the position at present is that the management do not feel concerned in the least with anything beyond signing of the contract. Even after two days of the event they were thinking that it is a scuffle between the groups of people and not between the contractor's men and the poor.

The position of the management is clearly ambivalent. If the slag belongs to them which apparently is the position, since they are awarding a contract it is for them to ensure that no untoward incidents happen thereafter in its disposal. Apparently, the land on which the slag is deposited has been leased out to them. In this case, it is said that the contractor is one S.N. Mishra who appears to be a benami for one Shivji Singh who is operating this contract. He is said to have been keeping strong men and is reported to be indulging in other undesirable activities also in this area. The poor people in Babudesh and other villages are under the fear of this contractor and his men. The TISCO management must be dealing with these men and should be in know of the methods of their working. There have been constant clashes between the poor and the strong men of the contractor. The TISCO should have looked into this aspect, if not as a direct responsibility arising out of a legal clause but with reference to their overall responsibility in the area being the highest employer as also being the organisation which had taken over the land belonging to the people now living in these villages and reduced to a situation where they depend on the pickings from the slag. The approach of the TISCO management has been quite unbecoming their position in the area and devoid of human consideration. This sad plight of the people directly affected by them as an indirect result of the method of their operations stand in contrast to their charitable disposition elsewhere in the case of natural calamities or rural reconstruction work. It is a case of darkness under the lamp.

#### *Development bypasses Babudesh*

The resident of Babudesh claims that they were the original inhabitants of the area now occupied by the dairy farm belonging to the Tatas. There was forest growth here which their fore-fathers cleared. Compensation might have been paid to their parents, but they were left to their wits in the new economy where they had nothing to fall back upon. There are four habitations under the name of Babudesh. They live in small thatched huts. There is no school, there is no source of safe drinking water in this area. A new colony of gwalas (Milkmen) has sprung up about half a mile where one can find pucca tiled houses, many of them are reported to be encroachment. The sky lines of the town comprises the multi-storeyed buildings and the chimneys of the steel mill.

The youth in these villages have started their life with the collection of small iron pieces and that is their only subsistence on which they can fall upon today. The literacy is nil amongst them. Some of them have begun rickshaw pulling, the ownership of which was vested in them two years ago. But many of them could not pay the loans and they have again fallen back on the old practice of taking rickshaws on rent. They cannot even build pucca huts since the demolition squad of the Notified Area Committee would come and pull them down being unauthorised. It is an irony that they claim to have been living in the same place for more than 30 years yet they can be removed by the private parties without recourse to any law. There is no appreciation of their continuing problem by the local development administration.

It is now known as to how many such hamlets continue to give shelter to the original inhabitants of this area. The population has got mixed. But it is reported that poor inhabitants of 9 habitations come to collect iron pieces which provide them their main sustenance.

It was not possible to ascertain the legal ownership of the land in which these habitations are located. The striking fact, however, is that those who can afford are building tiled houses nearby with impunity, but weakest sections of the community living in this area are devoid of all social services, are in constant fear of their huts being pulled down, have no means of subsistence but of pickings from slag heaps. They are under the shadow of the strong men employed by the contractors for the last several years. No developmental activity has touched these people who are residing just on the verge of the flourishing industrial town, build on the land which they claim once belonged to them. According to the residents, nothing is barred to the strong men of the contractor. They narrated the cases of their women being insulted, injuries being sustained by their members simply because they collected the iron pieces and their houses being demolished without notice at any time. Here one finds a complete contrast to the affluence of the town and the misery of the people trampled by the new industrial civilisation.

#### *Urgent Measures for protection and Development*

The villages like Babudesh located on the fringe of Janshedpur township require urgent protective and developmental measures. In the first instance, their precarious existence under the constant fear of the demolition squads of the town administration and the strong men of the contractors has to end. If they have been living in these areas for a long time, they have acquired certain rights which have to be honoured. This exact position should be ascertained by the local administration. A solution acceptable to the people and the town administration should be evolved forthwith. The district administration should act in this case on behalf of the residents of these habitations who claim that they are the original displaced people belonging to the same area. Their case should not be left to the vicissitudes of legal opinion or trade procedures.

The present arrangement of giving contract for collection of the iron pieces from the slag should be terminated forthwith. The poor who are dependent on picking of the iron pieces may be organised in the form of a cooperative or a society, each habitation being represented in the governing body by the Mukhia under the guidance of development administration. The society should organise the work of picking the iron pieces without giving rise to mutual rivalry. The TISCO management should not charge any fee from the pickers cooperatives.



Integrated development programme for each of this habitation should be prepared. Dairy and poultry appear to be most promising occupations. Those engaged in rickshaw pulling may also be suitably helped.

The level of literacy in these villages is near zero. The programme of adult education in this area should begin with those hamlets. Pending the final decision about the state of their habitations etc., tent schools may be opened in all these hamlets. Their children may be given facilities, like free text books, uniforms and mid-day meal. Drinking water facilities and other health facilities may also be extended to these habitants.

The development of these habitations should be a joint responsibility of the TISCO management, the local tribal development administration. A committee may be constituted with representatives of TISCO and local administration as also the people's representatives from the area and representatives of the habitations who may formulate these programmes and oversee their implementation. The financial outlays for these programmes may be found from the State Plans and special central assistance. The management may also contribute some amount for their development. More important, the management should consider the welfare of these people as one of their legitimate tasks: which should not consider that their 'world' ends at the fringe of slag heaps.

#### *Contractors and their men in Tribal Areas*

The inhuman behaviour of the contractors and their men in Jamshedpur is not isolated but represents the attitude of those undesirable elements who go to these areas for search of easy money. The excise contractors, transport contractors and even forest contractors come in the same category. Their depredations are known but nothing is heard outside until the events take the extreme form as the one in Jamshedpur.

The Union Government have a special responsibility for good administration of the Scheduled Areas. There is an urgent need to have an effective check on the contractors and their men operating in various activities in Scheduled Areas. The District Magistrate should be specially empowered to verify the antecedents of contractors and their men and also other elements which he may deem fit for work in these regions. There should be a provision for expelling them from these regions. He should also have a special responsibility for ensuring that such elements do not find their way into the simple society.

A special regulation under the Fifth Schedule can be considered by the State Government to effectively regulate the activities of the contractors and their men in these regions. Alternatively, the Union Government should also consider enacting a suitable law for regulation of activities of undesirable persons in the Scheduled Areas. There should also be a periodical review about the State of administration in the Scheduled Area and action taken for protection and elimination of exploitation in various forms.

#### **DRAFT REGULATION**

This Regulation has been framed for regulating industrial and related activities in Scheduled Areas in the State of ..... with a view to safeguarding the interest of members of Scheduled Tribes.

2. The Regulation will be called the Scheduled Areas (Regulation of Industrial and Related Activities) Regulation, 1978. It shall be applicable to all tracts in the country declared 'Scheduled Areas' under the Fifth Schedule of the Constitution. It shall come into force with effect from the date of its promulgation.

3. (i) 'Contract' in this Regulation means an act where under human labour is utilised in the furtherance of an agreement entered into by an individual or association of individuals named 'contractor' and another body or authority or persons.

(ii) 'Scheduled Areas' will have the same connotation as in the Constitution.

4. The project report of a proposed medium and big industrial scheme shall take the organic development of its hinterland into consideration in its formulation, and make adequate provision therefore such area planning shall be a continual process and responsibility therefore, shall rest on a body comprised of representatives of the State Government, the local authority and the Management.

5. Before launching the project, steps necessary for ensuring the participation of local tribals in the undertaking by way of education, training etc. shall be taken by the management with a view to their gradual absorption in the undertaking keeping pace with the phases of completion of the project.

6. Cooperative frame-work comprised predominantly of members of Scheduled Tribes will be encouraged and utilised in the execution of various jobs, works, etc. The services of professional men like contractors will be restricted as far as possible.

7. Where there is difficulty in constituting or running cooperatives, as an alternative, preference will be given to associations of Scheduled Tribes organised by their headmen. Such work parties may be recognised for handling various works.

8. Such contractors as have to be allowed to operate in these areas, shall be required to register themselves with the State Government and the District Magistrate before they could be awarded any contract by the management of public sector or private sector undertakings. Contractors with anti-social record or who are anticipated to indulge in anti-social activities shall not be given clearance for the purpose of securing tenders of jobs.

9. In the event of any dispute arising between a contractor and management in this behalf, the decision of the State Government shall be final.

10. In the event of any question of interpretation of this Regulation arising, a reference will be made to the State Government.

## ANNEXURE IV

### *Report of on-the-spot enquiry into the incident of burning of houses of Harijans in village Bahuara, P.S. Naubatpur, District Patna*

Some national dailies published a newsitem on 28-1-79 regarding burning of houses of Harijans in Bahuara village under Naubatpur P.S. in Patna District. Except the Patriot which had published that 10 houses of Harijans were burnt by the landlords in Bahuara village on 26-1-79, the other news papers carried a report that only 7 houses were burnt.

2. The Chairman of the Commission for Scheduled Castes and Scheduled Tribes reached Patna on the morning of 4-2-79 to hold an on-the-spot enquiry into this case. Soon after his arrival he held a meeting with the following officers at the State Guest House;

- (1) Shri K.L. Gupta, Zonal Director for Scheduled Castes and Scheduled Tribes, Patna.
- (2) Shri Hari Narain, Deputy Director for Scheduled Castes and Scheduled Tribes, Patna.
- (3) Shri A.K. Basu, S.D.O. (Civil), Danapur.
- (4) Shri Balbir Chand, Sub-Divisional Police Officer, Danapur.
- (5) Shri A.R. Ansari, Deputy Collector (Land Reforms), Danapur.

The above mentioned State Government officers who are investigating into this case apprised the Chairman of the background of the case and the facts collected by them so far.

#### *Background of the incident*

3. According to the facts stated by these State Government officers Shri Lallan Singh, a caste Hindu landlord of village Ahuara (an adjoining *tola*) under Naubatpur Police Station voluntarily surrendered about 43 acres of surplus land which was distributed among 41 persons of Ahuara and Bahuara villages. The beneficiaries included three Scheduled Caste persons viz., Babu Ram Manjhi, Kalicharan Manjhi and Nomi Manjhi. Kalicharan is son of Babu Ram Manjhi. After the death of the latter his son Vibhu Manjhi got his land who were allotted land measuring 0.85 acre, 1.00 acre and 1.06 acres respectively on 30-6-76. The ownership *parchas* were also given to them but Vibhu reported during the Chairman's visit to the village that his *parcha* was destroyed in the incident of arson on 26-1-79. The remaining two allottees, Kalicharan and Nomi, produced their *parchas* confirming the acreage of land and the date of distribution as mentioned above.

4. It was further stated that the three Harijan allottees held actual possession of the land allotted to them by the Government in 1976 till the beginning of 1977 when one Smt. Manju, wife of Ashok Kumar Singh, brother of Lallan Singh, filed a suit against the Harijan allottees in the court to the effect that the land vested in her name as it was transferred to her by her late father-in-law, Shri Ajit Kumar Singh, that Shri Lallan Singh had no right to surrender the land and the Government had no right to distribute the same. The Patna High Court passed an interim order to maintain the *status quo* in favour of the applicant who had in fact already dispossessed the three Harijans of the lands allotted to them. On 10-3-78 the High Court gave a final judgement in Civil Writ Jurisdiction case No. 60 of 1977 under Articles 226 and 227 of the Constitution of India filed by Smt. Manju Devi and other vs. the State of Bihar to the effect that all actions of the Lower Court were to be quashed. The case was rendered to the Collector to entertain the proceedings himself or transfer it to some other officer exercising the power of a Collector. It was also made clear that during the pendency of the proceedings before the Collector, the *status quo* should continue and persons already in possession of the land should not be disturbed. Since the applicant had already evicted the Scheduled Caste allottees from the land under plea of the interim judgement of the Patna High Court and subsequently by its final order on 10-3-78, the Scheduled Caste allottees stood evicted from the land.

#### *FIRs and Police version*

5. The police authorities informed that one Bhola Chaudhary S/o Sanichar Chaudhary of village Ahuara, accompanied by Ram Kishen Mahto, Chaukidar of Bahuara village, and Ram Janam Singh S/o Dwarka Singh of Ahuara village, brought Rajdev Musahar (Manjhi) of Bahuara village of the Naubatpur Police Station at about 2 P.M. on 26-1-79 and lodged a complaint of alleged theft of rice of Rs. 400 in cash from his house against Rajdev Musahar and handed him over to the police. According to the FIR filed by Bhola Chaudhary at about 4 A.M. on 26-1-79 (Friday) he suddenly woke up and went to his old house (he used to keep cattle there) and found its door open. When he entered the house he saw people with bundles in their hands who came out of the house on seeking him. He then started shouting 'thief', 'thief'. He saw Nemilal Manjhi, Kalicharan Manjhi and Rajdev Manjhi of Bahuara village running away with the bundles. Somehow with the help of some persons who came out from the neighbouring houses on hearing the noise, he could apprehend Rajdev Manjhi who was carrying a bundle of about 20 Kgs. of rice. In the meantime some other persons, viz., Ram Janam Singh, Ram Bihari Singh and Devinder Singh, collected there and Rajdev Manjhi confessed his guilt. However, Kalicharan and Nemi Lal escaped. When Bhola Chaudhary checked the quantity of rice stored by him he found that about 3 maunds of the same were stolen and an amount of Rs. 400 in cash was found missing from the wooden chest.

6. On the basis of the above FIR filed by Bhola Chaudhary the Police authorities of Naubatpur P.S. took Rajdev Manjhi into custody at about 4 P.M. There is a common version that Rajdev Manjhi was taken by Bhola Chaudhary and others to the Police Station after severely beating him in the village. Shri Bindeshwar Prasad Singh, Incharge of Naubatpur Police Station, proceeded towards the village to investigate the alleged case of theft. He, however, did not know anything about the burning of houses of Harijans in Bahuara village which had occurred at about 11 A.M. the same day. The Sub-Divisional Police Officer, Danapur, stated that though the houses of Harijans were burnt at about 11 A.M. on 26-1-79 no one had reported the incident at the Naubatpur Police Station which is at a distance of about 10 Kms. from Bahuara village. The Danapur police authorities received the information about the incident of arson over telephone from the C.P.I. workers at 9 P.M. on 26-1-79. They immediately rushed to the village for investigation. On the way they came to Naubatpur P.S. and learning about the detention of Rajdev Manjhi took him along with them and reached Bahuara at midnight on 26-1-79.

7. According to another FIR recorded at 12.30 A.M. on 27-1-79 by Shri Bindeshwar Prasad Singh, Incharge of Naubatpur Police Station, who had reached the village by then, the complainant, Chander Manjhi S/o Somar Manjhi of Bahuara, stated that when he came out of his house at about 6.30 A.M. on 26-1-79 he found Rajdev Manjhi surrounded by Bhola Chaudhary and his father, Sanichar Chaudhary. Bhola Chaudhary said that his rice had been stolen and that he suspected Rajdev Manjhi for the theft. Sanichar Chaudhary

asked his son to detain the accused, Rajdev Manjhi, and he went to call Ram Janam Singh. They returned after half an hour and then Sanichar Chaudhary and Ram Janam Singh started beating Rajdev Manjhi with sticks and took him to the school building and again gave him severe beating there. Rajdev Manjhi was thereafter taken to the house of Lallan Singh, where he was again beaten by Ashok Kumar Singh, brother of Lallan Singh. Rajdev Manjhi was detained there for an hour. In the meantime Lallan Singh sent some of his servants to search for Nemi Lal Manjhi who was suspected to be hiding in his own house. Nemi's wife stated that her husband was not in the house. Nemi, however, managed to escape from the backside of his house. Not finding Nemi there, Lallan Singh himself set fire to the thatched roof of Nemi's house. The houses of Rajdev, Babu Ram, Kalicharan, Sugani, Nanku and Rajballabh (all Manjhis) were set on fire thereafter.

8. There were pigs in the house of Rajballabh Manjhi which were also burnt. After burning the houses of the above seven persons Lallan Singh went to his house, shouting. "Burn all them (सालों). We shall face the consequences". According to the complainant (Chander Manjhi) the seven affected families suffered a loss of about Rs. 5,000. He stated that the landlord's men had blocked the way to Naubatpur Police Station and it was not possible to lodge a complaint there.

9. The S.D.P.O. stated that in investigation the alleged case of theft against Rajdev Manjhi lodged by Bhola Chaudhary could not be substantiated and was found to be false. Rajdev Manjhi was accordingly released by the police on the morning of 27-1-79 after providing him with medical aid from Naubatpur Dispensary. The police then registered a case against Bhola Chaudhary and arrested him. The case was registered u/s 341/323/436/429 and 20(B) of I.P.C. but the court granted bail to the accused and let him out, even though the case had been registered and submitted to the court under a non-bailable Section. (Section 436).

#### *Action taken by the Police*

10. The police authorities headed by the Additional Superintendent of Police, Patna district, and accompanied by the S.D.P.O. and the S.D.O. (Civil) Danapur, reached the scene of incident at midnight on 26-1-79, i.e., soon after receiving the information at about 9 P.M. The investigations were started and the accused, Lallan Singh and his men were arrested. They were later released on bail from the court. However, the case is *sub judice*.

#### *Relief measures by Government*

11. Protection by a police party comprising an Inspector and 6 constables and by a Magistrate was promptly provided to the Harijans on 27-1-1979. Besides, the seven affected families have so far been provided free rations for two weeks @ 2.5 kg. per adult per week and half the quantity per minor. Clothes and tarpaulin for shelter were also distributed among the sufferers. According to the official record 142 kgs. of rice were distributed up to 2-2-1979. The receipt of rations, clothes and tarpaulin by the affected families was duly verified during the spot enquiry.

#### *Facts gathered during spot enquiry*

12. After knowing the background of the incident and the police version the Chairman visited the village on 5-2-1979 at about 10.30 A.M. and spent nearly three hours there. Bahuara and Ahuara which are adjacent to each other and fall under Naubatpur P.S. of Patna district are situated at a distance of about 37 kms. from Patna. Whereas Ahuara is mostly inhabited by the upper caste people and dominated by the Lallan Singh (Landlord). Bahuara is on the north-eastern fringe having a predominant Scheduled Caste population. Out of a total population of about 550 persons about 400 belong to the Scheduled Castes, mostly Musahar community (Manjhis) though Chamars also reside there. These are mostly landless people and earn their livelihood by either working as agricultural labourers or as share-croppers with the landlords of Ahuara. It was found that houses of the following seven Scheduled Caste persons were burnt :

- (1) Rajballabh Manjhi S/o Kamal Manjhi
- (2) Nanku Manjhi S/o Karam Manjhi
- (3) Saguni Manjhi S/o Mahgar Manjhi
- (4) Kalicharan Manjhi S/o Mangar Manjhi
- (5) Rajdev Manjhi S/o Lakhan Manjhi
- (6) Vibhu Manjhi S/o Babu Ram Manjhi
- (7) Nemi Manjhi S/o Gopi Manjhi.

All the seven houses of the above mentioned persons were burnt in almost identical manner. Only the thatched roofs were burnt while the side mud walls were slightly smothered. In some of the houses damage was caused to the grains stored by the families and in one of the houses pigs were also reported to have been burnt.

13. The Chairman interviewed the members of all the affected families and their statements were recorded. It may be mentioned that out of the seven heads of families only three persons had been allotted land while the remaining four were not allotted land at all and yet had to face the burnt of the landlord's tyranny. Out of the seven affected families only two male members, Nemi Manjhi and Rajdev Manjhi, were available in the village while from the remaining families only female members could be interviewed. Nemi Manjhi informed that at about 10 A.M. while he was working in his field and harvesting the Khesari crop, one Babunand, an employee of Lallan Singh, came to the field and questioned him about harvesting the crop and asserted that the land and the crop belonged to Lallan Singh. When Nemi Manjhi resisted, Babunand went away and reported the matter to his master. Soon after Lallan Singh, accompanied by some of his musclemen including Ram Swarath, Ram Janam Singh, Babunand (Barahil), Baleshwar Singh of Ahuara village and Bisnath Singh of Fatehpur, came to the field and assaulted him. Nemi Manjhi ran away from the field towards his house and hid himself there. Lallan Singh and his musclemen chased him to his house and asked his wife as to where Nemi Manjhi was. She said that he was not inside the house. In the meantime Nemi Manjhi managed to break open the thatched roof of his house, jumped out and started running. He wanted to go to the Naubatpur P.S. for reporting the matter when he was again chased by the landlord's party which blocked his way. He then ran towards Kewara Railway Station at a distance of about 6 miles from Bahuara and boarded the train to Patna. He straightaway went to the MLA of his area who was not available and thereafter he went to the District Office of the CPI and with their help lodged a complaint in the Danapur P.S. on 27-1-79. He also informed that he did not see anybody setting fire to his house and also did not know who did it. However, his wife who was present in the house at that time informed that when Lallan Singh and his people came to their house chasing Nemi Manjhi from the field, she heard Lallan Singh saying that Nemi was hiding in the house itself and ordered his men to set fire to it.

14. Members of other houses who were not allotted land stated their houses were burnt because Lallan Singh said that those persons should also not be spared. Beni Madho Singh of Ahuara village threatened them that they would again beat the Musahars. The female members of the affected houses stated that Lallan Singh and his musclemen used derogatory and abusive language.

15. Rajdev Manjhi who was allotted land was badly beaten with lathis by the landlord's party on 26-1-79. He stated that when Lallan Singh and his men were setting fire to the Harijan houses he had resisted and asked them why they were doing so. This enraged Lallan Singh who ordered that his house should also be set on fire and he should be beaten. He was severely beaten by Sukhdeo, Ram Janam Singh, Babunand, Ram Swarath Singh and Baleshwar Singh.

16. As regards beating Rajdev Manjhi the landlord's party reported that he was beaten because he was caught red-handed while stealing rice from the house of Bhola Chaudhary. Bhola Chaudhary informed the Chairman that in the early morning at about 4 o'clock on 26-1-79, he suddenly woke up and saw some people in his house who were carrying some rice in bundles. Nemi Manjhi was also among them. However, Bhola Chaudhary reported that he caught hold of Rajdev Manjhi who was carrying rice in a piece of cloth from his house. He called the village Chowkidar, Ram Kishan Mahto, and his other colleagues. Ramjanam Singh and Sukhdeo beat Rajdev Manjhi severely with lathis and took him to Naubatpur P.S. where Bhola Choudhary lodged a complaint of theft in his house against Rajdev Manjhi. He said that about 20 kgs. of rice were stolen by Rajdev Manjhi and Rs. 400 in cash were also found missing from his house. Incidentally, Bhola Chaudhary stated that he had no land of his own, no cattle and was working as a share-cropper for Lallan Singh from whom he got 12 to 15 maunds of paddy every year. It may be stated that Bhola Chaudhary was not living in a separate house. It is, therefore, not quite understood as to how he was keeping cash and rice in another house where only cattle were being kept. Bhola Chaudhary took Rajdev Manjhi to Naubatpur P.S. and registered the complaint against him around 2 P.M. The Incharge of Naubatpur P.S., Shri Bindeshwar Prasad Singh took Rajdev Manjhi into custody and locked him up at about 4 P.M. and himself proceeded towards Bahuara for investigation where he came to know about the incident of burning of houses there.

17. Brijnandan Singh S/o Govardhan Singh of Ahuara village informed during interview that at about 4.30 A.M. on 26-1-79 he heard some noise outside his house and woke up. When he asked the people as to what had happened he was told that a theft had taken place at Bhola Chaudhary's house. He was told that Rajdev Manjhi had been apprehended while Nemi Manjhi had escaped.

18. Ram Kishan Mahto, Chowkidar of village Bahuara, stated that he was told by Bhola Chaudhary, who was accompanied by Ram Janam Singh, that Rajdev Manjhi had committed theft in his house and that he (Ram Kishan) should accompany them to the Naubatpur P.S. The Chowkidar ran towards the village to verify the fact while in the meantime Bhola Chaudhary and his men took Rajdev Manjhi to the P.S. Later on the Chowkidar went to the P.S.

19. Kapil Deo, another Chowkidar of Goraila Basti under Jamtipur Post Office and Naubatpur P.S. stated that Ram Kishan Mahto, Chowkidar of Bahuara, Bhola Chaudhary and Ram Janam Singh came to his basti alongwith Rajdev Manjhi and told him that a theft had taken place in Bhola Chaudhary's house by Rajdev Manjhi whom they were taking to the Police Station and asked him also to accompany.

20. A petition was also submitted to the Chairman by Shri Ramnath Sharma, Secretary, Janata Party, Naubatpur Block, on 4-2-79 at the State Guest House explaining the facts about the incident. He stated that after Bhola Chaudhary lodged his complaint of theft at Naubatpur P.S., the workers of the Communist Party of India joined the Harijan group of Bahuara and instigated them to burn their own houses in order to stage a showdown and demoralise the workers of the ruling Janata party. It has been further alleged in the petition that the C.P.I. workers gave wide publicity in the newspapers and otherwise about the incident in order to twist the facts. According to Shri Ramnath Sharma there was no question of evicting the Musahars from the allotted land as the Patna High Court had already passed an interim order in favour of the landlord in 1977. The C.P.I. was only instigating poor Harijans for its own political end.

### Conclusion

21. A perusal of official records and statements of the concerned State Government officers and interviews of the affected families leads to the following conclusions :—

- (1) It is a fact that seven houses of Harijans all belonging to the Musahar community of village Bahuara were set on fire which resulted into burning only of the thatched roofs of those houses. The side mud walls, however, were saved.
- (2) According to eye-witnesses Lallan Singh, the landlord of Ahuara village, and his men were responsible for setting fire.
- (3) Rajdev Manjhi (whose house was also burnt) against whom a case of theft was registered was severely beaten by the landlord's party and was still limping at the time of the Chairman's visit to the village.
- (4) The case of theft registered by Bhola Chaudhary against Rajdev Manjhi was found to be a false one by the police.

The Deputy Collector (Land Reforms), Danapur, informed that late Shri Ajit Kumar Singh, father of Lallan Singh Ahuara, had, during his life time, transferred some land in the name of his daughter-in-law, Smt. Manju Devi. Lallan Singh, after the death of his father, had voluntarily surrendered about 43 acres out of the land transferred to Smt. Manju Devi which he apparently could not do legally as the ownership of that land vested in the name of Smt. Manju Devi. It may be observed here that the State Government officers of the Revenue Department who accepted the land from Lallan Singh and distributed the same to Harijans should have confirmed before distributing it that it was without any encumbrances. Their failure to carry out this legal provision led to the litigation as well as the incident of arson.

22. An important point in the present case appears to have been overlooked. The date of transfer of land by late Ajit Kumar Singh in the name of Smt. Manju Devi was perhaps important because all transfers after 22 June 1969 (1959) are treated as *benami* by the Government. However, the State Government officers are currently looking into this aspect and the relevant records have yet to be checked up.

23. The State Government should ensure that while allotting land to the members of the Scheduled Castes and Scheduled Tribes ownership rights alongwith actual possession of the land are invariably given to them. Measures should also be taken to ensure continued possession of the allottees. In the present incident the three Scheduled Caste families which were allotted land in Bahuara were evicted in spite of the fact that they were given *ownership parchas* as well as actual possession of the land.

24. It has been observed that withdrawal of powers of cognizance from the executive has made it helpless. In fact, the power of cognizance with the executive acted as a great deterrent to the criminals. The accused get bails in the judicial courts even in non-bailable cases. This demoralises the police. It has happened in the present case also. The police had submitted the case u/s 436 (non-bailable) to the court where the accused got the bail.

It is suggested that the power of cognizance up to the level of SDO (Civil) should be restored.

## ANNEXURE VI

### *Visit to Villupuram in South Arcot district, Tamilnadu*

The Prime Minister was pleased to suggest me to go to Villupuram in South Arcot district, Tamil Nadu State which has been the scene of recent clashes between the caste Hindus and the Harijans. Accordingly I went to Madras on 12-8-78 by the evening flight and put up in the State Government Guest House at night. Next morning at about 8.30 A.M. I left Madras by car reaching Villupuram at about 11 A.M. Shri Jayaraman a Member of the Scheduled Caste and Scheduled Tribes Commission, Shri Lakshmi Narayan M.P. from Tindivanam Parliamentary Constituency, Shri B.K. Shukla, Deputy Director, Backward Classes Welfare, Southern Zone, Madras, and Shri C. Chellappan, Director of Harijan Welfare, Tamil Nadu Government accompanied me to Villupuram. The District Magistrate Shri P.S.P. Pandian IAS, and other officials were present there.

I started to visit the affected areas at 12 noon and completed it at about 3 p.m. First of all, I visited the Periya Harijan Colony which I was told was the worst scene of incident. I found houses and shops burnt there. Temporary sheds have been put up to accommodate those whose houses and shops were gutted in the fire. Victims were being supplied food packages upto 12-8-78. It was stopped from 13-8-78. They complained that the food packages supplied to them were not adequate. Government officers, immediately pointed out to me that the food packages, were stopped, because each family of victims has been given cash and provided other facilities in lieu of supplying food packages. There were some families in the Harijan Colony who were not affected by the incidents. They were also supplied food packages. But they were refused cash and other facilities. They bore grudge for it and felt it very much. There were large number of cobblers in the colony. I found their houses were also burnt. Later I came to know that those houses were burnt by accidental fire about a month back before the present incident occurred. Neighbouring caste Hindus came to help them and assist these cobblers but they became hostile to the cobblers because of their sympathy with the Harijans of the colony at the time of the clash between Harijans and caste Hindus.

The Harijans of the Periya Colony demanded to continue the supply of food packages for some time to come. They wanted to have pucca houses constructed in place of their burnt houses. Also they wanted their loss to be made good of. They were engaged in Rickshaw pulling in transport depot and grain market. Some families were engaged in running shops of carpentry etc. Those were also burnt. Now some have started to go to transport depot for work nearby this colony.

The Harijans of the Periya Colony are still panicky. About 500 people are still missing who had fled away from the colony on the next morning of the incident. The women-folk rushed to me in panick and the only statement they made was to request the Tamil Nadu Government to have police posted in their colony for six months at least.

I was told there that about ten houses of Muslim families were burnt by the Harijans of the Periya Colony. I was surprised to learn it as to why the Harijans burnt the houses of Muslims. I went to the spot and talked to a Muslim friend who was perhaps head of his family. He told me that in the heat of the moment the Harijans of the colony burnt these houses but later I came to know that the Harijans of the colony and Muslim were not in good terms for the last several years. In this part, Muslims are treated at par with caste Hindus. Some years back there was clash between Muslims and Harijans on account of the payment of the wages. The Harijans were perhaps harassed by the Muslims. The Harijans perhaps bore this grudge and were led by this to vindicate their position.

Now I visited the caste Hindus colony. This colony is adjacent to the Periya Harijan Colony. Houses and shops were found gutted in the fire more than that of the Harijans' colony. These two colonies were the worse scene of the incident.

I visited Maruthur tank wherefrom six dead bodies were recovered. The Railway Culvert No. 163/14 where their dead bodies were found. I visited Erumanthangal Eri also where two dead bodies were found in the morning of 26th and 27th July 1978 by the local people. They reported to the Police and the Police only took the dead body in their custody and sent them for post mortem. All men were Harijans. Three of them belonged to the Periya Harijan Colony. They were identified.

I visited Bus Depot, grain market and other places connected with the incident. These places are adjacent to the Periya Harijan Colony.

I discussed the incident with the D.M. for an hour in the evening. He narrated the background history of enmities and hostility between the caste Hindus and the Harijans of the Peria Colony, Villupuram. He told me that till the morning of 25th July, everything was quiet. He himself was surprised, how the incident took place. When I brought to his notice the gross negligence, slackness and complete failure of the local officer to handle and control the situation he tried in vain to defend the administration. I was not satisfied at all with this explanation. However, I requested the D.M. to give protection to the Colony people so long their fear and panic are removed. He assured me to do so. Thereafter, I returned back to Madras in the evening.

I had an opportunity to discuss the Villupuram clash with the Chief Minister of Tamil Nadu also. He was kind enough to find time for discussion in the evening of 14th July. The Chief Minister took one hour to tell the old story of restrained relations between the caste Hindus and the Harijans of the Peria Colony. He put the blame on two local Harijan leaders for the trouble. One is Shri Longanathan and the other Shri Jothilingam. The Chief Minister branded both of them anti-social element and undesirable. But from other reliable sources I learnt that both the Harijan leaders were not anti-social element and undesirable persons. Because from both command leadership over the local Harijan population and upper hand in local affairs and the caste Hindus envy them. I was told that Shri Longanathan belongs to Congress (I) party and Jothilingam; Janta Party. The Chief Minister told me that both saw the Governor of Tamil Nadu perhaps after the incident took place in Villupuram. Both were absconding.

I requested the Chief Minister to look into the certain genuine facilities demanded by the Harijans of the Peria Colony. I am glad he readily agreed to it.

Taking the totality of the situation prevailing in Villupuram at the time of the incident, I am of opinion that the incharge of law and order there failed miserably. If strong and firm action had been taken by the authorities after the Hartal and processions by the merchants, when tension started building up on 23-24 July, all the subsequent arson, violence and murder could have been avoided. It is a clear case of failure on the part of law and order machinery.

The Tamil Nadu Government has appointed a retired Judge of the High Court to conduct an Inquiry and report. It should bring out all the facts to light. The State Government should take immediate action on the recommendations of the judicial enquiry commission.

The families of the murdered Harijans should be liberally compensated. They are the worse sufferers.

A new phenomenon is developing in Tamil Nadu. The Brahmin is branded above all castes. The Mudaliar and Naidu etc. are called caste Hindus. They are generally vegetarian like Brahmin. They have earned reputation and respect in the field of learning and knowledge also. Their numerical strength is not high yet they have their say in society. Below caste Hindu there are number of castes called backward classes which are the ruling caste today in Tamil Nadu. Formerly the backward classes was pre-Harijans. But now their attitude is changed. They are now a pre-caste Hindu. The Caste Hindus suppress the Harijans with the support and help of backward classes. In Tamil Nadu the clash between caste Hindus and Harijans is given colour of the Hindu Muslim riot. It may spread in the whole regions of the Hindu population. If it is not mislaid in the hand in the very beginning it may prove fatal and very dangerous to the national integration.

The clash between the caste Hindus and the Harijans was so far confined in the rural areas only. I have no knowledge of any clash between caste Hindus and Harijans in urban area in the recent past. Villupurum is the first urban area where the incident of such magnitude took place. This is an eye opener. This should engage the attention of the Government in particular and the society in general.



## ANNEXURE VIA

### *A short report of Sri A. Jayaraman former M.P. & Vice President Tamil Nadu Janata Party on the communal incidents at Villupuram*

On 29-7-78 myself accompanied by V.S. Ramakrishnan, Member, State Executive of our party and Muthu Venkataraman, Member of our party went to Villupuram and met prominent persons of the locality and visited the area affected by acts of arson and incendiarism. In the light of enquiries made of the various cross-sections of the society including Mr. Shanmugha Udayar ex-MLA and Ex-Chairman of the Villupuram Municipality Mr. Annamalai Udayar, President Market Merchants Association and some important persons of the Town and the ladies in the Harijan colony, I am submitting this report.

#### *Genesis of the trouble*

Though it has been uniformly mentioned that the trouble ensued after altercations between some of the Harijans of the Peria Colony and Kalamurthy, a caste Hindu Vegetable Vendor, who earlier is alleged to have misbehaved with a Harijan lady, the said incident is only the last straw on the camel's back. The Harijan colony called Periya Colony is situated adjacent to Villupuram Bus Stand and the premises of the marketing Committee. The merchants and vegetable vendors, who have certain grouse against certain alleged bad elements in the Harijan colony, have been clamouring for a long time, the shifting of the Bus stand and the market to a different place; there have been occasionally minor skirmishes between some of the merchants and some of the Harijans of the colony.

A month back, a Harijan, who was travelling by Bus from Kothamangalam and bound for Villupuram seems to have requested the conductor to stop the Bus for him to alight at a particular point (Hospital stop) and the conductor having not obliged, there was an altercation. The entire bus traffic was paralysed on that day in the town and the crew of the transport struck work and parked the buses blocking the normal traffic.

On Sunday, 23rd July 1978, in the evening, infuriated by the indecent behaviour of the said Kalamurthy, a Caste Hindu vegetable vendor, towards a Harijan lady, some of the members of the Harijan colony accosted him and assaulted him. A case has been registered that night itself against the Harijan persons involved in the altercation. In the meanwhile, the vegetable vendors organised themselves and called for a hartal on Monday 24th July 1978. They appealed to the other merchants also to join the hartal. A procession was taken and resolutions were passed at the meeting reiterating the demand for shifting the market and the Bus stand and the merchants who are all non-Harijans seem to have expressed their resentment against certain elements in the Harijan colony. The MLA of that constituency who belong to the State ruling party also joined the procession and supported the Hartal.

In the meantime, there were signs of tension and the local police officers called for a meeting of the leaders of all the Political Parties and other important persons in Town to effect a rapprochement. Mr. Jothilingam, a prominent Harijan of the locality and lorry transport operator and Loganathan and the Harijan leaders took the initiative and brought the Harijans, who are alleged to have beaten Kalamurthy and surrounded them before the police at 3 P.M. on 24-7-78. In the meeting, called for reconciliation, representatives of all the political parties and the Harijans were present. However till late in the night the merchant representatives who organised the Hartal did not join the meeting in spite of several requests by officials. As peace parleys were going on, there were reports that some cycle Rickshaws belonging to Harijans were burnt.

#### *Harijan colony attacked and some houses burnt*

At about 11.30 A.M. on Monday 24-7-78 some of the Caste Hindus seem to have assembled at Trichy Road and began pelting stones and country bombs in the Periya Colony. They set fire to the house of a Harijan widow (Kalyani by name) who is a teacher, which was just behind the mosque, situated at Trichy Trunk Road. Their attempt to enter deep into the Harijan colony was failed by the vigilant Harijans.

It was rather unfortunate that the police did not take effective punitive or preventive steps after the first arson incident that occurred at the Harijan colony.

#### *Violence on 25-7-78*

At about 10.30 in the morning the caste Hindus appear to have reinforced themselves and burnt houses in Poonthottam Harijan colonies. The houses of Loganathan, Harijan leader was also burnt. As his house is adjacent to the Bazar area, the fire spread out to Muniyandi-Vilas Hotel, Britannia Biscuit shop and Om Prakash Sweet Stall. I am certain that the burning of the shops was not an act of incendiarism but due to natural extension of fire in the Harijan colony fanned out by breeze.

#### *Retaliation by Harijans*

After the burning of the houses in the Harijan colony, there were acts of retaliation by Harijans on the Caste Hindus of Poonthottam Marudur and Muslims of Kathia Thope. The Harijans, it is alleged, have burnt the houses in Naicken Thottam which belonged to one Naidu where different caste people have encroached and put up their houses.

#### *Gruesome Murders*

In the wake of arson, some of the Harijan male members were running away to save their life. The Caste Hindus have murdered them and thrown the bodies in different places. Murder of an aged cobbler lady by pouring Kerosene over her and burning her alive is gruesome. The people are not in a position to exactly give the figures of deaths among the Harijans.



*Points to Note*

(i) It is rather unfortunate that the matter is not viewed on humanitarian grounds but on narrow party consideration with Municipal elections in view. To cover the votes of 31 wards of Caste Hindus the political parties seem to throw their sympathies with them and are prepared to under estimate the plight of Harijans (who are only in one ward) by a general accusation that there have been bad elements in the Harijan colony.

(ii) It must be borne in mind the vendors had settled their score on the Harijans of Periya Colony taking advantage of the 23rd evening incident.

(iii) It is shameful that the police have been passive spectators to acts of violence, gruesome murder and arson.

(iv) The Harijans are in the grip of panic and all male members have fled away.

(v) The entire town presents a deserted appearance.

The State Government must depute a senior Board Member to assess the damages and afford relief to the affected persons. The Police had not apprehended the real culprits but they had arrested innocent persons.

We must take immediate steps to restore sense of security and confidence among the weaker sections and bring about lasting peace and not indulge in patch work adjustments.

## ANNEXURE VII

### *Steps suggested to check atrocities on the Scheduled Castes and Scheduled Tribes*

The Commission for Scheduled Castes and Scheduled Tribes are of the view that atrocities on the Scheduled Castes have both social and economic causes at the root. The social cause lies in the practice of untouchability which is a by-product of the Hindu caste system. The social disability against the Scheduled Castes as practised in the Hindu caste system is further reinforced by economic factors like land disputes, forcible harvesting of crops, wage disputes, bonded labour, etc. The social factor of untouchability and social disabilities in the Hindu caste system, therefore, gets aggravated by vested economic interests and economic factors. It has been the broad experience that atrocities on the Scheduled Castes and Scheduled Tribes have generally been committed by high caste Hindus who have vested economic interests and this particular tendency is getting accentuated by the Governmental measures to confer economic benefits on the Scheduled Castes and Scheduled Tribes which have an adverse impact on the vested economic interests of high caste Hindus. Another tendency that has developed is that since the conferment of economic benefits on the Scheduled Castes and Scheduled Tribes is also generally adversely affecting the middle or intermediate caste peasantry, even this class of peasantry is also now committing atrocities on the Scheduled Castes and Scheduled Tribes. The situation is further aggravated by the fact that the Scheduled Castes and Scheduled Tribes are now becoming more and more conscious of their rights and they are now demanding economic and social equality with the higher and middle castes and since this adversely affects the vested interests of the higher and the middle castes, this aggravates the commission of atrocities on the Scheduled Castes and Scheduled Tribes. The main causes of atrocities on the Scheduled Tribes appear to be their exploitation due to land alienation, indebtedness, forest policy, excise policy, non-payment of minimum wages, bonded labour, etc.

2. The question of atrocities on the Scheduled Castes has now become a national issue. The measures for dealing with this problem are summarised under the following broad heads:—

- (i) Law and order machinery
- (ii) Legal provisions
- (iii) Other steps.

#### *Law and order machinery*

3. Strict implementation of the Protection of Civil Rights, Act 1955, is imperative as some of the cases falling under this Act can certainly be termed as atrocities. The following steps have been recommended by the Commission for proper implementation of this Act :

- (i) It is noticed that provisions of this law are not sufficiently known among the police force in the rural areas. This shortcoming should be removed.
- (ii) Special Monitoring and Evaluation Cells should be set up at Sub-Divisional, District and State Headquarters.
- (iii) All cases reported under the Act should be declared as Special Report cases.
- (iv) The police personnel posted in sensitive areas should have the correct attitude for dealing with this social problem and possess the necessary motivation for rendering selfless and impartial services to the Scheduled Castes and Scheduled Tribes.

4. The Police Station is the pivot of the police administration and it is essential to reorganise and improve the police force at this level. Keeping in view the duties and responsibilities of the officer in charge of a Police Station is considered that the Police Station should be managed by an officer of gazetted rank who should at least be of the status of Dy. S.P. or Assistant S.P. It will lead to better qualitative management of the Police Station, better public relations and elimination or reduction of corruption at the level of the Police Station.

5. Deployment of adequate personnel at the Police Station is necessary, particularly in sensitive areas, to enable them to regularly move in the area and keep in close touch with the people so that suitable and timely action can be taken to prevent commission of any atrocity on the Scheduled Castes and Scheduled Tribes.

6. One or two CID men (SI/ASI) may be attached to the Police Station exclusively to collect intelligence bearing on atrocities against the Scheduled Castes and Scheduled Tribes.

7. In order that justice is done to the Scheduled Castes and Scheduled Tribes it is desirable that at least 50% of the posts of Constables, Head Constables and so far as possible Sub-Inspectors and Inspectors of Police should be filled up by the Scheduled Castes and Scheduled Tribes.

8. Sensitive areas prone to commission of atrocities on the Scheduled Castes and Scheduled Tribes should be identified in each district and in such areas more than 50% of the police force at the concerned Police Stations should consist of the Scheduled Castes and Scheduled Tribes. The preponderance of SC/ST police personnel at the P.S. level will act as a deterrent to commission of atrocities on or harassment of the Scheduled Castes and Scheduled Tribes.

9. The Commission have offered the following further suggestions for improving the organizational set-up of the police :

- (i) At the Sub-Divisional level an officer newly promoted as an S.P. should be appointed as Sub-Divisional Police Officer while at the district level an officer with a few years' experience as SDPO may be the District Superintendent of Police. If the police set-up is reorganised on these lines, it is felt that it will considerably improve the efficiency of the police force, reduce the element of corruption and improve public relations.
- (ii) There should be Public Relations Wings at the State/District/Sub-Divisional levels exclusively for propagation of anti-atrocity measures.
- (iii) At the State Police Hqs. there should be an Evaluation Cell to exclusively monitor and evaluate the performance of the police force at different levels in respect of the cases involving the Scheduled Castes and Scheduled Tribes—to assess as to what action the police took to prevent and detect crime, disposal of cases percentage of cases leading to conviction as compared to those

challaned, etc. This Cell should function directly under the control of the Director General/I.G. of Police of the State. There should be similar Cells at Divisional/District/Sub-Divisional levels. These Cells should exclusively monitor and evaluate the criminal cases against the Scheduled Castes/Scheduled Tribes including enforcement of the Protection of Civil Rights Act, 1955.

In cases leading to failure in the Court there should be proper evaluation to find out the causes of failure, to fix responsibility for the same and also for taking action against the defaulting police officials and for taking remedial action for the future.

- (iv) Village Chowkidars performing rural police work are at present usually hereditary posts and they act as informants to the Police Station/Outpost and have also to perform several miscellaneous duties. They are paid very meagre allowances. They hardly command any respect in the village community and do not even inspire fear in the minds of the villagers which is done by Constables or other regular police force. Whereas the villagers look forward to Constables for receiving help and protection, they do not have any such expectation from the Village Chowkidar. In order to provide a more positive and respectable role to the institution of Village Chowkidar it is suggested that it should be professionalised and these posts suitably re-designated and manned. They should be paid adequate remuneration though they may continue to be part-time employees. The composition of this force should be at least 50 % Scheduled Castes/Scheduled Tribes and in the sensitive areas or in the areas predominantly inhabited by the Scheduled Castes/Scheduled Tribes their composition should be much larger. If necessary, trained Home Guards may be appointed to these posts. Among these Home Guards constituting the rural police force at least 50 % should belong to the Scheduled Castes/Scheduled Tribes. In order that the existing Chowkidars do not lose their only source of livelihood they may be given suitable reorientation course and employed.

10. The following special machinery is suggested for the protection of the interests of the Scheduled Castes and Scheduled Tribes.

- (i) At the State level there should be a Consultative Committee with the Chief Minister as Chairman, the Home Minister as Vice-Chairman and the Home Secretary as Secretary to the Committee to take policy decisions on all matters relating to law and order including those concerning the Scheduled Castes and Scheduled Tribes, the implementation of the PCR Act and the position regarding atrocities on and harassment of the Scheduled Castes and Scheduled Tribes. The members of the Committee may include, among others, the IG of Police, the DIG or other high level officer in charge of the SC/ST Cell, representatives from amongst legislators and non-official organisations including those of the Scheduled Castes and Scheduled Tribes, representatives of different political parties, social scientists and individual eminent persons. If necessary, retired members of the judiciary may also be included in this Committee.
- (ii) At the State level there should be a Scheduled Castes/Scheduled Tribes Cell under the control of the IG/Additional IG/DIG of Police depending on the size of the police force of the State. Such special cells may be set up at the Divisional/District/Sub-Divisional levels also.
- (iii) There should be a Special Police Station at the State headquarters under the charge of the State level SC/ST Police Cell. Similarly there should be Special Police Stations at the district level and, where necessary, even at the Sub-Divisional level to exclusively deal with cases under the PCR Act as well as other cases of atrocities on and harassment of the Scheduled Castes and Scheduled Tribes. Such Special Police Stations should be particularly set up in sensitive areas. This special arrangement should be treated only as supplementary to the normal Police Stations. The personnel deployed in these Special Police Stations should be men of proven integrity and dedication and, as indicated earlier, at least 50 % of them, if not more, should belong to the Scheduled Castes/Scheduled Tribes. They should be specially recruited and oriented.
- (iv) In sensitive areas there should be a small cell in each Police Station to exclusively deal with cases relating to atrocities on and harassment of the Scheduled Castes/Scheduled Tribes.

#### *Legal provisions*

11. With a view to ensuring that the Scheduled Castes and Scheduled Tribes receive adequate benefits of social legislation also, the following offences may be made cognizable in respect of them :

- (i) not giving possession of land legally allotted to the Scheduled Castes and Scheduled Tribes.
- (ii) unlawful eviction from the land in possession of the Scheduled Castes and Scheduled Tribes.
- (iii) unlawful eviction from houses in possession of the Scheduled Castes and Scheduled Tribes.
- (iv) prevention from cultivation of land either allotted to the Scheduled Castes and Scheduled Tribes or in their possession by the vested interests, and
- (v) prevention from harvesting of crops belonging to the Scheduled Castes and Scheduled Tribes, particularly where share-cropping is prevalent.

12. With reference to land disputes, the Commission have suggested that the possession of land allotted to the Scheduled Castes and Scheduled Tribes from surplus land or Government land should be protected. Such land should be clearly demarcated. Persons who dispossess them of their land should be summarily evicted and tried under law which should provide deterrent punishment. The land should be restored to the original allottee without any delay. For this purpose suitable law may be enacted. The provisions of Sec. 144 Cr. P.C. which allows illegal occupants in actual possession of land the protection to continue their illegal occupation, be suitably amended.

13. Those in illegal or *benami* possession of large chunks of land are often found to be responsible for perpetration of atrocities on Scheduled Caste and Scheduled Tribes persons who are allotted surplus ceiling land but are not allowed to derive benefits from that land. Therefore, the Commission are of the view that expeditious and strict implementation of land ceiling laws is essential as it will not only lead to a significant reduction in the present disparities of incomes and wealth, one of the processes for achieving the primary objectives of the Plan but will also minimise the incidence of atrocities on the Scheduled Castes and Scheduled Tribes.

14. There have also been many cases of atrocities over demand for higher wages. The enforcement machinery of the State Governments should be adequately strengthened by providing funds under the Plan so that the workers get the benefit of minimum wages fixed by the Government.

### *Priority in dealing with criminal cases involving SC & ST*

15. It is necessary with a view to inspiring confidence among the Scheduled Castes and Scheduled Tribes that the cases relating to them should be speedily and properly investigated. The trial of such cases should also be dealt with speedily and properly so that meting out of justice is not delayed. Prompt investigation and prompt trial bringing the crime home to the accused persons shall create a healthy atmosphere in the rural areas and check atrocities on the Scheduled Castes and Scheduled Tribes. With a view to ensuring prompt investigation and trial of cases involving the Scheduled Castes and Scheduled Tribes the following suggestions are given :—

- (i) The police at the Police Station level should give priority to investigation of cases of atrocities and other crimes against the Scheduled Castes and Scheduled Tribes.
- (ii) At the trial stage the prosecution and the court should give priority to the disposal of cases relating to the Scheduled Castes and Scheduled Tribes.

Where the incidence of atrocities and crimes is high special prosecution staff and special courts should be sanctioned on a regular basis to deal exclusively with cases of atrocities and crimes against the Scheduled Castes and Scheduled Tribes.

- (iii) In cases not involving heinous offence and in cases in which land and property disputes are involved the procedure of summary trial should be adopted and, if necessary, law should be suitably amended.

### *Other Steps*

16. In cases where in a land dispute a Harijan or a tribal is killed the Government machinery including the police must ensure that the land in possession of the deceased Harijan/tribal passes on to the heirs of the deceased and in no circumstances whatsoever the persons who have committed aggression should be allowed to take over possession of the land.

17. Some of the incidents of atrocities on the Scheduled Castes and Scheduled Tribes that have recently taken place indicate that local landlords/big tenants employ musclemen or specially hired goondas for committing atrocities on the Scheduled Castes and Scheduled Tribes. It should be the special duty of the police to collect prior intelligence about such musclemen or goondas in the locality and to take prevention action against them u/s 107/117 Cr. P.C. as well as section 110 Cr.P.C. so that they can be bound down to maintain peace. Wherever necessary, preventive arrests be made to maintain peace and to prevent atrocities against the Scheduled Castes/ Scheduled Tribes.

18. Collective punitive fine may be imposed on areas where the Scheduled Caste and Scheduled Tribe people are subjected to continuous atrocities.

19. In sensitive areas where atrocities on the Scheduled Castes and Scheduled Tribes persist special police force may be posted and the entire cost of maintaining such force realised from the residents of the area.

20. Sometimes even the police personnel commit atrocities on the Scheduled Castes and Scheduled Tribes in collusion with landlords or otherwise. The State Governments should award exemplary punishment to the guilty officials.

21. There should be an automatic judicial enquiry by a Sessions/Additional Sessions Judge into incidents of :—

- (a) death in police custody,
- (b) death by grievous hurt arising from alleged police torture,
- (c) death resulting from police firing, and
- (d) alleged rape of women in police custody.

As judicial enquiries are time consuming the Government should also take criminal and executive action against the police officials responsible for these crimes, and all such offences should be made non-bailable.

### *Relief*

22. Some State Governments have adopted measures for rehabilitating the victims of atrocities. The quantum of relief provided needs an increase and similar steps should be adopted by the remaining States which have not yet taken a policy decision in the matter. The relief to be given should be commensurate with the seriousness of the laws caused to the person or the family concerned and should be provided on-the-spot immediately after the commission of an atrocity.

### *Police administration, disciplinary control and accountability*

23. The Commission have suggested that a Public Security Committee be set-up as a Committee of the State Legislature somewhat on the lines of the Public Accounts Committee or the Estimates Committee. Such a Committee should include Scheduled Caste and Scheduled Tribe Members also so that the interests of the Scheduled Castes and Scheduled Tribes are looked after by this Committee.

### *Redress of grievances*

24. With a view to ensuring that any grievances of the general public against the police force receive proper attention, they may have a Special Grievances Cell under the charge of the S.D.O. and the District Magistrate at the Sub-Divisional and District levels respectively. The Sub-Divisional Magistrate and the District Magistrate should have adequate authority to look into these grievances with the help of senior officers, who should be in charge of these cells, to provide remedy to such grievances. There should be a similar Grievances Cell at the headquarters of the Government under the charge of the Chief Secretary who may be assisted by a senior officer of the rank of Commissioner to deal with the Cell.

25. At the apex level these Grievances Cells should function under the control of a statutory Grievances Commissioner independent of the State Government so as to make them effective and insulate them against political pressures. The Chief Secretary/District Magistrate/ SDO as in charge of the Grievances Cells at the various levels shall act at the instance and under the direction of the statutory Grievances Commissioner.

26. Apart from the measures indicated above the problem has also to be dealt with at the social and educational levels. It is necessary that alongside the implementation of the PCR Act and the programme for social and economic development of the Scheduled Castes and Scheduled Tribes determined and constant onslaught on the basic evil, *i.e.*, the caste system, should be carried out by the State as well as conscious and progressive people. Voluntary organisations and mass media have to be mobilised in a much more concerted and effective manner to discourage casteism and untouchability. Awareness is to be brought about particularly in the rural masses with the help of mass media so that caste prejudices disappear from their minds. Right from the formative stage the psychology of the young minds is to be attuned to ideas of equality and brotherhood and against the evil practice of untouchability with the help of suitable literature and other aids. Curriculum should be prescribed emphasising that all human beings are equal and that untouchability is a sin. It is observed that the ideas of untouchability are more deep rooted in women than in men, particularly in rural areas. It is, therefore, essential that special attention may be paid to the education of girls of all castes including the Scheduled Castes and Scheduled Tribes.

27. A mass movement against the evil of untouchability in particular and the caste system in general may be organised on the following lines :—

- (i) Every year a fortnight may be earmarked for celebrating anti-untouchability programmes in the form of meetings, conferences, seminars symposia, *prabhat pheris*, *padayatras*, processions, essay contests and debates for students, etc. Inter-caste dining in Harijan localities should form an essential item of these celebrations. This could greatly help the anti-untouchability drive if this particular item were effectively implemented in rural areas. Community dinners on the National Days and other special occasions should be organised in villages, particularly in areas where untouchability is practised rigidly. These dinners may be subsidised by the Government. Not only the seating arrangement should be mixed but Harijan men and women of the same village should also be engaged for cooking and serving purposes. All political parties and social workers may be requested to extend active cooperation for the success of this programme and political leaders and officers, if any, belonging to the village but serving elsewhere as well as the local MLA, etc., may be specially invited to participate in this programme.
- (ii) The adult education programme should be utilised for propagating anti-untouchability ideas.
- (iii) The teachers have to play an important role in building up this movement. They should be carefully selected and motivated so that they can make positive contribution in this field. Those found guilty of practising or encouraging untouchability should be severely dealt with.
- (iv) Mass media, particularly films and television should be exploited for anti-untouchability propaganda and private film producers making powerful films and documentaries on the subject should be suitably rewarded and encouraged.
- (v) Inter-caste marriage should be popularised in a big way. Preferential treatment in the form of some financial assistance or award and some concession in recruitment to services may be extended to those couples where one of the spouses is a Harijan and the other a non-Harijan.

## ANNEXURE VIII

*Brief particulars of atrocity cases based on the information available in the Commission*

| Nature of Atrocity | Date of occurrence | Place of occurrence                                                     | Brief details of the incident                                                                                                                                                                                                                                                                                                                                                                                                                       | Caste/ community of the victim/ accused | Relief measures provided by the State Govt. | Present position of the case                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Recommendation of the Commission |
|--------------------|--------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 1                  | 2                  | 3                                                                       | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 5                                       | 6                                           | 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8                                |
| ANDHRA PRADESH     |                    |                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                         |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |
| (1) Murder         | 21-7-78            | K. Jagannathapuram village, Amalapuram Taluk of East Godavari District. | On the alleged discrimination of Harijans in a tea stall, a clash occurred between the Harijans and the Kapus of K. Jagannathapuram village. One Harijan was stabbed to death and the Harijans set fire to the house of a Kapu. 5 Kapus were burnt alive.<br>(Q/R of Madras Office)                                                                                                                                                                 | SCs Vs. Kapus                           | —                                           | Field enquiry was conducted by Madras Office. The Principal Sessions Judge of the East Godavari distt. sentenced six Harijans to life imprisonment. The only caste Hindu charged with the murder of the Harijan was acquitted for want of evidence.                                                                                                                                                                                                                                                                                                                                                                                                  | —                                |
| (2) Murder         | 19-11-78           | Ipurupalam village, Chirala PS of Prakasam District                     | Jayakumar, a Yerukula youth died due to quarrel in a Kabaddi game. Jayakumar's team won the game. This infuriated the members of the other party, and their elders assaulted Jayakumar, who succumbed to the injuries and died in the Guntur hospital. (Madras Office)                                                                                                                                                                              | ST (Yerukula) Vs. Padmasali.            | —                                           | Replies awaited from the Madras Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | —                                |
| (3) Murder         | 23-12-78           | Peruru village, Amalapuram Taluk of East Godavari district.             | D. Nageshwara Rao, a Harijan youth was found hanging from the beam of Gram Kacheri room on the morning of 24-12-78. He was caught while plucking coconuts from the garden of a Kapu, at 8 PM on 23-12-78 and was kept confined in the Gram Kacheri for the night to be taken to the Police Station next morning. On 25-12-78 however, he was found to have hanged himself. (Representation from Andhra Pradesh SC Welfare Association dated 3-2-79) | —                                       | —                                           | Report received from the Government of Andhra Pradesh. The enquiry conducted by the Collector and Additional I.G.P. (crimes) confirmed it to be case of suicide. A case was registered against the caste Hindus U/S 342 IPC for illegal confinement of the deceased. The Additional Sessions Judge found the village Munsiff guilty of abatement of the said offence punishable U/S 109 read with section 342 IPC. Hence all the four accused were sentenced for 6 months' rigorous imprisonment. The accused went with an appeal against the conviction in the State High Court and the latter directed the Sessions Court to release them on bail. | —                                |

| 1          | 2       | 3                                                       | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 5                     | 6 | 7                                                                                               | 8 |
|------------|---------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---|-------------------------------------------------------------------------------------------------|---|
| (4) Murder | 12-2-79 | Narampet village of Atmakur Taluk, Nellore District.    | Chakram Anand, a 20 year Harijan boy of Annareddypalem village of Kovur Taluk was working as a Tractor-driver to one Shri K. Srihari Naidu of Narampet. He was reported to be dead on 12-2-79 and buried by the Atmakur police. When the father of the deceased demanded the dead body it was found missing from the grave. The Harijans suspect this to be a case of murder. (Representation from the Nellore District S.C. Employees Welfare Association, dated 27-2-79) | SC & Naidu            | — | Detailed report ted from the Government of Andhra Pradesh                                       |   |
| (5) Murder | 2-3-79  | Yellayapalem village of Kovur taluk, Nellore District   | In connection with the land grab movement organised by the CPI and the CPM, a mob of about 2000 persons gathered in Yellayapalem to grab the land of a caste Hindu. As they violated 144 orders and injured the Circle Inspector, Venkatagiri the Police opened fire. Four persons were injured and one died subsequently. A Magisterial enquiry has been ordered by the District Collector. (Free Press 3-3-79).                                                          | SCs. Vs. Caste Hindus | — | Report from the District Collector has been received. The case is sub-judice.                   | — |
| (6) Others | 9-12-78 | Thanayali village in Sulurpet Taluk of Nellore District | A gang of landlords and moneylenders allegedly destroyed the standing crop of the tribals of Thanayali village and assaulted them. Though the land was allotted to the tribal families the landlords tried to dispossess them of the land. According to the report of the Collector the crop on acres 5.35 belonging to Scheduled Tribes was destroyed. (New Age, dated 31-12-78)                                                                                          | STs Vs. Caste Hindus  | — | Report has been received from the Collector. Relief has been provided to the affected families. | — |
| (7) Others | 8-3-79  | Gnanapuram village in Visakhapatnam Distt.              | It is alleged that father Steevans of St. Peters School, Gnanapuram entered the Harijan colony on 8-3-79 along with three hundred people and demolished 23 huts of the Harijans constructed on the peramboke land since 1943. The belongings of the Harijans are also allegedly damaged by the accused persons. (Representation from the Scheduled Castes/Tribes Federation, Visakhapatnam dated 17-3-1979)                                                                | Not known             | — | Details of the incident are awaited from the Government of Andhra Pradesh                       | — |



|                              |          |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                      |   |
|------------------------------|----------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|---|
| 1                            | 2        | 3                              | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5                                                          | 6                                                                                                                                                                                                                                                                                                                                                                                                                                       | 7                                                                    | 8 |
| CASES OF ATROCITIES IN BIHAR |          |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                      |   |
| (8) Murder                   | 16-8-78  | Jamshedpur, District Singhbhum | About 60 to 100 poor people mostly women and children went to collect small iron pieces in the damp near Babudesh on the bank of river Subarnarekha in Jamshedpur. The strong men of the contractor drove these people from the slag pile cornering them between overflowing Subarnarekha and a deep <i>nala</i> . Those who could not escape were pushed in the <i>nala</i> . Five dead bodies were recovered from the <i>nala</i> . The Police after receiving report rounded about 20 persons.                                                                                                                                                                                                                           | —                                                          | The Local administration has provided instant relief giving Rs. 100 in kind and ration, clothes, etc. to each affected family. The Chief Minister of Bihar has announced an <i>ex-gratia</i> payment Rs. 5,000 for each dead. Chairman of the Commission for SC/ST who visited the area for spot enquiry has suggested to State Government some urgent measures for the development and protection of SC/ST persons living in the area. | —                                                                    |   |
| (9) Murder                   | 6-10-78  | Ichahatu, District Singhbhum   | It is alleged that on 6-10-78 the Police opened fire in which Maheshwar Jamode a tribal was killed. Police arrested two persons and beat them mercilessly. The cause of the incident was unauthorised felling of teak-trees by the tribals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Tribals Vs. Police                                         | Commission wrote to the State Government of Bihar for furnishing a detailed report.                                                                                                                                                                                                                                                                                                                                                     | —                                                                    |   |
| (10) Murder                  | 13-10-78 | Patasi, Gaya District          | On 13-10-78 some caste Hindus of Patasi including the Sarpanch of Pova Gram Panchayat asked Shri Kuldeep Paswan to accompany them for repairing Badka Ahar Bandh. Shri Paswan did not return to his house at night on 14-10-78. A search was made and his body wrapped in red cloth was seen hidden in the mould of earth in Badka Ahar Water.<br><br>On 14-10-78 on the basis of evidence of Shri Mangal Paswan a case was registered U/S 302/34 IPC in Fatehpur Police Station. The deceased was an accused in a murder case and was convicted and an appeal against the conviction was pending in the High Court.<br><br>The reason for this murder was apparently due to the old enmity. The case is however subjudice. | Victim Paswan, Accused Caste Hindus including the Sarpanch | —                                                                                                                                                                                                                                                                                                                                                                                                                                       | Further details are yet to be received from the Government of Bihar. | — |

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| (11) Murder | 13-10-78 | Fatehpur<br>P.S. of Gaya                                 | Smt. Gulab Devi in her representation has alleged that her husband was murdered by the caste Hindus. Case U/S 302/34 IPC was registered on 14-10-78. The cause of the murder was due to old enmity. The case is subjudice.                                                                     | —                                   | — | —                                                                    | —                                                                                             |
| (12) Murder | 12-11-78 | Village Tholpos,<br>P.S. Pakrivaraya,<br>District Navada | Bihar Pradesh Harijan Mukti Mahasangh, Patna, Branch Office Navada in their representation dated 22-12-78 have alleged that Bajo Ravidas, a S.C. was killed by caste Hindus belonging to Kurmi Caste on account of a dispute over encroachment on fallow land.                                 | Victim SC,<br>Accused Kurmi         | — | Reply from the State Government is awaited.                          | —                                                                                             |
| (13) Murder | 13-11-78 | Village Shirsona,<br>P.S. Halsi,<br>District Monghyr     | Smt. Sudeshwari Devi in a representation has alleged that her husband, Rameshwar Paswan (SC) was murdered by a Caste Hindu, Ram Narayan Giri on account of dispute over the share-cropping<br><br>Source: Representation from the wife of the deceased.                                        | Victim SC,<br>Accused Caste Hindus  | — | Case U/S 364/IPC is under investigation as the accused is absconding | The Commission is pursuing the case till challan is put in the court and accused is arrested. |
| (14) Murder | 17-11-78 | Kanki Village,<br>District Hazaribagh                    | Shri Ago Ghatwar and his family members were harvesting paddy, when a group of caste-Hindus attacked them. They killed his son-in-law and his friend. They inflicted injuries to Shri Barudera Majhi and Shri Sagar Tanthi.<br><br>Source: Representation dated 26-6-79 from Shri Ago Ghatwar  | Not known                           | — | —                                                                    | The report from the State Govt. is awaited.                                                   |
| (15) Murder | 22-11-78 | Srurgaon Village, Eknagar<br>P.S. of Nalanda District.   | Shri Akul Paswan (SC) was murdered on 22-11-78 by the landlord. The quarrel took place over watering the land. A case has been registered U/S 34 IPC on 23-12-78.                                                                                                                              | Victim Paswan,<br>Accused Landlords | — | —                                                                    | Detailed report is yet to be received.                                                        |
| (16) Murder | 23-11-78 | Khurgaon Village of Nalanda District                     | The investigation report revealed that Shri Bachu Paswan gave a statement that his father-in-law Shri Akalu Paswan was shot dead at about 1.30 a.m. of 23-11-78 by four caste Hindus due to land dispute. A case has been registered U/S 302 IPC against the four caste Hindu accused persons. | Victim SC, Accused Caste Hindus     | — | —                                                                    | The matter is subjudice. The investigation has been completed.                                |

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| (17) Murder | 25-11-78 | Serengda village, Goelkhera P.S., District Singhbhum | 3 Adivasis were killed and some injured when police fired at Goelkhera in Singhbhum District. The police had gone to village Serengda to arrest Shri Shailendra Mahto for illegal cutting of trees. A mob of one thousand people attacked the police party and police had to open 12 rounds of firing in self-defence. 3 persons were killed and one injured. | ST Vs. Police                                                  | — | —                                                                     | Communication incorporating the details of cases instituted, persons arrested and the progress of police investigation are still awaited from the State Government. |
| (18) Murder | 26-11-78 | Dhargaan Village, District Bihar Sharif              | It was alleged in "Hindustan Times" dated 28-11-78 that a Harijan was killed by a group of villagers. The cause of the atrocity is not reported.                                                                                                                                                                                                              | —                                                              | — | The facts of the case are awaited from the State Government.          |                                                                                                                                                                     |
| (19) Murder | 30-11-78 | Dhankunda Village of Santhal Parganas                | Shri Bahadur Hemraj, a S.C. was murdered by some unknown persons on 30-11-78. He was murdered for the reason he tried to prevent theft in his house. The matter is sub judice.                                                                                                                                                                                | Victim SC<br>Accused<br>Unknown persons                        | — | Detailed report is yet to be received.                                |                                                                                                                                                                     |
| (20) Murder | Nov. '78 | Salepor Village, Chandi P.S. of Nalanda District     | A young married Harijan woman was murdered by some of the villagers. The reason was stated in the press report as long standing enmity. Police instituted a case under Section 302/34 of the IPC against three known persons.                                                                                                                                 | Victim SC<br>Accused NA                                        | — | Detailed reports are yet to be received from the Government of Bihar. |                                                                                                                                                                     |
| (21) Murder | 5-12-78  | Katharina Village of Arrah District                  | Three Harijan labourers were shot at and injured by the landlords in the pretext that these workers engaged in the earth work, dug earth from the land belonging to them. The police said the labourers were engaged in the earth work under 'Food for Work' programme.                                                                                       | Victim SC<br>Accused<br>Caste Hindu Landlords                  | — | Detailed report is awaited from the Government of Bihar.              |                                                                                                                                                                     |
| (22) Murder | 9-12-78  | Kaila Village, Chandi P.S. of Nalanda District       | This is an incident in which 3 Harijans were brutally murdered in Kaila village on 9-12-78 due to the land dispute between the Paswans (Harijans) and Caste Hindu landlords. Of the 3 Harijans who were brutally butchered, heads of two Harijans were chopped off despite the existence of the police force at the spot on the day of                        | Victims—<br>Harijans<br>(Paswan)<br>Vs. Kurmis<br>&<br>Mahatos | — | —                                                                     |                                                                                                                                                                     |

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|             |          |                                                | <p>occurrence. A couple of days prior to this incident, a serious clash between the Kurmi and Mahto farmers and Harijans took place in which some fire-arm were used by both the parties. A case U/S 147/148/149/324/307 of the IPC and Section 25-A Indian Arms Act has been registered against 13 known and unknown persons and they were arrested.</p> <p>The members of the deceased families were given Rs. 2,000 each and it is stated that Rs. 3,000 more will be given as an extra grant to the victims. All the 3 Harijans who were murdered had nothing to do with the land disputes of the village. The Harijans complained that the Police Party was aware of this attack by the Caste-Hindus. Rs. 250 have already been sanctioned for the last rites of the deceased.</p> <p>The Magistrate and Assistant Inspector of police have been placed under suspension and departmental enquiry has been instituted against them to examine whether a case under Section 109/114 Cr.P.C. can be instituted against them. Police patrolling has been kept in the village. The Collector had initiated action for deciding the land dispute and had established a camp Court, in the village.</p> |                                            |   |                                                               |   |
| (23) Murder | 11-12-78 | Chainpur Village, Tekari P.S. of Gaya District | Two Harijans were killed and six including a woman injured when some Zamindars allegedly opened fire following a land dispute. Four persons have been arrested and their movable properties attached.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Victim SC<br>Accused Caste Hindu Zamindars | — | Final report yet to be received from the Government of Bihar. |   |
| (24) Murder | 14-12-78 | Jama Block of Santhal Parganas District        | One Adivasi was killed when the police opened fire to quell a violent crowd of Adivasis in Jama Block of Santhal Pargana District on 14-12-78. According to the press report the trouble started when the police party went                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Victim ST<br>Accused Police                | — | Detailed report still awaited from the Government of Bihar.   |   |

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|             |          |                                                                   | to the village and arrested a few persons wanted in connection with earlier crimes. According to the district level officials the Adivasi mob of about 200 persons went to attack one Shri Ganesh Shah. When prevented to do so they attacked the police including the Magistrate. One police constable was injured due to shooting of arrows. For protection of life and property five rounds were fired by the police.               |                                              |   |                                                                                                                                                                                                                                                                                                                                                                                |                                                                |
| (25) Murder | 15-12-78 | Chapunia Village, Jama block, Santhal Parganas District           | It was alleged in a press report appearing in the Indian Express dated 18-12-78 that one Adivasi was killed when the police opened fire in self defence to quell a riotous crowd of Adivasis in Village Chapaunia in Jama Block in Santhal Pargana district. The trouble started when a police party went to the village and arrested few persons wanted in connection with earlier crimes.                                            | S.T. Vs. Police                              | — | Necessary precautionary measures for maintenance of law and order have been taken. Detailed report is still awaited from the State Government.                                                                                                                                                                                                                                 |                                                                |
| (26) Murder | 18-12-78 | Mandari Mohalla of Patna                                          | On the afternoon of 18-12-78 a Harijan Shri Thekaita Dom, resident of Maudari Mohalla died in the custody of police. A case has been registered against unknown persons on 18-12-78 U/S 304 IPC. The Additional District Magistrate conducted the enquiry U/S 176 as the person died in Police custody. According to the findings of the enquiry made by him Shri Thekaita died due to injuries inflicted on his head and other parts. | Victim SC, Accused Police Party              | — | District Collector had granted Rs. 2,000 to the family of Shri Thekaita and Rs. 3,000 has been sanctioned from the C.M's fund. In addition to this Rs. 250 were granted for his last rites. It is reported that efforts are being made to provide employment to his wife in Patna Municipal Corporation. The Station Officer of Budha Colony has been placed under suspension. | Detailed report is still awaited from the Govt. of Bihar.      |
| 27) Murder  | 26-12-78 | Purandaha Village of Purnea District                              | Two Harijans including a woman were burnt to death and another sustained burn injuries when some musclemen of a landlord set their house on fire due to long standing dispute over land.                                                                                                                                                                                                                                               | Victim SC, Accused Musclemen of the landlord | — | —                                                                                                                                                                                                                                                                                                                                                                              | Detailed report is yet to be received from the Govt. of Bihar. |
| (28) Murder | 29-12-78 | Beldia Village of Godda Sub-Division of Santhal Parganas District | It was alleged in the New Age dated 14-1-79 that 18 Harijans have been gone to death. Of them 3 were burnt alive, 13 were shot dead 4 others beheaded. CRP jawans fired two rounds and many women were raped and molested.                                                                                                                                                                                                             | Not known                                    | — | —                                                                                                                                                                                                                                                                                                                                                                              | Reply of the State Govt. is awaited.                           |

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| (29) Murder | 26-1-79 | Bahore Village<br>P.S. Naubatpore<br>of Patna District                 | It was alleged in the Patriot dated 28-1-79 that 10 Harijan girls were burnt by the landlord. The Chairman of the Commission for SC/ST conducted on the spot enquiry on 5-2-79 and his suggestions have been sent to the State Government for necessary action. The cause of the incident was land dispute. The case has been registered U/S 341/325/436/429 and 20(D) of IPC, but the Court granted bail to the accused even though a case was registered under a non-bailable Section (Sc. 436). The aggrieved families have been provided free-ration for two weeks, clothes, etc. | —                                       | — | —                                                                                           | Report of the criminal cases is awaited from the State Government. |
| (30) Murder | 18-2-79 | Dhami Village<br>Sunder Pahari<br>P.S. of Santhal<br>Parganas District | Two tribals and one non-tribal were found murdered. The cause of murder was altercation between the Santhals and the local money-lenders regarding high rate of interest charged by the Mahajans. The accused were arrested and four persons were found guilty. The amount of Rs. 2,000 towards monetary relief has been paid to the wife of deceased tribals. Two injured persons have each been paid an amount of Rs. 500.                                                                                                                                                          | Victim ST                               | — | —                                                                                           | —                                                                  |
| (31) Murder | 3-3-79  | Pachowa Village<br>of Siwan District                                   | Shri Babu Lal Manjhi, a Harijan was shot on 3-3-1979 by a Caste Hindu who died instantaneously. The matter was enquired by the Dy. S.P. on 7-3-79 and by the S.P. on 8-3-79. A case was registered U/S 147/148/149/302 IPC and U/S 27 Arms Act.                                                                                                                                                                                                                                                                                                                                       | Victim SC,<br>Accused<br>Caste Hindu    | — | Certain observations have been made by the Commission to which reply is yet to be received. |                                                                    |
| (32) Murder | 11-3-79 | Panchkharvi in<br>Siwan District                                       | Shri Ram Vilas Paswan, Ex. MP mentioned in the Lok Sabha on 23-7-79 that on 11-3-79 a Harijan, Shri Radha Kant Dhobi had died two days after beaten by the police.                                                                                                                                                                                                                                                                                                                                                                                                                    | Victim SC,<br>Accused<br>Police         | — | Detailed reports is yet to be received.                                                     |                                                                    |
| (33) Murder | 17-3-79 | Patna                                                                  | Three Harijans were allegedly beaten by a Police Officer in Patna on 17-3-79. One of them died subsequently.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Victim SC,<br>Accused<br>Police Officer | — | Detailed report is yet to be received.                                                      |                                                                    |

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| (34) Murder   | 29-3-79  | Village Khaje Etwar, Sarai P.S., District Nalanda | Kumari Sanju Kumari, a 11 year old Harijan girl was killed by Indra Deo Prasad, a Caste Hindu. The dispute was on account of fishing between Harijan and Caste Hindus. Representation dated 6-4-79 from Nalanda District Harijan Sevak Sangh.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Victim SC                                 | — | Reply from State Government is awaited.                                                                                                                                                                                              |   |
| (35) Violence | Sep. '78 | Chatra Block, Distt. Hazaribagh                   | It was alleged in the Indian Nation dated 12-9-78 that Shri Dhaman Raj, B.D.O. committed atrocity on a Harijan Karmachari. He was suspended for 4½ months, but was subsequently reinstated. The report is silent about the punishment given to the B.D.O.                                                                                                                                                                                                                                                                                                                                                                                                                                       | —                                         | — | The State Government have been asked to inform the punishment awarded to B.D.O. and their reply is awaited.                                                                                                                          |   |
| (36) Violence | 15-11-78 | Bajitpur, District Begusarai                      | It was alleged in the Times of India dated 27-11-78 that the entire village of Bajitpur of 162 families was subjected to a day long reign of terror resulting in the death of a person, plunder and destruction of houses by about 400 armed musclemen employed by a local landlord, Shri Durga Prasad Singh. Total number of accused persons was reported to be 49, out of which 13 have been arrested and 20 have surrendered in Court. The cause of the incident is due to long standing land dispute and harvesting of crops. Armed force under two Magistrate have been registered and investigation is in progress. Clothes and financial aid have been granted to the affected families. | Victim SCs, Accused Caste Hindu landlords | — | All the families have been given financial assistance of Rs. 59,000 from the Chief Minister's relief fund and Rs. 5,000 from District Administration. The cases have been instituted in the court of Judicial Magistrate, Begusarai. |   |
| (37) Violence | 26-11-78 | Amami village of Khagaria District                | Almost all the members of 12 Harijan families of village Amami Chouthan Police Station were brutally beaten up and all their belongings were looted away by gang of 200 armed persons.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Victim SCs                                | — | Final report is yet to be received from the Government of Bihar.                                                                                                                                                                     |   |
| (38) Violence | Nov. '78 | Danapur P.S. of Patna District                    | It was alleged in the Indian Nation dated 17-11-78 that two Harijan women were beaten up and the accused were arrested and produced before the Magistrate who released them on bail. The case was instituted U/S 147/448/323 IPC and is sub judice.                                                                                                                                                                                                                                                                                                                                                                                                                                             | Victims SC                                | — | —                                                                                                                                                                                                                                    | — |



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| (39) Violence | 10-12-78            | Interior of Arki Block, Ranchi District               | The CRPF opened fire on the violent mob of Adivasis in the interior of Arki Block. The reason was mentioned in the press clipping as felling of forest trees. Two Adivasis were injured in firing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Victims Adivasis, Accused CRPF          | — | Final report is yet to be received from the State Government of Bihar.                                                                                                                                                            | — |
| (40) Violence | 8-2-79              | Azamnagar Village, Thakarganj P.S. of Purnia District | Two Harijan women were seriously injured on 8-2-79 due to the attack of a group armed men. The attack was due to dispute over land. The victims were provided medical facilities and one person was arrested.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Victim SCs, Accused Group of armed men. | — | Detailed report is yet to be received from the Government of Bihar.                                                                                                                                                               | — |
| (41) Violence | 5-3-78              | Rajapur Manipura, P.S. Kotwal, Patna                  | Shri Ganesh Rajak has alleged that he has been assaulted by Sardar Bhagat Singh over a petty quarrel. He had taken Rs. 1,000 from the victim assuring him some employment but the money was neither returned nor employment provided. A case was registered on 5-3-78. (Representation dated nil received in the Commission on 5-3-79).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Victim Dhobi, Accused Caste Hindus      | — | Reply awaited from the State Government.                                                                                                                                                                                          | — |
| (42) Violence | 17-3-79 and 18-3-79 | Saraiketa Village of Santhal Parganas District        | It is alleged that on 18-3-79 the Brahmins looted the house of Santhals. The CRP men alongwith Brahmins beat the Santhals and Mahadeo Murmu was alleged to have been shot dead in the police firing. On 17-3-79 rice, paddy, cattle, utensils and grains were looted by Brahmins. The incident took place on account of dispute on 3 bighas. Women were wounded in the police firing. Other reasons for this gruesome incident are non-payment of minimum wages as prescribed by the Government and inhuman treatment of Santhals by the Brahmins. No case of looting and arson of the Santhals has been registered by the police. Four Santhal women had alleged that they have been raped by the Brahmins of Pakaria village. The relief provided by the Government include 46 pieces of Dhoties, 48 Sarees, 120 pairs of clothes for children and 8½ quintals of flour etc. | Victims Santhals, Accused Brahmins      | — | The Commission recommended that a case should be instituted and suitably investigated by an independent agency. It is also recommended that suitable action may be taken against the defaulting staff for not registering a case. | — |

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| (43) Violence | 19-3-79 | Village Kerwar of Santhal Parganas District        | It was alleged in the 'Indian Express' dated 10-4-79 and other newspapers that atrocities on Scheduled Castes and Scheduled Tribes in Santhal Parganas and particularly in Godda Sub-Division are perpetrated by the local mahajans in collusion with the police. Bhagwan Soren and Mungal Soren of village Kerwar were alleged to have been beaten by the CRP men numbering 200 persons. Cattle, Rice, Pulses etc. were alleged to have been looted by them. On 23-3-79 they looted the village Jagatpur. On 19-3-79 the policemen beat the villagers and looted the property of Pathadas and Bisaha village.    | Victim ST, Accused Caste Hindus     | — | The spot enquiry was conducted by the Deputy Director from headquarters of the Commission and report submitted to State Government for action.                                                                                                                                                                                                                                                                                                                                                                                                  | — |
| (44) Violence | 20-3-79 | Village Abhaipur, P.S. Suryagarh, District Monghyr | Smt. Manikya Devi, SC has alleged that she was beaten by some Caste Hindus while she was going to the agricultural field.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Victim SC, Accused Caste Hindu      | — | Reply awaited from State Government since 18-4-79.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | — |
| (45) Violence | —       | Khelai area of Ranchi District                     | The General Secretary S.C.&S.T. Trade Union Congress informed the Commission that anti-social elements and notorious goondas attempted to murder Shri Lakhan Ram, President of Harijan Adivasi Kalyan Samiti. He was seriously injured and was admitted in Sadar Hospital, Ranchi.                                                                                                                                                                                                                                                                                                                                | —                                   | — | The report from the Collector, Ranchi is still awaited.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | — |
| (46) Rape     | 14-8-78 | Bauka Village of Katihar District                  | Kum. Maiku Soren, a tribal of village Bauka of Katihar District was allegedly raped by two persons. The same day case No. 36 was registered in P.S. Katihar U/S 376/342/34 I.P.C. The two alleged accused persons were charge sheeted after enquiry. After the incident the girl was sent up for medical examination. The lady doctor of the Government hospital has been suspended for it was learnt by the Civil Surgeon that she had given a false report stating that there is no evidence of rape. The State Government of Bihar had, informed that the Commissioner, Kosi Division also held an enquiry and | Victim ST, Accused Backward Classes | — | The rape case is still pending in the court. The Commission sought information on the under-mentioned points from the State Government, Bihar.<br>1. Whether it is a fact that proper medical treatment was not given to the victim by the authorities concerned.<br>2. The grounds on which the Divisional Commissioner has given the opinion that the death of the girl was not caused by the STD resulting from the rape but could have died due to her ill health. Reply of the State Government on the above points is yet to be received. | — |

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|           |             |                                                         | according to him the death of the girl did not occur due to any disease caused by rape but it could have occurred due to her ill health. The girl died about 3½ months after the date of the rape. the guardian of the deceased girl has been given Rs. 5,000 towards financial relief.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                          |   | 3. The State Government have also been asked to state whether any post mortem of the deceased was done. |   |
| (47) Rape | 30-11-78    | Vaugpur Village, Eknagar Sarai P.S. of Nalanda District | A 12 year old SC girl was raped on 30-11-78 by a landlord. The victim party went to the police station Eknagar but the police did not register the case.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Victim SC, Accused Mahto                 | — | Detailed report is yet to be received.                                                                  | — |
| (48) Rape | 17/18-12-78 | Bedhia Village, Pathargamma P.S. of Santhal Parganas    | It has been alleged in Indian Express dated 10-4-79 that number of tribal women have been raped by the C.R.P. men on 17/18-12-78. The local officers have denied the allegations. The victims were not sent for medical examination. They also did not go to the hospital due to police fear and for self respect.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Victim SC, Accused Mahto                 | — | Detailed report is yet to be received.                                                                  | — |
| (49) Rape | 11-1-79     | Kolhaiya Panchayat, Chhatra P.S. of Hazaribagh Distt.   | Smt. Dasmi Devi W/o Shri Biswa Munda, resident of Bhang Kurmutta of Kolhaiya Panchayat who was returning from Rajpur to her house on 11-1-79 was raped by 3 Caste Hindu boys.<br><br>On 17-1-79 a case under section 376 IPC was instituted in Chhatra P.S. The investigation is in progress and the S.D.P.O. and S.D.O. have directed the Officer-in-charge to ensure the arrest of the accused persons. All the 3 accused have been arrested and charge sheet has been submitted against the 3 accused U/S 376/201 IPC. The Chaukidar of the village Shri Tokman Dursadh has been asked to explain against dismissal for his failure to perform his duty in taking the victim to the P.S. on 12-1-79. He has since been suspended. It is stated that the victim lady could not be examined by a Medical Officer as she could not be available. | Victim ST, Accused Mahto landlord's sons | — | —                                                                                                       | — |

| 1          | 2       | 3                                                       | 4                                                                                                                                                                                                                                                                                                         | 5                                                     | 6 | 7                                                                                                                                                                                                                                                    | 8 |
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| (50) Rape  | 22-2-79 | Village Gulab Bagh P.S., Sadar, District Purnea         | Smt. Manvi Devi a S.C. woman was molested by policemen and the other caste people on 22-2-79. A criminal case No. 190 C.A.-79 was presented in the Court of the Judicial Magistrate, Purnea.                                                                                                              | Victim SC<br>Accused Caste Hindu                      | — | Comments of the State Government awaited since 7-4-79.                                                                                                                                                                                               | — |
| (51) Rape  | —       | Kukerthopa Village, Jama P.S., Santhal Pargana District | Shri Madan Baseram, M.L.A. has represented that atrocities are being committed by the police on tribals of Santhal Parganas. The C.R.P. in collusion with the local Mahajans started harassing and beating the innocent tribals. The tribal women were raped molested in Kukerthopa village.              | Victim ST<br>Accused Police                           | — | The State Government was requested to furnish a detailed report on the incident and the same is awaited.                                                                                                                                             | — |
| (52) Rape  | —       | Patna District                                          | The General Secretary of Bihar Pradesh Yuva Congress (I), Patna in his representation has alleged that a rape was committed on an Adivasi girl by an officer of the Industries Department.                                                                                                                | Victim ST<br>Accused Officer of Industries Department | — | The matter was taken up with the State Government and report is still awaited.                                                                                                                                                                       | — |
| (53) Rape  | —       | Nahota Village of Rohtas District                       | The wife and daughter-in-law of Shri Ram Rup Oraon have complained that they were raped by the Baban Pandey and his men. The case was registered U/S 395/376.<br>Source: Press report in 'Indian Nation' dated 21-3-79.                                                                                   | Victim ST<br>Accused Caste Hindus                     | — | The Incharge of the Police Thana has been suspended for not taking prompt action on the report given by the village Chowkidar, about the incident. The enquiry has been entrusted to the Police Inspector of Dihri Anchal and his report is awaited. | — |
| (54) Arson | 1-1-79  | Mahuli Village, Barh P.S. of Patna District             | A violent mob of nearly two dozen men attacked Harijan tola of Mahuli village and set houses on fire reducing at least two of them to ashes. This was the result of the dispute between landlords and Harijans over fisheries right on a public tank. The landlords chased the Harijans and shot at them. | Victim SC<br>Accused Landlords                        | — | Detailed report is yet to be received from the Government of Bihar.                                                                                                                                                                                  | — |
| (55) Arson | 18-2-79 | Pahadi Village of Hazaribagh District                   | Shri Mathu Dusad a Scheduled Caste person was severely beaten by a money-lender on 18-2-1979 and his house was set on fire due to land dispute. A case has been registered in Police Thana Gaya.                                                                                                          | Victim SC<br>Accused Mahajan                          | — | Detailed report is yet to be received.                                                                                                                                                                                                               | — |

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| (56) Arson  | 17-3-79  | Majhi Tola Village, Pathargama P.S., District Santhal Pargana | It is alleged that on 17-3-79 the Brahmins went with pistols and other lethal weapons and set the houses of Harijans on fire. 16 houses of the Harijans were gutted in fire. Shri Ravi Das had filed a case against 3 Brahmins on 5-3-79 for a piece of land of 5 Bighas which belong to him and his kinsme. No case of burning of Harijan houses was registered. As against a loss of Rs. 14,300 sustained by the Harijans the relief measures provided by the District Administration to the victims were to the tune of Rs. 5,330 as cash for construction of houses. 35 Pieces of Dhoti, 40 Saris and 20 pairs of clothes for children & 2 quintals of flour were also provided to the victims. The local officers stated that the cause of arson could not be established by them for which the case could not be registered. | Victim Harijans<br>Accused Brahmins          | — | The Commission recommended that a criminal case should be instituted and the matter should be duly investigated by an independent agency. | — |
| (57) Others | 26-11-78 | Village Ghailesten, Bardhara Kothi P.S. of Purnea District    | Shri Majhia Mahji, a ST in a representation dated 7-12-78 has alleged that Shri Shyam Lal, Kishore Mandal and his followers have looted his crops, animals and beaten him, when he refused to sign a stamped paper brought by Shri Mandal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Victim Santhal (S.T.)<br>Accused Caste Hindu | — | The report from the District Magistrate, Purnea is awaited.                                                                               | — |
| (58) Others | 21-12-78 | Dhanbad Town                                                  | Shri Pochu Das has stated that his son Shri Baleswar Das has been kidnapped by some Caste Hindus as they did not want that a Harijan boy should pursue studies at College level. (received on 2-1-1979 from Shri Pochu Das.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Victim SC<br>Accused Caste Hindus            | — | Comments of the State Government are awaited.                                                                                             | — |
| (59) Others | 27-12-78 | Village Boi Chaudhary, District Saharsa                       | Shri Lakhan Paswan in his representation has alleged about forcible harvesting of his crop, taking away of animals and setting his house on fire by the Yadavas of his village. He reported the matter to the police station but no protection was given and no arrests were made.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Victim SC<br>Accused Yadavas                 | — | The matter was taken up with the District Magistrate, Saharsa and his report in the matter is awaited.                                    | — |

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| (60) Others | 18-1-79   | Village Phalgumushari, P.S. Nawada, District Nawada         | Jugul Majhi has stated that his house was set on fire by some Yadava persons because he did not allow these persons to molest his sister Kari Devi.<br>(Source : Representation dated 19-1-1979 from Jugul Majhi).                                                                                                                                                                                                                                                                                                                                                                                                  | Victim Majhi<br>Accused Yadav            | — | Reply from the State Government is awaited.                                   | — |
| (61) Others | 25-3-79   | Village Kukraha, P.S. Sangrampur, District Monghyr          | Shri Uchit Das and 13 others have alleged that Caste Hindus were terrorising Scheduled Caste by committing dacoity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Victim SC<br>Accused Caste Hindus        | — | Comments of the State Government are awaited.                                 | — |
| (62) Others | 27-3-79   | Village Sahwajpur, P.S. Punpun, District Patna              | Shri Ramdayal has allegedly taken possession of the land of Shri Hiranand Paswan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Victim SC<br>Accused Yadav               | — | Comments of the State Government are awaited.                                 | — |
| (63) Others | March '79 | Saraiketa Pathargama Block                                  | It was reported in the Indian Express dated 10-4-79 that the Santhals of Saraiketa village have been looted. The Santhals of this village had fled from their houses out of fear of the police and they stayed in open fields.                                                                                                                                                                                                                                                                                                                                                                                      | —                                        | — | The report is awaited from the State Government.                              | — |
| (64) Others | —         | Village Karma Jhumariya, District Kodarma, P.S. Hazaribagh. | Shri Kali Chamar has alleged in his representation that one Shri Quadir Miyan harvested his crops and on intervention he, his wife and his children were beaten up. There was dispute over a piece of land. The case has been registered U/S 107, 144. The decree was given against Quadir.                                                                                                                                                                                                                                                                                                                         | Victim SC<br>Accused Muslims             | — | The report in the matter is awaited from the District Magistrate, Hazaribagh. | — |
| (65) Others | —         | Singhbhum District                                          | It was alleged in some of the press report that atrocities have been committed on SC/ST in Singhbhum District. The Commission deputed one of its Deputy Directors for spot study. Shri Barla Babanja of Ronjo village was kept in jail for two months by the police. Domo Sundi of the same village was arrested by the police and kept in jail for two months. The police also entered the place of worship of the Sundis without permission. The root cause of the problem appears to be the agitation by tribal people against the activities of the Forest Development Corporation and their alleged cutting of | Victims SC/ST<br>Accused Forest Officers | — | The report is awaited from the State Government.                              | — |

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|               |          |                                                  | teak trees by the tribals. Secondly non-payment of stipulated wages is also one of the causes. The tribals also complained that excess toll tax was being collected from them by the lessees.                                                                                                |                         |                                                                                                                                                                                                                                               |                                                                                                                   |                                                                       |
| HARYANA       |          |                                                  |                                                                                                                                                                                                                                                                                              |                         |                                                                                                                                                                                                                                               |                                                                                                                   |                                                                       |
| (66) Murder   | 21-8-78  | Village Morekheri, District Rohtak               | Sammei and his wife (Harijans) were shot dead and six Harijans were injured by Udey Jat of the same village. The dispute occurred due to long standing litigation over residential plots.<br>(Source: Report sent by the Deputy Director, Chandigarh, dated 18-1-1979).                      | SCs Vs. Jat             | <i>Ex gratia</i> grant of Rs. 5,000 to each of the deceased families and Rs. 1,000 to each of the injured was provided by the State Government. District Red Cross Society, Rohtak gave Rs. 500 to each affected family for food, ration etc. | All the 3 accused had been arrested on 24-8-78. The case has been registered U/S 302/307/27/34/54/59 of Arms Act. | —                                                                     |
| (67) Murder   | 6-11-78  | Village Kail, Tah. Jagadhri, District Ambala     | Shri Ram Sarup Chamar has stated that his father was murdered on account of allotment of surplus land in his favour.<br>(Source: Representation dated 5-1-79 from Shri Ram Sarup, son of the victim).                                                                                        | —                       | —                                                                                                                                                                                                                                             | The case is under investigation.                                                                                  | —                                                                     |
| (68) Violence | 8-12-78  | Village Balai, P.O. Amarpur, District Gurgaon    | Ram Singh Sarpanch assaulted Shibboo S/o Seemera Harijan on account of old enmity. The Sarpanch felt jealous of improving conditions of Scheduled Castes in the village. A case has been registered U/S 323 IPC.<br>(Source: All India Harijans Welfare Association, Delhi, dated 1-1-1979). | Balmiki Vs. Caste Hindu | —                                                                                                                                                                                                                                             | —                                                                                                                 | The case should have been registered U/S 307 IPC and not U/S 323 IPC. |
| (69) Others   | 18-10-78 | Village Bhulwana, Tahsil Hodal, District Gurgaon | Sarpanch Sohan Pal and Tundal Panch and others attacked the Harijan locality and destroyed houses and chaupal due to dispute over land.<br>(Representation dated 2-12-1978 from Shri Parshadi Lal, Harijan Panch and others, Gurgaon).                                                       | SC Vs. Jats             | —                                                                                                                                                                                                                                             | The case has been registered U/S 145 IPC and action has been taken U/S 107/151 Cr. P.C. The case is in the court. | —                                                                     |



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| KARNATAKA      |          |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |           |                                                                                                                                          |                                                                                                                                                                                                                                                                                    |
| (70) Murder    | 5-12-78  | White-field near Bangalore<br>Karnataka State      | According to a press-news (Deccan Herald, dated 8-12-78) two Harijan girls employed in the Mysore Tobacco Company committed suicide by jumping before the running Brindavan Express. Their suicide was allegedly on account of a quarrel in the factory. Both the girls were unmarried but the post-mortem report revealed that they were pregnant. The Deputy Director, Madras office enquired into the matter and according to him it was not a case of pre-planned suicide. | —                | —         | —                                                                                                                                        | The Commission have requested the Government of Karnataka to investigate the reasons of the suicide of the two Harijan girls again and to intimate if any ex-gratia payment was made by the State Government to the deceased girls. Replies from the State Government are awaited. |
| (71) Violence  | 23-7-78  | Nagappanapalya, Banaswadi PS of Bangalore District | According to a news-report (Deccan Herald, dated 26-7-79) five persons allegedly entered into the house of Smt. Muniyamma, a Harijan woman, assaulted her, abused in foul language, and snatched away a gold chain worth Rs. 2000 from her. The police have seized the gold chain and arrested the accused persons.                                                                                                                                                            | —                | Not known | —                                                                                                                                        | The Chief Secretary to the Government of Karnataka has been requested for details of the incident.                                                                                                                                                                                 |
| KERALA         |          |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |           |                                                                                                                                          |                                                                                                                                                                                                                                                                                    |
| (72) Arson     | 25-12-78 | Chalakkudi Village, District Trichur.              | It was alleged in the Times of India dated 26-12-78 that 24 houses belonging to Harijans and Adivasis in Kannenkuzhi colony were set on fire and destroyed. The reason was group rivalry regarding contract labour in the nearby plantation.                                                                                                                                                                                                                                   | SC/ST Vs. Others | —         | The report on the incident is still awaited from the State Government.                                                                   | —                                                                                                                                                                                                                                                                                  |
| MADHYA PRADESH |          |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |           |                                                                                                                                          |                                                                                                                                                                                                                                                                                    |
| (73) Rape      | 6-3-79   | Rewa town of Rewa District                         | Five persons kidnapped a Harijan girl named Ratia, aged 15 years from Rewa town to a distance of $\frac{1}{2}$ km. and raped her on the river side. (Indian Express dated 10-3-1979).                                                                                                                                                                                                                                                                                          | —                | —         | Report of the District Magistrate, Rewa has been received. Case U/S 363/366/368/376 IPC has been registered against the accused persons. | —                                                                                                                                                                                                                                                                                  |

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| (74) Others   | 15-10-78  | Bithalnagar (Madiya), Sagar District                     | Shri Haragovind was assaulted by the policemen of Sagar for his refusal to give false evidence on the murder of a Napali. (Representation dated 22-11-1978).                                                                                                                                                                                                            | —                          | — | Report awaited from the District Collector.                                                                                                                                          | — |
| (75) Others   | 20-12-78  | Ramnagar Village, Datia Tahsil of Datia District         | On 20-12-78 five caste Hindus of the village destroyed the crops grown on the field of Smt. Rajkumari, wife of Punna Lal, a Kori (SC). Failing to grab the land owned by her, the accused persons set fire to the standing crops. (Representation dated 22-12-1978).                                                                                                    | Kori (SC) Vs. Caste Hindus | — | Report received from the Supdt. of Police, Datia reporting that a compromise has been made between the accused persons and the victim.                                               | — |
| (76) Others   | Not known | Jamna Village, Bhind District                            | Matadin Jatav represented that since he was a candidate for the village Sarpanch during 1978 election, the caste Hindus headed by Thakur Muktial Singh looted bajra crop of his father before Deepavali. He reported the matter to the P.S. but since no action was taken by the police, the caste Hindus again ruined his wheat crop. (Representation dated 7-2-1979). | Jatav (SC) Vs. Thakur      | — | Replies awaited from District Collector, Bhind.                                                                                                                                      | — |
| (77) Others   | 21-3-79   | Parvatola Village, P.S. Bodia, District Rajnandgaon      | One Shri Gita Ram and his father were beaten by 5 Muslims of Parvatola village for the alleged plucking of tamarind from the trees owned by the Muslims. (Representation dated 9-4-1979).                                                                                                                                                                               | SC Vs. Muslims             | — | Report awaited from the District Collector.                                                                                                                                          | — |
| MAHARASHTRA   |           |                                                          |                                                                                                                                                                                                                                                                                                                                                                         |                            |   |                                                                                                                                                                                      |   |
| (78) Violence | 11-3-79   | Kutwal Village, Shirol Tahsil of Kolhapur District       | The Gram Panchayat Kutwal, Tahsil Shirol, in a representation dated 31-3-1979 has alleged regarding assault on Shri Mahadev Tara Kamble, a Harijan member. The cause of dispute is over his being elected to Panchayat as Harijan member.                                                                                                                               | —                          | — | Detailed report is awaited from the State Government.                                                                                                                                | — |
| ORISSA        |           |                                                          |                                                                                                                                                                                                                                                                                                                                                                         |                            |   |                                                                                                                                                                                      |   |
| (79) Murder   | 12-11-78  | J.K. Paper Mills Colony, Rayagada P.S., Koraput District | An unmarried Harijan girl named Gauri working in the house of a Supervisor of the J.K. Paper Mills, Rayagada was found hanging in the house of the Supervisor. On 11-11-78 she is reported to have complained before her                                                                                                                                                | Not known                  | — | Two cases U/S 354 IPC were registered in Chandili Outpost and Rayagada Police Station. Subsequently the Dy. S.P., Crime Branch, Cuttack investigated and the cases were proved to be | — |

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|               |              |                                                                  | <p>relatives that a friend of the Supervisor, who was a bachelor and was taking food in his house and working in the same Paper Mill, attempted to rape her forcibly. Since the suicide occurred on 12-11-78 her relatives suspected that the case was not of simple suicide. It was further known that the deceased was pregnant.</p> |                         |   | <p>suicidal hanging. The Commission have recommended to the State Government that the matter may be confidentially enquired into by the Intelligence Branch of the State Government.</p>                                                                                                                         |   |
| (80) Murder   | 20-11-78     | Manijanga Village in Nimapara P.S. of Puri District              | <p>According to a representation received in the Bhubaneswar office on 6-12-78, one Shri Gola Bhoi stated that he was assaulted by some caste Hindus of the village and his old mother was pushed down. She fell down and died.</p>                                                                                                    | Bhoi (SC) Vs. Khandayat | — | <p>The enquiry report submitted by the Collector, Puri indicates that the charges were false and the Harijan was instigated by a rival group of caste Hindus of the same village for filing this case. The viscera of the deceased has been sent for chemical analysis and the report is awaited.</p>            | — |
| (81) Murder   | January 1979 | Narola P.S. of Kalahandi District                                | <p>It was alleged that 200 Adivasi girls in Narola P.S. were raped and one of the victims died during January, 1979. The Government of Orissa reported that the news appearing in the local news-papers was false and only one Adivasi was reportedly raped.</p> <p>(A.B. Patrika, dated 25-3-79 from Bhubaneswar Office.)</p>         | ST Vs. Forest Officials | — | <p>According to the report of the Government of Orissa the matter has been entrusted to the State Crime Branch for investigation. The details are awaited.</p>                                                                                                                                                   | — |
| (82) Violence | June 1978    | Dando Village, Kisannagar PS; District Cuttack                   | <p>Shri Sukhdev Bhoi, a SC of village Dando, P.S. Kisannagar has alleged that his wife Janka Dei was assaulted by one Shri Krishna Behera of the same place.</p>                                                                                                                                                                       | SC                      | — | <p>The enquiry was conducted by S.P. Cuttack and his report reveals that case under section 447/294/323 IPC could be registered and in-charge of the Police Thana did not take any action. Further details are awaited.</p>                                                                                      | — |
| (83) Violence | 12-2-79      | Chandrabhanpur Village, Bhandari Pokhari PS of Balasore district | <p>It was alleged that one Pana (SC) Shri Basant Kumar Jena was beaten mercilessly by two caste Hindus taking him to be a thief. (News of the 'World', dated 2-3-1979.)</p>                                                                                                                                                            | SC Vs. Caste Hindus     | — | <p>The Supdt. of Police, Balasore has informed that the accused persons were arrested on 16-2-79 and the case is under investigation. The spot enquiry into the case was conducted by the Dy. Director for SC/ST, Bhubaneswar and his report reveals that there is sufficient evidence to place charge-sheet</p> | — |

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|               |           |                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                    |   | U/S 342/324 IPC against the accused persons. Addl. District Magistrate, Balasore informed the State Government that a charge-sheet has been submitted U/S 324/348/330 and 323 IPC.                                                                    |   |
| (84) Violence | 16-2-79   | Sabhamula Village, Jagatsinghpur P.S. of Cuttack District     | Shri Bansidar Sethi (SC) has alleged that Shri Kartik Mudali and his associates of Jankoti village (caste Hindus) stripped Shri Natabar Bhoi (SC) naked and had beaten him mercilessly and snatched away Rs. 300 from him. Shri Bansidhar Sethi was also beaten by the said caste Hindus. In spite of several complaints no action has been taken against the culprits.                                                                      | SC Vs. High Caste                  | — | A report is still awaited from the District Authorities.                                                                                                                                                                                              | — |
| (85) Rape     | 5-8-78    | Nahatutha Village, Bhanjagar P.S. in Ganjam District          | A Harijan girl was kidnapped on 5-8-78 and confined by one Shri Tukulu Das of Bhanjagar (Press news dated 16-5-1978).                                                                                                                                                                                                                                                                                                                        | Not known                          | — | The case has been investigated by the local police treating it as a special report. The victim girl was medically examined. Case has been registered U/S 342/355/376 IPC and is subjudice.                                                            | — |
| (86) Others   | Not known | Jalarpurnadikul, P.S. Govindpur, District Cuttack             | Shri Bisi Sethi, a Harijan alleged that he was fined Rs. 500 by two Khandayats (Caste Hindus) of the village for taking meals along with the caste Hindus in a community lunch arranged by the Block Development Officer. For his inability to pay the fine, the accused assaulted him, his son and other family members. He is alleged to have been prevented from his lands grown by him. (Representation received in Bhubaneswar Office). | Dhoba Vs. Khandayat                | — | The enquiry report received from the Dy. S.P., Cuttack confirm that the petitioner has been assaulted by the Khandayat. No action has been taken against the accused as nobody from the village came forward to give witness against him out of fear. | — |
| TAMIL NADU    |           |                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                    |   |                                                                                                                                                                                                                                                       |   |
| (87) Murder   | 18-9-78   | Soorangodi Village, Villathikulan Taluk, District Tirunelveli | Muniandi, a Harijan was murdered because his son had beaten a caste Hindu girl. This had led to communal disharmony for some-time past. (Source : Report from Deputy Director, Madras dated 20-12-1978).                                                                                                                                                                                                                                     | Harijan Vs. Caste Hindus (Thevars) | — | Case No. 207/38 was registered U/S 148/302 IPC, Arrests have been made. In this case one of the accused was convicted to life imprisonment, one to RI for one year and 3 persons were acquitted.                                                      | — |

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|---------------|----------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (88) Murder   | 20-12-78 | Nallipalayam village, Tiruchengode P.S. Salam District                                | A Harijan girl died under mysterious circumstances. She was beaten by her landlord for drinking water from an earthen pot in the house of the landlord, but the death was confirmed to be due to suicide after <i>post mortem</i> . (Press news)                                                                                                                       | SC Vs. Gounder           | No relief is provided by the Govt. of Tamil Nadu. Replies awaited from the Govt. of Tamil Nadu. | Report of the State Govt. has been received. The criminal case has been dropped as the case was confirmed to be a suicide case. A case was registered U/s 174 Cr. P.C. & U/s 7(i)(d) of the PCR Act. The case is <i>sub judice</i> . | The Commission have recommended to the State Govt. that (i) The case may be confidentially enquired into by the Intelligence Branch. (ii) To pay a compensation of at least Rs. 5,000 to the family of deceased girl as decided by the local Panchayats. (iii) To expedite disposal of the case U/s 7(i) (d) of the PCR Act. |
| (89) Violence | 16-10-78 | Vadakhupudur Colony and Vadamanipakkam of Madurantakam Taluk of Chingelpattu District | The cattle of two Gounders grazed the crops of the Harijans, and when questioned the caste Hindus assaulted 3 men and 5 women (all SCs) (Quarterly report on atrocities of Madras Office).                                                                                                                                                                             | SCs Vs. Gounders         | —                                                                                               | Three cases U/s 147/324/341 and 323 IPC and U/s 147/241/448/427/423 IPC have been registered out of which two are registered against the Gounders.                                                                                   | —                                                                                                                                                                                                                                                                                                                            |
| (90) Violence | 11-3-79  | Village Velagoundan Palayam, Tehsil Dharapuram, District Coimbatore                   | In a clash between SCs and Caste Hindus about 38 caste Hindus attacked the Harijans for selling village waste to a person of Vellakoil. Their huts were damaged and four Harijans received simple injuries. (Source : Indian Express dated 13-3-1979).                                                                                                                 | —                        | —                                                                                               | Case has been registered and 7 persons were arrested. The District Collector has reported that a case U/s 147/427/452/323 was registered and 7 accused persons were arrested. The case is under investigation.                       | —                                                                                                                                                                                                                                                                                                                            |
| (91) Arson    | 12-2-79  | Aviur Village, Villipuram Taluk of South Arcot District                               | A group of caste Hindus belonging to Sanimedu village entered the Harijan Colony of village Aviur, damaged the household articles and assaulted them. They set on fire to two houses of Harijans. The dispute took place on account of cutting of trees in the Channel bund. During exchange of brickbats 18 Harijans were injured. (Source : New Age dated 4-3-1979). | Harijan Vs. Caste Hindus | —                                                                                               | The State Government have informed that case has been registered and arrests have been made.                                                                                                                                         | —                                                                                                                                                                                                                                                                                                                            |

| 1                    | 2        | 3                                                                      | 4                                                                                                                                                                                                                                                                | 5                                 | 6                                                                                | 7                                                                                                                                                                    | 8 |
|----------------------|----------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| <b>UTTAR PRADESH</b> |          |                                                                        |                                                                                                                                                                                                                                                                  |                                   |                                                                                  |                                                                                                                                                                      |   |
| (92) Murder          | 6-11-78  | Barabanki P.S.<br>Barabanki<br>District                                | A Scheduled Caste youth was killed by Caste Hindus over settlement of accounts after gambling. (The Times of India dated 2-12-78).                                                                                                                               | Victim SC<br>Accused not known    | —                                                                                | Case has been registered U/s 302 IPC and Challan has been put up on 5-1-79.                                                                                          | — |
| (93) Murder          | 11-12-78 | Aligarh<br>(Jaiganj)                                                   | Shri Nanak Chand Balmiki was murdered by Damber and Vinod (Ahirs) because he had taken to cycle business. Caste prejudice led to this murder. (Representation dated 30-12-78).                                                                                   | Balmiki Vs. Ahirs                 | —                                                                                | Reply is awaited from the State Government.                                                                                                                          | — |
| (94) Murder          | 24-12-78 | Khanpur village,<br>Nai Mandi P.S.<br>Muzaffarnagar<br>District        | Shri Om Prakash, working as labourer for gram Pradhan of the village Khanpur was murdered by the Gram Pradhan and his family over petty quarrel. (Representation dated 3-1-1979 from Shri Mangal Das, father of victim).                                         | Victim SC<br>Accused not known    | —                                                                                | Reply is awaited from the State Government since 31-1-79.                                                                                                            | — |
| (95) Murder          | 3-1-79   | Village Mushikra,<br>Lalgang P.S.,<br>District<br>Mirzapur             | It has been alleged that Mangru Ram Kol, S/o Mahadeo Kol of Republican Party of India has been murdered on account of old rivalry. (Representation dated 11-1-79 from Shri Bhuddh, President, District Republican Party, Mirzapur).                              | Victim SC<br>Accused not known    | —                                                                                | Case has been registered U/s 302 IPC and the challan was put up in the court on 24-1-79.                                                                             | — |
| (96) Murder          | 10-1-79  | Gujani Village,<br>Marka P.S. of<br>Banda District                     | Three persons including 2 Harijans were killed during clash between two rival groups. (Patriot dated 12-1-1979).                                                                                                                                                 | Victim SC<br>Accused not known    | —                                                                                | Case has been registered U/s 302.                                                                                                                                    | — |
| (97) Murder          | 13-1-79  | Village Kapsad,<br>P.S. Songhana,<br>Meerut District                   | A Scheduled Caste person was pushed into fodder machine by Caste Hindus and thereafter he died. The dispute resulted from petty quarrel. (Representation dated 19-1-1979).                                                                                       | Victim SC<br>Accused not known    | —                                                                                | Report awaited from the State Government.                                                                                                                            | — |
| (98) Murder          | 31-1-79  | Shahjhanpur<br>G.R.P. Police<br>Station of<br>Sahajahanpur<br>District | Shri Chhotelal, Harijan, Sweeper in the Indian Army was murdered by the Government Railway Police people, when he resisted GRP men from committing rape on his wife. (Source : The Hindustan dated 9-2-79).                                                      | Victim SC<br>Accused not reported | Smt. Muni Devi W/o the victim was given protection in the Shahjhanpur Army Camp. | A case was registered U/s 379/302 IPC. Culprits were arrested. Addl. District Magistrate, Shahjhanpur has reported that the matter is being investigated by the CID. | — |
| (99) Murder          | Jan. 79  | Village Turna,<br>P.S. Kasimpur,<br>Hardoi District                    | Smt. Sonara of village Turna was assaulted and later strangulated to death. Another woman Ram Piyari was found murdered in village Hariyawan. A dispute over landed property is stated to be the motive behind the murder. (The Times of India, dated 9-1-1979). | Victim SC<br>Accused not known    | —                                                                                | Report is awaited from the State Government since 8-2-79.                                                                                                            | — |

| 1              | 2                        | 3                                                                    | 4                                                                                                                                                                                                                                                                                                                     | 5                                             | 6 | 7                                                                                        | 8                                                                                                                                                                                               |
|----------------|--------------------------|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|---|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (100) Murder   | 17-3-79                  | Town Mendu, Hathras Tahsil, Aligarh District                         | Shri Bhup Singh, a Harijan Social Worker was murdered. The complaint was lodged by Shri Anand Pal Singh Organiser of Bedharak Sanghersh Samiti, Aligarh District.                                                                                                                                                     | —                                             | — | The State Government have informed that the enquiry has been entrusted to the C.I.D.     |                                                                                                                                                                                                 |
| (101) Violence | 16-10-78                 | Village Nayagoon, Inayatpur P.S., Garh Mukteshwar District Ghaziabad | Shri Ramphal has alleged that his mother, wife and daughter were beaten up mercilessly by Caste Hindus and Muslims. (Representation dated 3-7-79 from Shri Ramphal).                                                                                                                                                  | Victim Jatav Accused Caste Hindus and Muslims | — | Reply awaited from the State Government.                                                 | —                                                                                                                                                                                               |
| (102) Violence | 16-11-78                 | Village Jarkhor, P.S., Chandai, District Varanasi                    | Shri Mahendra Pratap has alleged that his father and uncle were beaten up by Shri Vijay Bahadur Singh and 12 others following a quarrel over land (Representation dated 27-1-79).                                                                                                                                     | Harijan Vs. Thakur                            | — | Reply awaited from the State Government.                                                 | —                                                                                                                                                                                               |
| (103) Violence | 24-11-78                 | Village Naglaschethu, P.S. Khurja, District Buland-Shahr             | A group of armed men led by Shri Ramchand Jat inflicted knife injuries on Lakhi and other Harijans and looted their property. The quarrel took place over dispute on land. (Representation dated nil from Shri Arjun Singh and others).                                                                               | SC Vs. Jat                                    | — | Reply awaited from the State Government.                                                 | —                                                                                                                                                                                               |
| (104) Violence | 9-3-79                   | Village Sakrauli, Tahsil Hata, District Deoria                       | Shri Nandlal has alleged that a Government doctor and some other persons had mercilessly beaten up his married daughter. The Police Station incharge refused to take down this complaint. When Tahsildar, Hata contacted Dr. P. N. Pandey to give his statement, he refused to do so. (Representation dated 17-3-79). | Pasi Vs. Brahmin                              | — | The matter has been referred to District Magistrate, Deoria.                             | It has been recommended that a criminal case should be registered against Dr. P. N. Pandey and others concerned. The State Government should also consider placing Dr. Pandey under suspension. |
| (105) Violence | 19/20-3-79<br>24/25-3-79 | Village Garhi Harra, P.S. Narkhi, District Agra                      | Shri Vijay Singh has alleged that a few Caste Hindus and Muslims assaulted their women folk and looted clothes and ornaments. (Representation dated 11-4-79 from Shri Vijay Singh, District Agra).                                                                                                                    | Victim Jatav Accused Thakurs Muslims          | — | Two persons (Thakurs) have been arrested. Details are awaited from the State Government. | —                                                                                                                                                                                               |



| 1              | 2        | 3                                                              | 4                                                                                                                                                                                                                                                                                                                                               | 5                                               | 6 | 7                                                                                                                                                                                                                                                                                                   | 8                                                                                                                                                 |
|----------------|----------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| (106) Violence | 25-3-79  | Village Gadgolir-<br>asulpur, District<br>Etah                 | A group of Caste Hindus attacked a Harijan family of Shri Dhanik Ram and looted the crops. (D.O. letter from Shri Balak Ram, Ex. M.P. Lok Sabha).                                                                                                                                                                                               | Victim Harijan<br>Accused Caste Hindus          | — | Reply awaited from the State Government.                                                                                                                                                                                                                                                            | —                                                                                                                                                 |
| (107) Arson    | 19-12-78 | Village Ghud-<br>pura, District<br>Ghazipur                    | 33 Harijan houses were set on fire when 50 to 60 caste Hindus raided their locality. 225 Harijans were rendered homeless. The trouble originated from a classroom when two boys, one of them a Harijan of Shri Mahant Ram Bramhadas Intermediate college quarrelled over a seat in the class room. (The Sunday Standard, Delhi dated 29-12-78). | Victim SC<br>Accused Caste Hindus               | — | 100 Blankets, 100 Saries and 100 sets of Children's garments and a cash relief of Rs. 3,300 have been given by the State Government. 16 arrests have been made and attachment proceeding against some persons wanted in the case have been initiated. Comments of the State Government are awaited. | —                                                                                                                                                 |
| WEST BENGAL    |          |                                                                |                                                                                                                                                                                                                                                                                                                                                 |                                                 |   |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                   |
| (108) Others   | 25-7-78  | No. 7 Tilabani<br>Colliery, P.S.<br>Andal, District<br>Burdwan | Shri Bhim Bali, Secretary Bhartiya Tapashil Mission, Burdwan was attacked by Rafiq Mian and six others for the reasons that the Mission is a social organisation and the followers of Baba Saheb Ambedkar. (Source : Representation dated 10-1-79 from Shri Satya Mandal, General Secretary, Bhartiya Tapashil Mission Calcutta).               | Victim S.C.<br>Accused Caste Hindus and Muslims | — | Case No. 247/78/ U/s 107/116(9) Cr. P.C. has been instituted.                                                                                                                                                                                                                                       | —                                                                                                                                                 |
| (109) Others   | 6-10-78  | Village Satmile,<br>P.S. Kotwali, District Cooch Behar         | Shri Amar Nag and a few others tried to forcibly take possession of the hutment of Panchanan Smriti Bhawan belonging to the S.C. They removed the signboard and kicked it, thereby hurt the sentiments of the Scheduled Castes. (Representation dated 10-11-78 from Shri Prasenjit Barwan, M.P. Rajya Sabha).                                   | —                                               | — | Detailed report is awaited from the State Government since 18-5-79.                                                                                                                                                                                                                                 | The Commission have suggested that the case registered on 30-10-78 U/s 147, 148, 149, 427, 379 IPC should be properly investigated by the Police. |
| DELHI          |          |                                                                |                                                                                                                                                                                                                                                                                                                                                 |                                                 |   |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                   |
| (110) Others   | Feb. '79 | New Delhi                                                      | Shri Chhotelal Dhobi of New Delhi has reported that his wife has been kidnapped by Shri Deshmukh, P.A. to Shri Mohan Jain, M.P. (Source : Representation dated 14-2-79 from Shri Chhotelal, New Delhi).                                                                                                                                         | Victim Dhobi<br>Accused Brahmin                 | — | FIR has been lodged in P.S. Parliament Street New Delhi as case No. 82 on 9-2-79 U/s 366 IPC. Investigation is in progress.                                                                                                                                                                         | —                                                                                                                                                 |

## CHAPTER VII

### CONSTITUTIONAL SAFEGUARDS FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES AMENDMENT TO ARTICLE 334 OF THE CONSTITUTION

The working of some Constitutional safeguards provided for the Scheduled Castes and Scheduled Tribes like the Protection of Civil Rights Act, 1955, reservation for the Scheduled Castes and Scheduled Tribes in services and posts, etc., has been dealt with in separate chapters. It is proposed here to deal with the Constitutional safeguards relating to reservation of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and the Vidhan Sabhas.

7.2 The original Article 334 of the Constitution provided for reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and the Legislative Assemblies of the States for a period of 10 years, Articles 330 and 332 prescribe the procedure for reservation of seats. Subsequently by the Constitution (Eighth Amendment) Act, 1959 and the Constitution (Twenty-third Amendment) Act, 1969, the period of reservation was extended from 1960 to 1970 and from 1970 to 1980 respectively. Unless this Article is further amended, the provision of reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States shall expire on the 25th January, 1980.

7.3 The question of suitably extending this provision beyond the 25th January, 1980 has been exercising the mind of this Commission. The Ministry of Home Affairs also sought the views of this Commission on the question. The Commission's views are given below.

7.4 The purpose of this political reservation is three-fold :

- (a) If there is no reservation, the representation of the Scheduled Castes and Scheduled Tribes in the Lok Sabha and the Vidhan Sabhas will be negligible.
- (b) The political reservation enables the Scheduled Castes and Scheduled Tribes to share political power and to participate in the administration of the country. Because of this they are not only in a position to see that the various safeguards provided for these two most disadvantaged groups of the society are implemented but they can also ensure that the Scheduled Castes and Scheduled Tribes receive due share in the general developmental programmes and avail of the benefits accruing from special welfare programmes intended for them. Thus there is a direct link between political reservations and socio-economic advancement of the Scheduled Castes and Scheduled Tribes.

- (c) Integration of the Scheduled Castes and Scheduled Tribes with the other sections of the society.

#### *Prospect of political representation in the absence of reservation*

7.5 Though the Scheduled Castes and the Scheduled Tribes constitute 22.5% of the country's population, it is extremely doubtful if their representatives in the Lok Sabha and the Vidhan Sabha will constitute even a small fraction of their proportion, in case the political reservation was to be withdrawn. In the various General Elections the representation of SC/ST from general seats was very poor as will be seen from the following table :

|     |                         | SC | ST |
|-----|-------------------------|----|----|
| I   | General Election (1952) | 5  | 1  |
| II  | General Election (1957) | 6  | 3  |
| III | General Election (1962) | 1  | 2  |
| IV  | General Election (1967) | .. | 1  |
| V   | General Election (1971) | 1  | 4  |

Caste and money are very vital factors in these Elections and even if some Scheduled Caste and Scheduled Tribe candidates are chosen by different political parties to contest elections from general seats, it is doubtful if they will succeed.

#### *Participation in the administration of the country*

7.6 Representation of the Scheduled Castes and the Scheduled Tribes in the Parliament and the State Legislatures gives them a sense of partnership in the management of the affairs of the country and as they constitute a big segment in the country's population they cannot be deprived of this role or of this feeling. Pandit Govind Ballabh Pant, the then Minister of Home Affairs, observed in the Lok Sabha on 30th November, 1959 that whatever progress had been achieved by the Scheduled Castes and Scheduled Tribes in educational, administrative and other fields it was, to a large extent, due to their representation in the legislatures. The Scheduled Caste and Scheduled Tribe Members of Parliament and of State Legislatures function as a watch-dog in respect of the various safeguards provided for the Scheduled Castes and the Scheduled Tribes in the Constitution.

#### *Implementation of safeguards*

7.7 In spite of the deep interest shown in this matter by the SC/ST legislators the position regarding the implementation of these safeguards remains far

from satisfactory. One or two examples will suffice to indicate the present situation. To protect the Scheduled Castes from the evil practices of untouchability and other social disabilities, the Untouchability (Offences) Act was passed in 1955. After 21 years it was realised that this legislation had practically failed and was ineffective. In 1976 this Act was amended to make it effective and provided for more stringent punishment and it was rechristened as the Protection of Civil Rights Act. But even the working of the PCR Act as reflected in the Annual Report for the year 1977 presented by the Ministry of Home Affairs in the Parliament in December 1978 does not reveal that the Act has made the desired impact so far. In a State like Bihar only two cases under this Act were registered during the first six months of 1977. During 1977 no State Government had set up any special court for the trial of offences under the Act. Many Government officers and a considerable section of the police personnel in the rural areas are not even aware of the provisions of this Act. Even during 1978 and 1979 gruesome incidents arising out of practice of untouchability have been reported from the North as well as the South. No doubt the present Government have declared their objective of abolishing untouchability in the country within five years, but almost two years out of the five have already passed and any hopeful trend towards eradication of untouchability is hardly discernible in the country.

7.8 While speaking in the Lok Sabha on 30th November, 1959 Pt. Pant said that economic backwardness, social backwardness and educational backwardness were indissolubly and inseparably bound to and tied up with untouchability. The spurt in the cases of atrocities on the Scheduled Castes and Scheduled Tribes noticed now can be directly traced to economic factors like land disputes, forcible harvesting of crops, wage disputes, bonded labour, etc. Other atrocities like rape, arson, grievous hurt, etc., are also on the increase as the latest statistics maintained by the Ministry of Home Affairs reveal.

7.9 Another safeguard that the Constitution provides is in respect of due representation of the Scheduled Castes and Scheduled Tribes in public services. The papers circulated by the Department of Personnel & A.R. for the meeting of the High Power Committee to review the performance regarding recruitment of SC and ST in the services held on 20th October, 1978 indicate the following position of the representation of the Scheduled Castes and Scheduled Tribes in the Central services and posts as on 1st January, 1977 as against the prescribed percentage of reservation in vacancies to the extent of 15% for the Scheduled Castes and 7.5% for the Scheduled Tribes.

|                     | SC            | ST   |
|---------------------|---------------|------|
|                     | (In per cent) |      |
| Class I . . . . .   | 4.16          | 0.77 |
| Class II . . . . .  | 6.07          | 0.77 |
| Class III . . . . . | 11.84         | 2.78 |
| Class IV . . . . .  | 19.07         | 4.35 |

Accurate figures are not even available in respect of all the States. The various provisions and facilities relating to services safeguards are hardly implemented.

### *Socio-economic development of the Scheduled Castes and Scheduled Tribes*

7.10 The Scheduled Castes and Scheduled Tribes continue to be socially, educationally and economically backward. The following enrolment statistics relating to educational institutions give comparative picture of the general progress in the country and that achieved by the Scheduled Castes and Scheduled Tribes in this field.

|         | <i>School Education</i> |         |                    |         |                    |         |
|---------|-------------------------|---------|--------------------|---------|--------------------|---------|
|         | (Figures in %)          |         |                    |         |                    |         |
|         | Classes I to V          |         | Classes VI to VIII |         | Classes IX & above |         |
|         | 1968-69                 | 1973-74 | 1968-69            | 1973-74 | 1968-69            | 1973-74 |
| General | 78.1                    | 83.5    | 33.5               | 35.6    | 18.3               | 21.2    |
| SC      | 64.1                    | 68.9    | 20.5               | 22.1    | 11.0               | 11.0    |
| ST      | 52.3                    | 59.3    | 14.1               | 15.7    | NA                 | 7.7     |

### *Professional and other collegiate education*

Percentage enrolment of Scheduled Castes and Scheduled Tribes compared to total enrolment.

| Course                                                | Scheduled Castes |         | Scheduled Tribes |         |
|-------------------------------------------------------|------------------|---------|------------------|---------|
|                                                       | 1964-65          | 1974-75 | 1964-65          | 1974-75 |
| <b>(A) Professional Education</b>                     |                  |         |                  |         |
| 1. Agriculture and Forestry . . . . .                 | 4.4              | 5.2     | 0.5              | 1.1     |
| 2. Commerce . . . . .                                 | 4.3              | 5.3     | 0.7              | 1.2     |
| 3. Engineering, Technology and Architecture . . . . . | 3.5              | 5.7     | 0.5              | 1.1     |
| 4. Law . . . . .                                      | 4.5              | 5.2     | 1.1              | 1.2     |
| 5. Medicine :                                         |                  |         |                  |         |
| (a) Allopathy . . . . .                               | 3.3              | 7.6     | 0.4              | 1.6     |
| (b) Others . . . . .                                  | 3.3              | 3.0     | 0.3              | 0.6     |
| 6. Nursing . . . . .                                  | 2.1              | 4.8     | 0.4              | 2.2     |
| 7. Physical Education . . . . .                       | 3.0              | 4.0     | 0.2              | 2.3     |
| 8. Teacher Training . . . . .                         | 6.6              | 8.1     | 1.1              | 2.7     |
| 9. Veterinary Science . . . . .                       | 2.5              | 5.9     | 0.7              | 0.7     |
| 10. Other professional education . . . . .            | 3.6              | 3.4     | NA               | 2.3     |
| 11. Fine Arts . . . . .                               | 1.6              | NA      | Nil              | NA      |
| TOTAL OF (A) . . . . .                                | 4.4              | 5.8     | 0.7              | 0.8     |
| (B) Other education . . . . .                         | 2.5              | 1.7     | 1.2              | 1.4     |
| GRAND TOTAL . . . . .                                 | 4.3              | 5.7     | 0.7              | 1.4     |

The above statistics clearly show that despite the progress achieved during the last 10 to 15 years, the Scheduled Castes and Scheduled Tribes have a long way to go before they can catch up with the general educational development of the country.

7.11 Regarding the economic conditions of the Scheduled Castes and Scheduled Tribes attention is invited to paras 4.3 and 4.4 of Chapter IV of this Report.

7.12 While majority of the Scheduled Castes are either landless labourers or share-croppers or marginal farmers there are some groups engaged in traditional occupations like flaying, tanning, leather work, basketry, scavenging, etc. Detailed planning for various categories of landless agricultural workers, artisan groups, those engaged in unclean occupations, etc., has to be done and vast sums have to be provided for bringing up the Scheduled Castes above the poverty line. Today about 46% of the country's population is living below the poverty line and though an accurate estimate of the share of the Scheduled Castes and Scheduled Tribes in this segment of the population is yet to be determined, it is beyond doubt that the majority of the people living below the poverty line belong to the Scheduled Castes and Scheduled Tribes.

7.13 During the last almost 30 years of planning the Scheduled Castes and Scheduled Tribes have all along been left out on the fringe. It is anybody's guess as to what extent the Scheduled Castes and Scheduled Tribes have benefited from the various sectors of the Plan during this entire period. Paltry provisions were made under the sector of 'Welfare of Backward Classes' a somewhat misleading nomenclature. This sector hardly accounted for 1% to 2% of the total Plan outlay during the various Plan periods as will be seen from the following table :—

| Plan period                                | Approved outlay for   |                                                    |                                |
|--------------------------------------------|-----------------------|----------------------------------------------------|--------------------------------|
|                                            | Total approved outlay | Welfare of Backward Classes Sector (Rs. in crores) | Percentage of col. 3 to col. 2 |
| 1                                          | 2                     | 3                                                  | 4                              |
| First Plan . . . . .                       | 2378                  | 39                                                 | 1.63                           |
| Second Plan . . . . .                      | 4700                  | 90                                                 | 1.87                           |
| Third Plan . . . . .                       | 7500                  | 114                                                | 1.52                           |
| Annual Plan (1966-67 to 1968-69) . . . . . | 6665                  | 62                                                 | 0.93                           |
| Fourth Plan . . . . .                      | 15902                 | 142                                                | 0.90                           |
| Fifth Plan . . . . .                       | 39303                 | 517                                                | 1.34                           |
| TOTAL . . . . .                            | 76548                 | 964                                                | 1.25                           |
| Draft Sixth Plan . . . . .                 | 69380                 | 895                                                | 1.29                           |

7.14 Pt. G. B. Pant argued in the Lok Sabha on 30th November, 1959 that the sense of participation in the affairs of the country, among the Scheduled Castes and Scheduled Tribes, by itself helped the process of integration; they were not isolated from the rest. He stressed that the sense of separation had to be removed. He further observed :

"It is not only a question of conferring economic benefits or working for educational advancement or the like. There is something more involved in it and to me the main question is as to how to resuscitate and vitalise the suppressed soul of the Scheduled Castes. So, this Bill embodies an appeal to the conscience of this House."

7.15 The noble sentiments of that great statesman and intellectual, Pt. G. B. Pant, found further expression in these eloquent words :

"There is no communal aspect of the problem .....The communal problem arises when members who profess different religions and different faiths are pitted against each other. But here they are part and parcel of the Hindu community. They do not form a separate community of their own. There is no a question of minority also as such, because they belong to the major community and are part of the blood and flesh of that community. So, there is no question even of a minority being given safeguards as such. But the social stranglehold of ages has to be removed and we have to work specially through these and other measures for the spiritual salvation—I am using the term not in the sense in which it is sometimes interpreted, but in the ordinary sense—of our brethren that they should be able to work shoulder to shoulder with us, that we all may thereby gain fresh strength through the emancipation of their souls. They have been deprived of human dignity for a long time. We want them to recover that manhood in its ample plenitude so that they may not only be of service to the country but they may also be in a position to lead the country onward. So, it is with a view to bring about that spiritual change that we want further extension of this period. Every thing else will follow as a natural consequence. Once their hearts are strengthened, their social health is restored, they will be able not only to hold their own but also to bear our own burdens and to lead us on for they have lived in adversity for ages and they can even now put up with hardships for the sake of the country. Their patriotism has enabled them to bear all these disabilities when many other avenues were open to them.....a weak man can be a source of weakness to others and there can be no strength unless there is spiritual strength. For that we want to continue our efforts and it is with that object that we have introduced this Bill."

7.16 Pt. Pant also warned that if the Parliament, in the then existing circumstances, failed to extend the period of reservation, there would be grave discontent which would lead to frustration and would affect the process of emotional integration.

7.17 In the pre-Independence era and thereafter when national spirit and sense of dedication were prevalent all over the country, there was a general feeling in the country that the weakest sections of the society, viz., the Scheduled Castes and Scheduled Tribes, needed a fair and generous treatment at the hands of the society so as to bring them up socially, economically and politically to the level of other communities. Over the years now this spirit is undergoing serious erosion. During the elections caste and money are playing an increasingly important role. The spirit of national integration is receding into the background. The forces of political intolerance are also playing their part in the country. Keeping these trends in view it is all the more important that with a view to protecting the interests of the Scheduled Castes

and Scheduled Tribes, who are admittedly the weakest sections of the society, political reservation for them should continue through the legislative institutions which play a vital role in influencing the administration and the policy decision of the Government.

7.18 An objective examination of the present situation in the light of the above historical background will convince every one that the objectives and expectations of the framers of the Constitution have yet to be achieved. The psychology of the nation is yet to be attuned to the concept that these two most disadvantaged groups of the society have to be provided with special opportunities as more equal opportunities are not adequate to bridge the socio-economic gap between the lives of these groups and the other segments of the society. Considering the present socio-economic conditions of the Scheduled Castes and Scheduled Tribes, the outlook of the general community towards them and the pace of progress with reference to various measures for their advancement, this Commission do not think that even after the next ten years they will come up to the desired level. Therefore, this Commission are of the view that in order to fulfil the objectives of Article 334 of the Constitution

referred to in para 4 above the reservation of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and in the Vidhan Sabhas should continue not only for the next ten years but it may continue so long as they need special attention for their social, educational and economic advancement. Once it is conclusively found (may be by a statutory expert body) that these groups have achieved a standard of living where no special statutory provisions for them are necessary, the words 'Scheduled Castes' and 'Scheduled Tribes' may be dropped from the Constitution altogether. Until that time it may be necessary to continue the provision of this political reservation for the Scheduled Castes and Scheduled Tribes, subject to review every ten years. This Commission, therefore, recommend that Article 334 of the Constitution may be amended on the following lines :

“After the expiration of 30 years from the commencement of the Constitution, the reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States shall continue, subject to review every ten years.”

## CHAPTER VIII

### RESERVATION FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES

#### *Concept of reservation as embodied in the Constitution of India*

Article 16(1) and 16(2) of the Constitution of India envisage that there shall be equality of opportunity to all citizens in matters relating to the employment or appointment to any office under the State and that no citizen shall, on grounds of religion, sex, caste, etc., be ineligible for or discriminated, in respect of any employment or office under the State. Nevertheless, the founding fathers of the Constitution thought it fit to make special provisions in the Constitution with a view to giving due share in administration to the weaker sections *i.e.* Scheduled Castes and Scheduled Tribes who were denied rights and basic human dignity for centuries. Thus Article 16(4) provides, "nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the Services under the State". Similarly, Article 335 of the Constitution says, "the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State". In pursuance of this specific provision, the Government of India as well as Governments of various States/Administrations of Union Territories have made reservations for the Scheduled Castes and the Scheduled Tribes in services under their control.

8.2 The Commission for Scheduled Castes and Scheduled Tribes which have been constituted *vide* Resolution No. 13013/9/77-SCT-I dated 21st July, 1978 of the Ministry of Home Affairs, Government of India are entrusted, *inter alia*, with the task of reviewing the manner in which reservations stipulated in Public Services are in practice, implemented. In keeping with the spirit of responsibility entrusted as such, this Commission have made an in-depth study of the working of the Acts/Orders/Resolutions passed by the Central/State/Union Territory Administrations/Department and Central/State Public Undertakings, etc. and have drawn inferences, and made recommendations whenever, necessary for implementation of these Acts/Orders etc. on the right lines.

#### *Central Ministries/Departments*

8.3 A beginning in relation to reservation in services was made by the Government of India (Ministry of Home Affairs) by adoption of a Resolution No. 42/21/49-NGS dated the 13th September, 1950 in which the whole policy of reservation for Scheduled Castes and Scheduled Tribes in services was laid down

in pursuance of the provision of Article 16(4) of the Constitution of India. According to this Resolution, 12½ per cent of vacancies filled by direct recruitment were set apart for the members of Scheduled Castes in the case of recruitment to Posts and Services on an all India basis, by open competition; while 16⅔ per cent of vacancies were reserved in the case of recruitment made otherwise than by open competition. Similarly 5 per cent of vacancies were reserved for the Scheduled Tribes both in recruitment by open competition and in recruitment made otherwise than by open competition. These percentages of reservation were raised by the Government of India *vide* Resolution No. 27/25/68-ESTT.(SCT), dated 25th March, 1970 in the light of the population of these communities as shown in the 1961 Census. The following reservations in favour of Scheduled Castes and Scheduled Tribes are in force at present.

|                                                                                                                                                                                                                        | SC   | ST  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----|
| (i) <i>Direct recruitment on an All India basis :—</i>                                                                                                                                                                 |      |     |
| (a) By open competition . . . . .                                                                                                                                                                                      | 15%  | 7½% |
| (b) Otherwise than at (a) above . . . . .                                                                                                                                                                              | 16⅔% | 7½% |
| (ii) <i>Posts filled by promotion :—</i>                                                                                                                                                                               |      |     |
| (a) Through limited Departmental Competitive Examinations in Groups—B, C and D (Class II, III and IV) grades or services in which the element of direct recruitment does not exceed 66⅔% . . . . .                     | 15%  | 7½% |
| (b) By selection from Group—B (Class II) to the lowest rung of Group—A (Class I) and in Groups—B, C and D posts (Class II, III and IV Posts) in which the element of direct recruitment does not exceed 66⅔% . . . . . | 15%  | 7½% |
| (c) On the basis of seniority subject to fitness in Groups—A, B and C Posts, etc. in which the element of direct recruitment does not exceed 66⅔% . . . . .                                                            | 15%  | 7½% |

8.4 The above percentages of reservation prescribed by the Government of India for the Scheduled Castes and Scheduled Tribes in services were in proportion to the population of these communities in the country according to 1961 Census and the same still hold good inasmuch as the population of the Scheduled Castes and Scheduled Tribes as shown in the 1971 Census forms 15.04 per cent and 7.5 per cent respectively of the total population of the country.

#### *Roster*

8.5 With a view to ensuring proper implementation of reservation orders, a 40-Point model roster has been prepared allotting points for Scheduled Castes and

Scheduled Tribes so that there are 6-Points allotted to Scheduled Castes and 3 Points to Scheduled Tribes out of the 40 assuring 15 per cent and 7½ per cent reservations in the whole number when recruitment is made on an All India basis. A roster consisting of 100 Points is followed for recruitment to Groups C and D Posts in the States/Union Territories. This percentage of reservation is fixed in proportion to the population of Scheduled Castes and Scheduled Tribes in the State/Union Territory concerned.

#### *Dereservation and Exchange of vacancies*

8.6 The reservation orders provide that in case sufficient number of candidates belonging to the reserved communities are not available for appointment against the reserved vacancies, such vacancies are dereserved and filled in by the candidates belonging to general communities and the reservation shall be carried forward to subsequent three years of recruitment. Unfilled reserved vacancies though carried forward should be formally got dereserved by the Department of Personnel and Administrative Reforms before these are filled by the other candidates not belonging to SC/ST in accordance with the procedure laid down for this purpose. The exchange of reservation between Scheduled Castes and Scheduled Tribes is permissible if a reserved vacancy or vacancies which have been carried forward to the third year is or are not filled by the candidates belonging to the listed classes in favour of which reserved quota is fixed. This may be effected by inviting applications both from Scheduled Caste and Scheduled Tribe candidates through advertisements wherein it should be made clear that for a vacancy or vacancies reserved for Scheduled Castes/Scheduled Tribes candidate will be considered if suitable Scheduled Caste candidates are not available. Similarly, a Scheduled Tribe candidate will be taken in the vacancy meant for Scheduled Castes in the event of non-availability of suitable Scheduled Caste candidates.

#### *Representation of Scheduled Castes and Scheduled Tribes in the Services of the Central Government, State Governments and Union Territory Administrations*

8.7 In response to the Commission's request to the Central Government and all the State Governments and Union Territory Administrations, latest information (as on 1st January, 1979) on the representation of the Scheduled Castes/Scheduled Tribes in services/posts was received from the Central Government and from only 6 State Governments, namely, Bihar, Gujarat, Haryana, Maharashtra, Punjab, Uttar Pradesh and 4 Union Territory Administrations i.e. Andaman and Nicobar Islands, Dadra & Nagar Haveli, Delhi, and Pondicherry. Statistical data received from Kerala, Madhya Pradesh, Lakshadweep and Mizoram pertain to the year 1978. Karnataka and Orissa have provided data as on 1st January, 1976 and 1st April, 1977 respectively. West Bengal could only supply still older data i.e. data as on 31st March 1974. The information furnished by the State Governments of

Bihar and Maharashtra is incomplete. The State Government of Sikkim have not yet determined the percentage of reservation in posts and services as the State Government feels that the Scheduled Castes and Scheduled Tribes are adequately represented in the services and that the question will be considered after the figures on 1981 Census become available. All these data are shown in the two statements (Annexures I & II) appended to this Chapter. Despite several reminders, no information was received by the Commission from the remaining States/Union Territories. The information received from the Government of India (Department of Personnel and Administrative Reforms) pertains to 56 Ministries/Departments/Offices, out of the total of 57 Ministries/Departments/Offices.

8.8 The Government of India have made a provision for reservation of 15% for SC and 7½% of Posts for ST in regard to posts filled through direct recruitment on an All-India basis and by open competition. There is, however, a provision for 16⅔% reservation for Scheduled Castes and 7½% for Scheduled Tribes in regard to posts which are filled through direct recruitment on an All-India basis by methods other than open competition.

8.9 The State Governments/Union Territory Administrations provide different percentages of reservation for Scheduled Castes and Scheduled Tribes according to their population in the respective States/Union Territories.

8.10 With a view to obtaining a comparative picture of the extent of reservation provided in different States/Union Territories and an idea as to how these provisions have been brought into actual practice, the Commission obtained data on prescribed percentages of reservation as well as the actual representation of Scheduled Castes and Scheduled Tribes. These data are laid out in Annexure I. Annexure II provides information on the total number of posts and the number of posts actually filled in by Scheduled Caste and Scheduled Tribe employees. Annexure III provides information on the total number of posts and the number of posts actually filled in by the Scheduled Caste and Scheduled Tribe employees in the various Ministries/Departments/Offices of the Government of India. The percentages are indicated in brackets in Annexure III. In all these three Annexures, separate data are shown in respect of Class I, Class II, Class III and Class IV Posts.

8.11 It would be seen from the data in Annexure I that the actual position of representation of Scheduled Castes and Scheduled Tribes in the Government of India as well as the State Governments/Union Territory Administrations, is very unsatisfactory as in most of the cases the actual percentages are nowhere near the prescribed ones. An analysis of the actual representation of the Scheduled Caste and Scheduled Tribe employees in different Classes of posts in the Government of India as well as the State Governments/Union



Territory Administrations, category-wise is given in the following paragraphs :—

### *I. Scheduled Castes*

#### **CLASS I POSTS**

##### *Government of India*

(i) There is a marked short-fall in the Central Government Class I cadre as it is seen from Annexure I that the actual representation is only about 5% against the prescribed quota of 15%. Thus in terms of achievement the intake of Scheduled Castes in Class I posts is still 31% only of the prescribed quota.

(ii) The position regarding the representation of Scheduled Castes in Class I Posts in the various Ministries/Departments/Offices is generally unsatisfactory. It is seen from Annexure III that as against the prescribed quota of 15%, the maximum attained by any Ministry is 12.67% (Ministry of Labour). In 13 Ministries/Departments/Offices, the actual percentage filled in was more than half of the prescribed quota. These Ministries/Departments/Offices are Ministry of Labour, Department of Legislature, Department of Legal Affairs, Department of Food, Department of Steel, Ministry of Commerce, Bureau of Public Enterprises, Department of Company Affairs, Department of Supply, Department of Agriculture, Department of Culture, Department of Chemicals and Fertilisers and Ministry of Railways. The representation of Scheduled Castes was either nil or negligible (less than 1%) in 9 Ministries/Departments/Offices. These are Cabinet Secretariat, Department of Parliamentary Affairs, Electronics Commission, Vice-President's Office, Department of Agricultural Research and Education, Department of Electronics, Department of Space, Department of Atomic Energy and the Department of Petroleum. In the remaining 34 Ministries/Departments/Offices, the actual percentage of representation of Scheduled Castes ranged between 3.00 per cent and 7.50 per cent.

##### *State Governments/Union Territory Administrations*

(iii) In the State/Union Territory services also the position in regard to representation of Scheduled Castes in Class I service continues to be very unsatisfactory. In Bihar, Gujarat and Mizoram only, the short-fall is less, as in these States/Union Territory the percentage of achievement is 65.64 and 59 respectively of the reserved quotas for Class I posts. The percentage of achievement of reservation according to reserved quota in respect of Scheduled Castes in Class I posts is below 20% even now in respect of Haryana, Madhya Pradesh, Orissa and West Bengal and the Union Territory of Pondicherry.

#### **CLASS II POSTS**

##### *Government of India*

(iv) In Class II posts the representation of Scheduled Castes has hardly reached 50% of the prescribed quota of 15.

(v) Though the representation of Scheduled Castes and Scheduled Tribes in the Central Government Class II cadre is better than in Class I Posts, yet

there is significant shortfall in some of the Ministries/Departments/Offices. The actual representation of Scheduled Castes in Class II cadre is nil in the Vice-President's Secretariat, Department of Space and Department of Atomic Energy. The actual percentage of representation of Scheduled Castes is between 4 to 7.50% in the Department of Electronics, Office of the Prime Minister, Ministry of Works and Housing, Department of Finance (Defence), Department of Expenditure, Department of Heavy Industries, Department of Education, Department of Mines, Department of Rehabilitation, Comptroller and Auditor General's Office, Bureau of Public Enterprises, Ministry of Communication, Minister of External Affairs, Department of Industrial Development, Department of Steel, Department of Chemicals and Fertilisers, Department of Economic Affairs, Planning Commission, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, Department of Health, Department of Family Welfare, Ministry of Defence, Department of Agriculture and Department of Irrigation. There are however no Class II posts in the Department of Agricultural Research and Education and as such there are no Scheduled Caste Class II Officers in that Department.

(vi) It is gratifying to note that the actual representation of Scheduled Castes in Class II Posts in the Department of Parliamentary Affairs (17.50%) has exceeded the prescribed quota. In the Department of Culture, the actual representation (14.75%) is almost the full quota prescribed. The position in respect of the Department of Coal and the Department of Social Welfare is also encouraging as it is seen that the percentages of representation are 12.16 and 11.94 respectively in these two Departments.

(vii) In 23 Ministries/Departments/Offices, the actual representation was found to be in the range 7.50% (half of the prescribed quota) to 11%. These are Department of Rural Development, Department of Petroleum, Department of Power, Cabinet Secretariat, Department of Food, Department of Personnel & Administrative Reforms (Administrative Reforms Wing), Ministry of Commerce, Department of Legal Supply, Department of Legislation, Electronics Company Affairs, Department of Science and Technology, Union Public Service Commission, Department of Supply, Department of Legislation, Electronics Commission, Department of Statistics, Department of Civil Supplies and Civil Aviation, Department of Revenue, Department of Shipping & Transport, Ministry of Railways, Ministry of Information & Broadcasting and Ministry of Labour.

##### *State Governments/Union Territory Administrations*

(viii) Dadra & Nagar Haveli is the only Union Territory which has achieved 217 per cent of the prescribed reservation while Gujarat and Bihar are the two States which have made some improvement in respect of intake of Schedule Castes in Class II Posts. Gujarat has achieved 84% of the reserved quota whereas Bihar has come up to 64%. The position is not satisfactory in respect of Maharashtra and the Union Territories of Mizoram and Pondicherry where the percentage of achievement is 52, 63 and 59 of the prescribed percentage of reservation of



13, 7.50 and 16 respectively. All other State Governments and Union Territory Administrations for which information is available have not achieved even 50% of the reserved quota. In these cases, the percentage of reservation achieved varies between 6 and 46 of the prescribed reservation.

### CLASS III POSTS

#### *Government of India*

(ix) The percentage of achievement in respect of Class III Posts is encouraging as it is as much as 78% of the reserved quota in Government of India for Scheduled Castes.

(x) In Class III Posts, the position of representation of Scheduled Castes is better than the same in the Class I and Class II Posts. In 49 out of the 57 Ministries/Departments/Offices, the actual percentage of reservation is above 7.50% i.e. above half the prescribed quota. In 10 out of these 49 Ministries/Departments/Offices, the actual percentage of representation had exceeded the prescribed quota. These 10 Ministries are the Department of Electronics, the Department of Personnel and Administrative Reforms (Administrative Reforms Wing), Department of Finance (Defence), Union Public Service Commission, Electronics Commission, Bureau of Public Enterprises, Department of Civil Supplies and Co-operation, Ministry of Communication, Department of Steel and Department of Economic Affairs.

(xi) The Ministries/Departments/Offices in which the actual representation was in the range 5%—7.50% are Department of Personnel & Administrative Reforms (Administrative Reforms Wing), Department of Statistics, Department of Space, Vice-President's Office and Department of Chemicals and Fertilisers. In the Department of Agricultural Research and Education, there was no post of Class III and as such there was no Class III employee belonging to Scheduled Caste.

#### *State Governments/Union Territory Administrations*

(xii) It is worth mentioning that the Government of Gujarat and the Union Territory Administration of Dadra & Nagar Haveli have more than fulfilled the reserved quota for Scheduled Castes in Class III Posts. The position is also relatively better though unsatisfactory, in respect of Punjab and Uttar Pradesh as well as the Union Territories of Delhi, Mizoram and Pondicherry, where the percentage of achievement varies between 50 and 60. The position is quite depressing in respect of the States of Maharashtra and the Union Territory of Mizoram where the percentages of achievement are only 6 per cent and 19 per cent of the reserved quota. The percentage of achievement varies between 30 and 50 of the reserved quota in other States namely, Haryana, Karnataka, Madhya Pradesh, Orissa and West Bengal and the Union Territory of Pondicherry which is not at all satisfactory.

### CLASS IV POSTS

#### *Government of India*

(xiii) The percentage of achievement of Scheduled Castes in Class IV Posts (other than Sweepers and

Scavengers) has surpassed the specified quota of 15 per cent.

(xiv) The position regarding the intake of Scheduled Castes in Class IV Posts (other than Sweepers and Scavengers) in the various Ministries/Departments/Offices is satisfactory. In 46 Ministries/Departments/Offices the actual representation in Class IV posts (other than Sweepers and Scavengers) has exceeded the prescribed quota of 15%. The actual percentage of representation had exceeded even double the reserved quota in the Department of Petroleum (38.24%) and the Department of Electronics (34.92%). In the Electronics Commission and the Ministry of Communication, the actual percentage was nearly double the prescribed quota.

(xv) The actual percentage of representation in the Department of Legislation was just equal to the prescribed quota of 15%. In 4 other Ministries/Departments/Offices, the actual percentage was almost equal to the prescribed quota. These were Ministry of Home Affairs, Department of Heavy Industries, Department of Company Affairs and Department of Culture.

(xvi) In the Administrative Reforms Wing as well as the Personnel Wing of the Department of Personnel and Administrative Reforms, the actual percentage of reservation was in the range 12%-13%, thus marginally falling short of the prescribed quota of 15%. The percentage was in the range 9%—11% in the Department of Education and the Ministry of External Affairs.

In the Department of Agricultural Research and Education, there were no Class IV Posts and as such there were no Scheduled Caste employees.

#### *State Governments/Union Territory Administrations*

(xvii) With a view to having a correct appreciation of the intake of the Scheduled Castes and Scheduled Tribes in Class IV services, their counterparts who are engaged in unclean occupations like Sweepers and Scavengers are excluded from the grade. The available information shows that the State Governments of Karnataka, Maharashtra, Madhya Pradesh, Punjab and Uttar Pradesh and the Union Territory Administrations of Andaman and Nicobar Islands, Dadra and Nagar Haveli and Pondicherry have supplied information which excludes Sweepers and Scavengers while the information relating to Orissa and West Bengal includes Sweepers and Scavengers. The State Governments of Bihar, Gujarat, Haryana, Kerala and Maharashtra and the Union Territory Administrations of Delhi, Lakshadweep and Mizoram have not specified whether the Sweepers and Scavengers have or have not been excluded from the information supplied by them. The data have been analysed accordingly.

#### *State/Union Territories for which the data exclude Sweepers and Scavengers*

(xviii) The representation of Scheduled Castes in Class IV posts in Punjab Government is almost one and a half times the prescribed quota of 25 per cent. The progress is satisfactory in respect of Karnataka

where the achievement is 99 per cent of the reserved quota and in Uttar Pradesh the percentage of achievement is more than 82 of the reserved quota. Madhya Pradesh has achieved about 53 per cent of the reservation fixed for Class IV grade. The information furnished by Maharashtra Government is quite encouraging (161 per cent of the reservation fixed), though it does not relate to all the Departments/Offices of the State Government. The representation of Scheduled Castes in Dadra and Nagar Haveli is 625 per cent of the specified percentage of reservation fixed for the Scheduled Castes, while in Pondicherry it is 89 per cent of the prescribed reservation.

*State Governments for which the data include Sweepers and Scavengers*

(xix) The State Government of Orissa (against 15 per cent reservation) have more than 17 per cent of Scheduled Castes in Class IV grade while their percentage is about 7 in West Bengal against the prescribed reservation of 15 per cent but the actual representation of Scheduled Castes would be much less, as Sweepers and Scavengers working in various formations of the State Government have been included in the Class IV services.

(xx) The State Governments of Bihar, Gujarat, Haryana, Kerala and the Union Territory Administration of Delhi have very much exceeded the prescribed percentages of reservation for Scheduled Castes in Class IV services, while Mizoram has just achieved 54 per cent of the prescribed quota. The information furnished by Bihar Government is partial as it does not cover all the Departments/Offices of the State Government.

(xxi) In the absence of the clarification whether the statistics furnished by the State Governments/Union Territory Administrations referred to above exclude Sweepers and Scavengers or not, it is very difficult to offer considered comments. However, the presumption is that in order to give an inflated picture the State Governments etc. have included the Sweepers and Scavengers in their Class IV Services.

*II. Scheduled Tribes*

**CLASS I POSTS**

*Government of India*

(i) The percentage of achievement in Class I Service is only 13 of the prescribed percentage of 7.5 which, in other words, means that the position of reservation is still very unsatisfactory.

(ii) The actual representation of Scheduled Tribes in the Class I posts is nil in 22 Ministries/Departments/Offices is less than 2 per cent in 27 Ministries/Departments/Offices and is in the range 2 per cent—4 per cent in the remaining 6 Ministries.

*State Governments/Union Territory Administrations*

(iii) The representation of Scheduled Tribes in Class I services is very much below the prescribed percentage in respect of all the States/Union Territories excepting Mizoram and Lakshadweep. In statistical terms the percentage of achievement in the

State Governments of Bihar, Gujarat, Karnataka and Maharashtra varies from 15 to 27 only of the prescribed percentage of reservation which is highly unsatisfactory.

In other States like Orissa, Madhya Pradesh, Uttar Pradesh and West Bengal, the percentage of achievement varies from barely 2 to 7, which is also highly unsatisfactory. The representation of Scheduled Tribes is nil Kerala State and Pondicherry Union Territory.

**CLASS II POSTS**

*Government of India*

(iv) In respect of the Class II Posts, the percentage of achievement being only 14 is highly unsatisfactory.

(v) The actual percentage of representation was nil in 11 Ministries/Departments/Offices. The same was less than 1 per cent in 21 others and in the range 1 per cent—2 per cent in 15 others. The position was slightly better in 6 Ministries/Departments/Offices where the actual representation was between 2 per cent and 3 per cent. These six Ministries/Departments/Offices are the Ministry of Commerce, President's Secretariat, Department of Statistics, Department of Civil Supplies and Co-operation, Department of Culture and the Ministry of Information and Broadcasting. The actual percentage was in the neighbourhood of the prescribed quota of 7½ per cent, only in the Cabinet Secretariat (6.45%).

*State Governments/Union Territory Administrations*

(vi) Excepting Mizoram, the representation of Scheduled Tribes in Class II services in various State Governments/Union Territory Administrations for which information is available is very much below the percentage of reservation fixed for them. In statistical terms the percentage of achievement varies between 60 and 88 respectively for Bihar and Lakshadweep while it varies between 10 and 29 in respect of Gujarat, Karnataka, Kerala, Maharashtra, West Bengal and the Union Territory of Dadra and Nagar Haveli which is highly unsatisfactory. Their representation is negligible in the States of Orissa, Uttar Pradesh and Madhya Pradesh and the Union Territory of Pondicherry as it varies between 2 to 5 per cent of the prescribed reservation.

**CLASS III POSTS**

*Government of India*

(vii) The percentage of achievement of the Scheduled Tribes in Class III Posts in Government of India is only 38 which is highly unsatisfactory.

(viii) The actual percentage of representation was nil in 10 Ministries/Departments/Offices, less than 1 per cent in 5 Ministries/Departments/Offices; in the range 1 per cent—2 per cent in 12 Ministries/Departments/Offices; 2 per cent—3 per cent in 16 Ministries/Departments/Offices and 3 per cent to 3.75 per cent in two other Ministries. In the Department of Agricultural Research and Education there was no Class III posts and as such no Scheduled Tribe employee in this category of post. In the remaining 9

Ministries/Departments/Offices, the actual representation was above half the prescribed quota *i.e.*, above 3.75 per cent. These 9 Ministries are the Ministry of Home Affairs (6.33 per cent), Department of Economic Affairs (5.26 per cent), Ministry of Communication (5.22 per cent), Department of Science and Technology (4.43 per cent), Ministry of Information and Broadcasting (4.43 per cent) Ministry of Labour (4.24 per cent), Department of Electronics (4.18 per cent) and Department of Legal Affairs (3.87 per cent).

#### *State Governments/Union Territory Administrations*

(ix) In Lakshadweep and Mizoram Union Territories only the representation of Scheduled Tribes in Class III Posts is in excess of the prescribed percentages. The position is not encouraging in the States/Union Territories of Bihar, Gujarat, Maharashtra and Dadra & Nagar Haveli where the percentage of achievement varies from 54 to 59 of the reserved quota. But the position, is highly unsatisfactory in respect of Karnataka, Kerala, Madhya Pradesh, Orissa, Uttar Pradesh, West Bengal and Andaman & Nicobar Islands where the percentage of achievement varies from 11 to 39 only of the reserved quota. The representation of Scheduled Tribes in Class III services in the Union Territories of Pondicherry and Delhi is negligible—being less than 9 per cent of the prescribed quota.

#### **CLASS IV POSTS**

##### *Government of India*

(x) The achievement in Class IV posts, which excludes Sweepers and Scavengers is 69 per cent of the prescribed reservation. The progress made so far in the intake of Scheduled Tribes is relatively better than the position existing in respect of other classes of Posts but it cannot be considered satisfactory.

(xi) It is gratifying to note that the representation of Scheduled Tribes in Class IV posts has far exceeded the prescribed quota of  $7\frac{1}{2}$  per cent in the Department of Personnel and Administrative Reforms (Administrative Reforms Wing) (12.90 per cent) and the Department of Parliamentary Affairs (11.54 per cent). In the Ministry of Home Affairs, Department of Legislation and the Ministry of Information and Broadcasting where the actual percentages of representation of Scheduled Tribes were 8.09, 8.00 and 7.64 respectively, the position was satisfactory as the prescribed quota has been fulfilled. In 28 other Ministries, the actual percentage of representation ranged between  $3\frac{3}{4}$  per cent and (between half and full quota). In the 22 remaining Ministries/Departments/Offices, the percentage was less than half the prescribed quota. In 4 out of these 22 Ministries, the percentage of representation was nil. These 4 Ministries/Departments/Offices are the Electronics Commission, President's Secretariat, Vice-President's Secretariat and the Department of Agricultural Research and Education. The remaining 18 Ministries/Departments/Offices where the percentage was less than half the prescribed quota are the Ministry of Works and Housing, Department of Legal Affairs, Department of Company Affairs, Department of Expenditure, Department of Coal, Department of Science & Technology, Department of Heavy Industries, Department of Rural Development,

Department of Statistics, Department of Social Welfare, Department of Petroleum, Ministry of External Affairs, Department of Chemicals and Fertilizers, Department of Culture, Planning Commission, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Power and Department of Agriculture.

#### *State Governments/Union Territory Administrations*

(xii) The States of Bihar and Gujarat and the Union Territories of Dadra and Nagar Haveli, Lakshadweep and Mizoram have very much surpassed the prescribed percentages in the matter of recruitment to Class IV posts. With percentage of achievement as 97, the Government of Maharashtra have also reached the quota of reservation prescribed for Class IV Posts in respect of 12 out of 15 Departments of the State for which information is available. The position in respect of Karnataka and Kerala also appears to be somewhat better as the percentage of achievement varies between 53—60 of the reserved quota but on the whole the position in these States would be classified as unsatisfactory.

(xiii) The progress of representation in Class IV posts in the States of Orissa, Madhya Pradesh and West Bengal and the Union Territories of Andaman and Nicobar Islands and Delhi is quite unsatisfactory as the percentage of achievement in these States/Union Territories varies between 9 and 36 per cent of the prescribed reservation. The position is depressing in respect of Orissa and Madhya Pradesh where the tribals constitute 23.11 and 21.14 per cent respectively of their total population.

#### **REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PUBLIC SECTOR UNDERTAKINGS**

##### *Public Undertakings*

8.12 The material made available to the Commission by the Director General, Bureau of Public Enterprises on the representation of Scheduled Castes and Scheduled Tribes in services and posts under Public (Industrial) Enterprises as on 1-1-1979 as placed at Annexure IV(a) relates to only 160 out of 178 Enterprises which have furnished the relevant information. However, the representation of Scheduled Castes and Scheduled Tribes in individual Public (Industrial) Enterprises has not been furnished individually for each enterprises by the Bureau of Public Enterprises without which it is not possible to analyse the performance of different Enterprises individually.

8.13 The statistics of representation relating to Commercial Undertakings like Nationalised Banks, State Bank of India and its subsidiaries and the Reserve Bank of India and its subsidiaries is maintained by the Banking Division of the Department of Economic Affairs in the Union Ministry of Finance and the same have been given at Annexure IV(b). It is seen from the Annexure that the Ministry of Finance has given the representation of Scheduled Castes and Scheduled Tribes bank-wise which has been analysed accordingly in the report.

8.14 The analysis of data in respect of Public (Industrial) Enterprises and Public (Commercial) Undertakings has been made separately in the following paragraphs :—

### *I. Public (Industrial) Enterprises*

#### *Scheduled Castes*

#### **CLASS I, II, III AND IV**

(i) According to Annexure IV(a), the representation of Scheduled Castes in Class I and II is only 2.36 per cent and 4.25 per cent respectively of the prescribed reservation which is not at all satisfactory. However, the position in respect of representation of Scheduled Castes in Class III and IV (excluding Sweepers and Scavengers) is quite satisfactory as their achievement in these grades is 116.40 per cent and 150 per cent of the prescribed reservation.

#### *Scheduled Tribes*

(ii) The representation of Scheduled Tribes in Class I and II is depressing as their representation in these grades is only 0.54 per cent and 0.97 per cent of the prescribed reservation respectively.

(iii) As regards Class III and IV Posts, the percentage of achievement of Scheduled Tribes is 107.87 and 133 respectively of the reservation prescribed for them, which is highly satisfactory.

### *II. Public (Commercial) Undertakings*

(i) All the 14 Nationalised Banks, the State Bank and its subsidiaries and the Reserve Bank alongwith its subsidiaries viz., Industrial Development Bank of India, Industrial Finance Corporation of India and Industrial Reconstruction Corporation of India are under the overall control of the Ministry of Finance. The above banking Institutions furnish every year to the Banking Division of the Ministry of Finance the total number of employees in their respective Banks and the representation of Scheduled Castes and the Scheduled Tribes.

(ii) The statistical information collected from the Banking Division of the Department of Economic Affairs of the Ministry of Finance about the representation of Scheduled Castes and Scheduled Tribes as on 1-1-1979 in all the Nationalised Banks as well as State Bank and Reserve Bank reveals that there are only three grades in the Banks viz., Officers, Clerks and Sub-staff (including Sweepers). The statement showing the total number of employees and the number of Scheduled Castes and Scheduled Tribes employees among them in Public Sector Banks as on 1-1-1979 is placed at Annexure IV(b). The performance of these Institutions is analysed in the following paragraphs :—

#### **A. NATIONALISED BANKS**

##### *Scheduled Castes*

##### *Officers Grade*

(i) The achievement in respect of none of the 14 Nationalised Banks is even 50 per cent of the reservation prescribed for Scheduled Castes in the Officers grade. The statistics of representation as given in

Annexure IV(b) reveal that the percentage of achievement in respect of 5 Nationalised Banks viz., Bank of India, Syndicate Bank, Indian Overseas Bank, Bank of Maharashtra and Bank of Baroda varies between 34.60 and 21.20, which is highly unsatisfactory. Their representation in the other 9 Nationalised banks is quite depressing as the percentage of achievement varies between 1.73 and 18.6.

##### *Clerk Grade*

(ii) The Indian Overseas Bank tops the list with 19.71 per cent of Clerks belonging to Scheduled Castes as against the prescribed quota of 15 per cent, which is very encouraging. The percentage of achievement is satisfactory in respect of the United Bank of India, Union Bank of India, Bank of Maharashtra, The Bank of Baroda, Indian Bank, Canara Bank, Punjab National Bank and Bank of India as it varies between 95.86 and 76.27. The percentage of achievement is not at all satisfactory as it varies between 35.86 and 70.93 in respect of the United Commercial Bank, Allahabad Bank, Central Bank of India, Syndicate Bank and Dena Bank so far as the intake of Scheduled Caste Clerks in these Banks is concerned.

##### *Sub-Staff Grade*

(iii) Excepting the United Bank of India, Dena Bank and the Bank of Maharashtra, the representation of Scheduled Castes in the sub-staff grade is beyond 100 per cent of the prescribed quota. In respect of the above three banks, the position is also quite satisfactory as the percentage of achievement varies between 72 and 88.87.

##### *Scheduled Tribes*

##### *Officers Grade*

(iv) As regards the representation of Scheduled Tribes in Officers grade the percentage of their achievement is quite depressing in all the 14 Nationalised Banks as it varies between 0.93 and 14.40 per cent.

##### *Clerk Grade*

(v) The percentage of achievement of Scheduled Tribes in Clerks grade is very much disappointing as it varies between 7.86 and 52.40 in respect of all the Nationalized Banks.

##### *Sub-Staff Grade*

(vi) The percentage of achievement of Scheduled Tribes in respect of sub-staff being 84.13 is encouraging in respect of Dena Bank only. In other Nationalised Banks, the percentage of achievement varies between 16.8 and 70.13 and cannot be said to be satisfactory.

#### **B. STATE BANK OF INDIA AND ITS SUBSIDIARIES**

(i) The State Bank of India and its subsidiaries as seen in the Annexure IV(b) had a total number of 1,75,219 employees during the period under report of whom 37,210, 92,584 and 45,425 were officers, clerks and sub-staff respectively.

## *Scheduled Castes*

### *Officers Grade*

(ii) As against the total of 37210 officers employed in the State Bank of India and its 7 subsidiaries, the number of Scheduled Castes Officers was only 517 constituting 1.39% as against the prescribed quota of 15%, which is quite depressing. The position is the worst in respect of the State Bank of Indore where the percentage of representation of Scheduled Castes is nil.

### *Clerks Grade*

(iii) The percentage of achievement of Scheduled Castes in Clerks Grade being 80.73 of the prescribed reservation can be said to be relatively better.

### *Sub-staff Grades*

(iv) The percentage of achievement of Scheduled Castes in Sub-staff grade which includes Class IV staff as well as Sweepers and Scavengers is 136.53 which requires no comments.

## *Scheduled Tribes*

### *Officers Grade*

(v) The percentage of achievement of Scheduled Tribes in officers grade being only 3.3 is quite depressing. The representation of Scheduled Tribes is nil in the State Bank of Travancore.

### *Clerks Grade*

(vi) The percentage of achievement of Scheduled Tribes in clerks grade being 28.13 is depressing.

### *Sub-staff grade*

(vii) The percentage of achievement of Scheduled Tribes in Sub-staff grade is only 27.73 which is quite depressing.

## **C. RESERVE BANK OF INDIA AND ITS SUBSIDIARIES**

(i) The information about the Reserve Bank of India also covers its three subsidiaries as given in Annexure IV(b).

## *Scheduled Castes*

### *Officers Grade*

(ii) The percentage of achievement of Scheduled Castes in officers grade being only 18.13 of the prescribed quota is quite depressing. Further it is noticed that there was not a single Scheduled Caste officer in one of the subsidiaries of the Reserve Bank of India viz., Industrial Reconstruction Corporation of India.

### *Clerks Grade*

(iii) The percentage of achievement of Scheduled Castes in clerks grade being 78.53 cannot be said to be unsatisfactory. A further analysis reveals that the Industrial Development Bank of India with the percentage of achievement of 90 had almost reached S/16 HA/80—21.

the prescribed reservation, which is note worthy. The Reserve Bank of India and the other subsidiaries excluding the Industrial Development Bank of India are still to cover much ground to reach the prescribed reservation.

### *Sub-staff grade*

(iv) It is note worthy that the Reserve Bank of India and all its subsidiaries individually as well as collectively had very much surpassed the prescribed reservation in respect of Sub-staff.

## *Scheduled Tribes*

### *Officers Grade*

(v) The percentage of achievement of Scheduled Tribes in officers grade being only 3.7 of the prescribed quota is very much depressing; there was not a single tribal officer in all the three subsidiaries of the Reserve Bank of India.

### *Clerks Grade*

(vi) The percentage of achievement of Scheduled Tribes in clerical grade being only 50.8 is far from satisfactory. It has also been observed that there was not a single tribal clerk in the Industrial Reconstruction Corporation of India.

### *Sub-staff Grade*

(vii) The percentage of achievement being only 45.86 in the sub-staff grade for Scheduled Tribes cannot be classified as satisfactory.

## *Reservation of promotions*

8.15 The statistical information relating to the reservation in promotions in favour of Scheduled Castes and Scheduled Tribes has not been supplied by the Bureau of Public Enterprises as well as the Banking Division in the Department of Economic Affairs of the Ministry of Finance. However, it is understood that the Government of India orders for reservation in promotions in Class II, III and IV and the lowest rung of Class I are also applicable to the Public Undertakings under question. However, the promotion policy is governed by the agreements with the Unions of Workmen and the interest of Scheduled Castes and Scheduled Tribes are safeguarded in consultation with the Unions.

## **RESERVATION IN PROMOTION POSTS**

8.16 Only 3 State Governments and 2 Union Territory Administrations have furnished information regarding the percentage of reservation prescribed in promotion for Scheduled Castes and Scheduled Tribes. However, the information regarding the number of posts actually filled up as on 1st January, 1979 out of promotion quota has been supplied by the State Government of Gujarat only.

## *Claims of Scheduled Castes and Scheduled Tribes to deputation posts*

8.17 While furnishing information regarding Class I posts the Union Territory Administration of Dadra and Nagar Haveli have informed that such posts are



filled up by deputationists drawn from the neighbouring States and therefore they have indicated percentage of reservation as 'nil', which is not correct. According to instructions contained in the Department of Personnel and Administrative Reforms O.M. No. 36012/7/77-EST(SCT) dated 21st January, 1978 addressed to all Ministries/Departments etc., it is laid down that while selecting persons for posts to be filled in by deputation or transfer, the employing authority should duly consider the cases of Scheduled Castes and Scheduled Tribes employees for deputation etc. No. information is available in respect of other State Governments/Union Territory Administrations.

## REASONS FOR SHORTFALLS IF ANY AND STEPS TAKEN TO MAKE UP THE SHORTFALLS

### A. Reasons for shortfalls in services

8.18 The State Governments/Union Territory Administrations who were requested to send information regarding the representation of Scheduled Castes and Scheduled Tribes in services were also requested to indicate the reasons for shortfall if any and steps taken by them to make good the shortfall. The available information shows that replies (though not up-to-date) have been furnished only by the State Governments of Bihar, Haryana, Madhya Pradesh, Maharashtra, Uttar Pradesh, Punjab and West Bengal and the Union Territory Administrations of Andaman and Nicobar Islands, Dadra & Nagar Haveli and Delhi. One common reason responsible for shortfalls mentioned by all State Governments/Union Territory Administrations who have furnished information is the non-availability of suitably qualified Scheduled Castes and Scheduled Tribes candidates.

### B. Steps taken to make up the shortfalls in services

8.19 Some of the State Governments have taken practical steps for improving the actual percentage of reservation of the Scheduled Castes/Scheduled Tribes in services. Some important steps taken by the State Governments of Gujarat, Uttar Pradesh, West Bengal, Madhya Pradesh and Maharashtra are indicated below :—

- (i) A suitable clause should be inserted in the Gujarat Co-operative Societies Act, 1961 making it incumbent on the various Co-operative institutions to give a specific undertaking to abide by the Government Rules regarding reservation for Scheduled Castes and Scheduled Tribes in services and posts. The above decision was taken by the High Power Committee headed by the Chief Minister, Gujarat after reviewing the performance of various departments in the matter of recruitment of Scheduled Castes and Scheduled Tribes.
- (ii) Orders have been issued by the Government of Uttar Pradesh to the Heads of Departments/Offices to append a certificate in the Annual Confidential Report of the officers indicating whether they have fulfilled their duty in giving representation to Scheduled Castes in an effective manner.

- (iii) The principle of reservation has been introduced by the Government of Uttar Pradesh in *ad hoc* appointments made for the purpose of filling of posts by promotion on the basis of seniority.
- (iv) The Government of Uttar Pradesh have provided reservation of 45% for Scheduled Castes in Non-Technical Class III posts till their representation reaches 9% and thereafter the reservation shall be 25% till the reserved quota of 15% is completed. Similar reservation has been made in Class IV posts for Scheduled Tribes. Similarly, Clause 5(a) of the West Bengal Scheduled Castes and Tribes (Reservation of vacancies in Services and Posts) Act, 1976 provides that the State Government may increase the percentage of reservation for Scheduled Castes and Scheduled Tribes to 25% and 10% from the prescribed reservation of 15% and 5% for these categories in the matter of promotion to make up the deficiencies.
- (v) Clause 7 of the said Reservation Act of West Bengal also provides for a penal provision of fine upto Rs. 250 in case the appointing authority makes an appointment in contravention of the provision of the Act.
- (vi) The Government of Madhya Pradesh have issued instructions to District Collectors to the effect that in case of non-availability of Scheduled Castes and Scheduled Tribes candidates the posts should not be filled up by general candidates. Prior certificate of non-availability of such candidates in other districts is required to be obtained from the State Director of Welfare.
- (vii) The State Government of Maharashtra have provided that in case where only one vacancy occurs in the initial recruitment year and the corresponding roster point happens to be reserved for the Scheduled Castes and Scheduled Tribes etc. it should be treated as unreserved and filled accordingly and the reservation carried forward to the subsequent recruitment year(s), but in the subsequent recruitment year(s) even if there be only one vacancy it should be treated as reserved against the carried forward reservation from the initial recruitment year and filled accordingly.

## COMPLAINTS/REPRESENTATIONS ON SERVICE MATTERS

### A. Complaints received in the Head Quarters Office of the Commission

8.20 During the period under report *i.e.* August 1978 to March 1979, the Headquarters office and the field offices of the Commission received several complaints/representations on service matters from the Scheduled Castes and Scheduled Tribes employees working in the various Departments and in the offices

of the State Governments/Union Territory Administrations, Government of India and the Public Undertakings under their control. The complaints/representations received by the Headquarters office of the Commission related to grievances in the matter of appointment, promotion, transfer etc. The statistics of such complaints/representations received and their disposal relating to the State Governments/Union Territory Administrations is given at Annexure IV while such statistics relating to Departments/offices of the Government of India appear at Annexure V. The information received from the field offices of the Commission directly has been given in para 8.23 of this Chapter.

#### *The State Governments/Union Territory Administrations*

8.21 The available information shows that the Headquarters Office of the Commission received 283 complaints/representations from Scheduled Castes (255) and Scheduled Tribes (28), working in various State Governments/Union Territory Administrations. According to the break-up of complaints/representations it is observed that 21.9 per cent, 36.39 per cent and 6.36 per cent representations relate to some grievance/denial of justice in appointments, promotions and cases of transfers respectively while 36.03 per cent of the representations relate to other miscellaneous matters. As regards disposal of these complaints/representations it is observed that only 3.83 per cent of such cases referred to the State Governments/Union Territory Administrations by the Headquarters Office of the Commission had resulted in the desired relief to the representationists while only 12.30 per cent of the cases were rejected by the State Governments/Union Territory Administrations, 83.74 per cent cases were pending disposal at the end of the period under report.

#### GOVERNMENT OF INDIA

8.22 Only 68 Scheduled Castes and 12 Scheduled Tribes Central Government employees represented for redress in service matters. 5.00 per cent, 41.23 per cent, 5.00 per cent and 48.75 per cent of the representations relate to grievances in appointments, promotions, transfers and other miscellaneous matters respectively. Only 7.5 per cent of the cases have been disposed of favourably while 22.5 per cent have been rejected by the Departments/Offices. 70 per cent of the cases were pending disposal at the end of the period under report.

#### *B. Complaints/Representations received directly by the Field Offices*

8.23 The statistical data furnished by the field offices of the Commission from August 1978 to March 1979 regarding the number of complaints/representations received from Scheduled Castes and Scheduled Tribes directly in their respective office is 1001 of which 871 are from the Scheduled Castes and 130 from Scheduled Tribes. 984 cases were taken up by the field offices with the authorities concerned for redressal of grievances and among these cases 93 cases resulted in desired relief to the representationists, 47

cases have been rejected by the employers of the representationists and the balance 556 cases are still pending in spite of continuous follow up efforts made by the field offices. The information furnished by Bhopal office relating to the disposal of 288 cases is not complete. The statistical information is given at Annexure VI.

8.24 The summaries of some of the important cases which have resulted in the desired relief to the Scheduled Castes and Scheduled Tribes representationists and the cases which were rejected by the employing departments taken up by the Headquarters office and the field offices of the Commission are given in Annexure VII. The number of cases of the former category is 29 while that of the latter category is 24.

8.25 On the basis of the above analysis, the following observations/recommendations are made :—

#### A. RECOMMENDATIONS PERTAINING TO GOVERNMENT OF INDIA

1. The Government of India in the Department of Personnel and Administrative Reforms have furnished partial information relating to 56 out of 57 Ministries/Departments. The information as on 1st January, 1979 covering all the Ministries/Departments should be furnished by the Government of India.

2. The Department of Personnel and Administrative Reforms in the Government of India should furnish the information regarding actual representation of Scheduled Castes and Scheduled Tribes in Class I, II, III and IV post filled by promotion as on 1st January, 1979 as the same has not been done.

3. The Government of India should take special measures for increasing the representation of Scheduled Tribes and Scheduled Castes in Class I and Class II services so that it conforms to the prescribed percentages of reservation. Steps in the form of special recruitment drives are required to be undertaken vigorously to improve the representation of Scheduled Tribes in Class III posts which is hardly 3 per cent as against the prescribed quota of 7½ per cent. Similar steps should also be taken in respect of representation of Scheduled Tribes in Class IV posts as their representation is less than 5 per cent against the reserved quota.

4. As the actual representation of Scheduled Castes in Class I posts was either nil or negligible (less than or just above 1 per cent) in the Cabinet Secretariat, Department of Parliamentary Affairs, Electronics Commission, Vice-President's office, Department of Agricultural Research and Education, Department of Electronics, Department of Space, Department of Petroleum, Department of Atomic Energy and the Department of Education it is necessary that these Ministries/Departments/Offices should take up immediate effective steps to recruit Scheduled Caste persons.

5. The 33 Ministries/Departments in which the actual representation of Scheduled Castes was found to be unsatisfactory (3 per cent to 7.50 per cent), should take special measures in the form of vigorous

recruitment drives to improve the representation of Scheduled Castes in Class I Cadre. These 33 Ministries/Departments/Offices are Department of Personnel and Administrative Reforms (Administrative Reforms Wing), Department of Heavy Industries, Department of Rural Development, Department of Mines, Department of Rehabilitation, Planning Commission, Ministry of Home Affairs, Ministry of Information and Broadcasting, Department of Power, Department of Health, Department of Family Welfare, Department of Irrigation, Ministry of Defence, Prime Minister's Office, Ministry of Works and Housing, Department of Finance (Defence), President's Secretariat, Department of Expenditure, Department of Coal, Department of Statistics, Department of Social Welfare, Comptroller and Auditor General's Office, Department of Civil Supplies and Co-operation, Department of Revenue, Ministry of Communication, Ministry of External Affairs, Department of Industrial Development, Ministry of Shipping and Transport, Department of Economic Affairs, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Tourism and Civil Aviation, Department of Science and Technology and Union Public Service Commission.

6. Although in the remaining 13 Ministries/Departments/Offices, the position appears to be slightly better, the actual percentage of representation being between 7.5% and 13%, there is need for improving the intake of Scheduled Caste Officers so that the actual percentage of representation conforms to the prescribed quota. These 13 Ministries/Departments/Offices are the Ministry of Railways, Department of Chemicals and Fertilizers, Department of Culture, Department of Agriculture, Department of Supply, Department of Company Affairs, Bureau of Public Enterprises, Ministry of Commerce, Department of Steel, Department of Food, Department of Legal Affairs, Department of Legislation and the Ministry of Labour.

7. The Department of Space, Department of Social Welfare and the Department of Atomic Energy should take urgent and special measures in the form of vigorous recruitment drives for the intake of Scheduled Caste Officers in Class II posts, as the actual percentages of representation of Scheduled Castes in Class II Cadre in these Departments is unsatisfactory (being nil or less than 3 per cent).

8. In 23 Ministries/Departments/Offices, the actual representation is between 4% and 7.40%. These Ministries/Departments/Offices should also take up measures for increasing the intake of Scheduled Caste Officers in the Class II Posts. These 23 Ministries/Departments/Offices are the Department of Electronics, Office of the Prime Minister, Ministry of Works and Housing, Department of Finance (Defence), Department of Expenditure, Department of Heavy Industries, Department of Education, Department of Mines, Department of Rehabilitation, Comptroller and Auditor General's Office, Bureau of Public Enterprises, Ministry of Communication, Ministry of External Affairs, Department of Industrial Development, Department of Steel, Department of Chemicals, Department of Economic Affairs, Planning Commission, Ministry of Home Affairs, Department of Person-

nel and Administrative Reforms (Personnel Wing), Ministry of Health & Family Welfare, Ministry of Defence, Department of Agriculture, and the Department of Irrigation.

9. None of the remaining Ministries/Departments/Offices except the Department of Parliamentary Affairs had fulfilled the prescribed quota. All the Ministries/Departments/Offices should step up the intake of Scheduled Caste Officers in Class II Cadre so that the actual percentage of representation conforms to the prescribed quota.

10. The 5 Departments/Offices in which the actual representation of Scheduled Castes in Class III posts was unsatisfactory (percentage being in the range 5% —7.50%) should start take effective measures in the form of vigorous recruitment drives for increasing the intake of Scheduled Castes. These 5 Departments/Offices are Department of Personnel and Administrative Reforms (Administrative Reforms Wing), Department of Statistics, Department of Space, Department of Chemicals and Fertilizers and Vice-President's Office.

11. In the 11 Ministries/Departments/Offices where the actual percentage was only between half to three-fourth of the prescribed quota in the Class III Posts, effective measures should be initiated to increase the intake of Scheduled Castes so that the actual percentage conforms to the prescribed quota. These 11 Ministries/Departments/Offices are the Department of Parliamentary Affairs, Department of Heavy Industries, Department of Statistics, Department of Social Welfare, Department of Atomic Energy, Department of Petroleum, Ministry of External Affairs, Ministry of Shipping and Transport, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Irrigation and the Prime Minister's Office.

12. The Ministry of External Affairs, Department of Personnel and Administrative Reforms and the Department of Education should increase the intake of Scheduled Castes in Class IV Posts so that the actual percentage of representation conforms to the prescribed quota.

13. As the position in regard to the actual representation of Scheduled Tribes in the Class I and Class II Posts in Government of India is very depressing, it is high time that all the Ministries/Departments/Offices in the Government of India should take immediate and effective measures for intake of the Scheduled Tribe persons in the Class I and Class II Posts.

14. The 10 Ministries/Departments/Offices where there was no Scheduled Tribe employee at all in the Class III Posts, should take up serious and effective measures to recruit Scheduled Tribe persons in adequate numbers. These 10 Ministries/Departments/Offices are Cabinet Secretariat, Department of Personnel and Administrative Reforms (Administrative Reforms Wing), Department of Heavy Industries, Electronics Commission, Department of Rural Development, Department of Petroleum, Department of Chemicals and Fertilizers, President's Secretariat, Vice-President's Secretariat and the Prime Minister's Office.



15. Vigorous efforts for increasing the intake of Scheduled Tribe employees in Class III Posts should be taken up by the 36 Ministries/Departments/Offices where the actual percentage of representation was not even half the prescribed quota *i.e.* not even 3.75%. These 36 Ministries/Departments are the Department of Parliamentary Affairs, Department of Food, Ministry of Works and Housing, Ministry of Commerce, Ministry of Finance (Defence Division), Department of Company Affairs, Department of Expenditure, Department of Coal, Union Public Service Commission, Department of Supply, Department of Legislation, Department of Space, Department of Education, Department of Statistics, Department of Social Welfare, Department of Atomic Energy, Department of Mines, Department of Rehabilitation, Bureau of Public Enterprises, Department of Civil Supplies and Co-operation, Department of Tourism and Civil Aviation, Department of Revenue, Ministry of External Affairs, Department of Industrial Development, Department of Steel, Department of Culture, Department of Shipping and Transport, Planning Commission, Ministry of Railways, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Power, Department of Health, Department of Family Welfare, Ministry of Defence, Department of Agriculture and Department of Irrigation.

16. Effective measures should be taken immediately for recruiting adequate number of Scheduled Tribe persons in Class IV posts in the four Ministries/Departments/Offices where the percentage of representation was nil and in the 18 Ministries/Departments/Offices where the actual percentage of representation was less than half the prescribed quota. These four Ministries/Departments/Offices with nil percentage of representation are the Department of Electronics, Electronics Commission, the Department of Agricultural Research and Education and President's Secretariat; the 18 Ministries/Departments/Offices where not even half the prescribed quota remains fulfilled are the Ministry of Works and Housing, Department of Legal Affairs, Department of Company Affairs, Department of Expenditure, Department of Coal, Department of Science and Technology, Department of Heavy Industries, Department of Rural Development, Department of Statistics, Department of Social Welfare, Department of Petroleum, Ministry of External Affairs, Department of Chemicals and Fertilisers, Department of Culture, Planning Commission, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Power and Department of Agriculture.

17. The instructions of the Government of India issued *vide* the Department of Personnel and Administrative Reforms O.M. No. 36012/7/77-EST(SCT) dated 21st January, 1978 regarding filling of deputation posts in Class I services are not being followed in letter and spirit by the Union Territory Administration of Dadra and Nagar Haveli. These should be followed meticulously.

#### B. RECOMMENDATIONS PERTAINING TO STATE GOVERNMENTS/UNION TERRITORY ADMINISTRATIONS

18. The State Governments of Andhra Pradesh, Assam, Himachal Pradesh, Manipur, Meghalaya,

Nagaland, Rajasthan and Tripura and the Union Territory Administrations of Arunachal Pradesh, Chandigarh, Goa, Daman & Diu have not furnished the information on the representation of Scheduled Castes and Scheduled Tribes as required by the Commission. The State Governments etc. should furnish the information to the Commission urgently.

19. The State Governments of Karnataka, Orissa and West Bengal have furnished statistics of intake as on 1st January, 1976, 1st April, 1977 and 31st March, 1974 respectively, which are not up-to-date while the State Governments of Kerala, Madhya Pradesh and Union Territory Administrations of Lakshadweep and Mizoram have furnished data for the year 1978. These State Governments/Union Territory Administrations should take early steps to furnish information for the year under report *i.e.* as on 1st January, 1979.

20. The State Governments/Union Territory Administrations should furnish to this Commission, information regarding actual representation of Scheduled Castes and Scheduled Tribes in the various categories of Services/Posts filled up by promotion as on 1st January, 1979.

21. There is a heavy shortfall in the representation of Scheduled Castes in Class I Posts in the States of Haryana, Madhya Pradesh, Orissa and West Bengal and the Union Territory of Pondicherry. Similarly, the representation of Scheduled Tribes in Class I posts is also much below the mark in the States of Orissa, Madhya Pradesh, Uttar Pradesh, West Bengal, Bihar, Gujarat, Karnataka and Maharashtra. The percentage of intake of Scheduled Tribes in the State of Kerala and the Union Territory of Pondicherry is just nil. The State Governments/Union Territory Administrations concerned should take special measures to make good the shortfall in the representation of Scheduled Castes and Scheduled Tribes in Class IV posts.

22. The State Governments of Haryana, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal and the Union Territory Administration of Delhi have not achieved even 50 per cent of the reserved quota for Class II posts, in respect of Scheduled Castes. Similarly, the position of intake of Scheduled Tribes is very much below the prescribed percentage in respect of Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Uttar Pradesh, Madhya Pradesh and West Bengal and the Union Territory of Dadra and Nagar Haveli. The State Governments/Union Territory Administration concerned should take special steps to improve the representation of Scheduled Castes and Scheduled Tribes in Class II Posts.

23. The position of representation of Scheduled Tribes in respect of Karnataka, Kerala, Madhya Pradesh, Orissa, Uttar Pradesh and West Bengal and the Union Territory of Andaman & Nicobar Islands is much below the prescribed percentage of reservation fixed for them in Class III posts. The position of representation of Scheduled Castes also is quite depressing in the Union Territories of Mizoram and Pondicherry as well as in the States of Haryana, Karnataka, Madhya Pradesh, Orissa and West Bengal.

The representation of Scheduled Castes and Scheduled Tribes in Class III posts in respect of the above-mentioned States should be improved so that it conforms to the percentages prescribed for them.

24. The State Governments of Orissa and West Bengal have included the figures of intake of Sweepers and Scavengers while the State Governments of Bihar, Gujarat, Haryana and Kerala and the Union Territory Administrations of Delhi and Mizoram have not specified whether they have included the figures of representation of Sweepers and Scavengers in Class IV posts, which might have been done with a view to inflating the actual percentage of Scheduled Caste Class IV employees. These State Governments/Union Territory Administrations should furnish figures of representation in Class IV posts by excluding Sweepers and Scavengers.

25. The representation of Scheduled Castes in Class IV posts in the State of Madhya Pradesh (excluding Sweepers and Scavengers) and West Bengal (including Sweepers and Scavengers) is still very much below the prescribed percentage. Special steps should be taken by the State Governments/Union Territory Administrations to make good the shortfall in the representation of Scheduled Castes.

26. The position of representation of Scheduled Tribes in Class IV Posts is quite unsatisfactory in the States of Orissa, Madhya Pradesh and West Bengal and the Union Territories of Andaman & Nicobar Island and Delhi. Special steps should be taken by the concerned State Governments/Union Territory Administrations for increasing the representation of the Scheduled Castes/Scheduled Tribes in Class IV posts.

27. All the State Governments and Union Territory Administrations excepting Gujarat should furnish information regarding the actual representation of Scheduled Castes and Scheduled Tribes in services and posts filled by promotion as on 1st January, 1979.

#### C. RECOMMENDATIONS PERTAINING TO PUBLIC ENTERPRISES : NATIONALISED BANKS

28. The Bureau of Public Enterprises which deals with Public (Industrial) Undertakings has furnished information in respect of all the Undertakings collectively. The Bureau should kindly furnish to the Commission the information in respect of all the Industrial Undertakings individually so that their performance with regard to the representation of Scheduled Castes and Scheduled Tribes in services may be evaluated in a realistic manner.

29. The Banking Division in the Department of Economic Affairs of the Ministry of Finance has furnished information individually in respect of all the Banks under its control; but the data have not been furnished for Group A, B, C and D employees on the lines of the services and posts in the Government of India. The Banking Division should kindly maintain data category-wise as above and furnish the same to the Commission.

30. The Bureau of Public Enterprises/Ministry of Finance (Banking Division) should furnish to this Commission, information regarding actual representation of Scheduled Castes and Scheduled Tribes in the various categories of Services/Posts filled up by promotion in the Public Sector Undertakings/Nationalised Banks as on 1st January, 1979.

31. The representation of Scheduled Castes and Scheduled Tribes in Class I and II services in the Public (Industrial) Undertakings is quite depressing and special steps are required to be undertaken to improve their representation.

32. The representation of Scheduled Castes/Scheduled Tribes as Officers in all the Nationalised Banks is not at all satisfactory. Special steps may be taken up on a vigorous scale to increase the representation of Scheduled Castes and Scheduled Tribes in the Officers grade so that it conforms to the prescribed percentage.

33. The representation of Scheduled Castes in Clerks grade in the United Commercial Bank, Allahabad Bank, Central Bank of India, Syndicate Bank and Dena Bank and that of Scheduled Tribes in all the Nationalised Banks in respect of the said grade is very much disappointing and the position can only improve if all the Nationalised Banks resort to special recruitment drive through the respective Regional Recruitment Boards.

34. The representation of Scheduled Tribes in Subordinate grade which corresponds to Class IV grade is not at all satisfactory in respect of all the Nationalised Banks excepting Dena Bank. The Nationalised Banks concerned should take suitable steps to increase the representation of Scheduled Tribes in Class IV grade. One way to improve matters can be by way of holding special recruitments in the tribal areas.

35. The representation of Scheduled Castes and Scheduled Tribes in the officers grade is quite depressing in the State Bank of India and its subsidiaries. Similarly the representation of Scheduled Castes in the State Bank of Indore and Scheduled Tribes in the State Bank of Travancore is nil. Special efforts should be made by the above banks to make good the shortfall.

36. The representation of Scheduled Tribes in clerks grade and sub-staff grade being only 28.13 per cent and 27.73 per cent of the prescribed quota in Nationalised Banks, State Bank of India and its subsidiaries and the Reserve Bank of India, is quite depressing and special steps should be taken to improve their representation in these grades.

37. The representation of the Scheduled Castes and Scheduled Tribes in officers grade being only 18.13 and 3.7 per cent of the prescribed quota in the Reserve Bank of India and its subsidiaries is quite depressing. Similarly, the representation of Scheduled Castes in the officers grade in the Industrial Reconstruction Corporation of India and the Scheduled Tribes as officers in all the subsidiaries of the Reserve Bank of India is nil. They should take special time-bound measures to improve their representation.

38. The Reserve Bank of India and its other two subsidiaries viz. Industrial Finance Corporation of India and the Industrial Reconstruction Corporation of India have not yet reached the prescribed reservation in respect of intake of Scheduled Castes in clerks grade. Similarly the representation of Scheduled Tribes in clerical grade in the Reserve Bank of India and its two subsidiaries is just 50 per cent of the prescribed quota while their representation in the third subsidiaries viz. the Industrial Reconstruction Corporation of India is nil. Special time bound measures may be taken for a step up in their representation in the said Banks/subsidiaries.

39. The representation of Scheduled Tribes in Sub-staff grade is unsatisfactory in the Reserve Bank of India and its subsidiaries as it is not even 50 per cent of the prescribed quota. The position is still worse in the Industrial Finance Corporation of India where their representation is hardly 18 per cent of the prescribed quota. The Reserve Bank of India and its said subsidiaries should take special time bound steps to increase the representation of Scheduled Tribes in Sub-staff grade.

40. The Commission recommend that the Bureau of Public Enterprises should make inspection of various Central Public Sector Undertakings in respect of reservation in services. This may be done on a regular basis so that the representation of the Scheduled Castes and Scheduled Tribes in these Undertakings records an improvement.

#### D : GENERAL RECOMMENDATIONS

41(a) With a view to filling up the backlog of deficiency in actual representation of Scheduled Castes

and Scheduled Tribes in the various categories of services/posts the Government of India/State Governments/Union Territory Administrations/Public Sector Undertakings/Nationalised Banks may consider laying down that until the prescribed quotas of reservation for Scheduled Castes and Scheduled Tribes are filled up, the minimum intake of Scheduled Castes and Scheduled Tribes should be 50% of the vacancies to be filled up in future, as has been prescribed by the Uttar Pradesh Government.

41(b) The Department of Personnel & Administrative Reforms, Government of India/State Governments/Union Territory Administrations/Bureau of Public Enterprises/Ministry of Finance (Banking Division) should furnish to this Commission Quarterly Returns relating to the filling up of the prescribed quotas for Scheduled Castes and Scheduled Tribes in the various categories of services/posts in the Government of India (Ministry-wise/Department-wise), State Governments, Union Territory Administrations, Public Sector Industrial Undertakings, and Public Sector Commercial Undertakings (the Nationalised Banks, State Bank of India & its subsidiaries and Reserve Bank of India and its subsidiaries respectively).

41(c) The Government of India, State Governments, Union Territory Administrations, Public Sector Undertakings and Nationalised Banks should attach utmost priority to the disposal of complaints/representations submitted to them by the Scheduled Castes and Scheduled Tribes employees through the Commission.

## Statement showing the percentage of representation of Scheduled Castes and Scheduled Tribes

| S. No. | Name of the State/<br>U.T./Central Government | Prescribed percentage of reservation in direct recruitment |          |           |          |                  |          |           |          | Prescribed percentage of |          |           |          |
|--------|-----------------------------------------------|------------------------------------------------------------|----------|-----------|----------|------------------|----------|-----------|----------|--------------------------|----------|-----------|----------|
|        |                                               | Scheduled Castes                                           |          |           |          | Scheduled Tribes |          |           |          | Scheduled Castes         |          |           |          |
|        |                                               | Class I                                                    | Class II | Class III | Class IV | Class I          | Class II | Class III | Class IV | Class I                  | Class II | Class III | Class IV |
| 1      | 2                                             | 3                                                          | 4        | 5         | 6        | 7                | 8        | 9         | 10       | 11                       | 12       | 13        | 14       |
| 1.     | Andhra Pradesh                                | Information not received                                   |          |           |          |                  |          |           |          |                          |          |           |          |
| 2.     | Assam                                         | Do                                                         |          |           |          |                  |          |           |          |                          |          |           |          |
| 3.     | Bihar                                         | 14                                                         | 14       | 14        | 14       | 10               | 10       | 10        | 10       | Information not          |          |           |          |
| 4.     | Gujarat                                       | 7                                                          | 7        | 7         | 7        | 14               | 14       | 14        | 14       | 7                        | 7        | 7         | 7        |
| 5.     | Haryana                                       | 20                                                         | 20       | 20        | 20       | —                | —        | —         | —        | Information not          |          |           |          |
| 6.     | Himachal Pradesh                              | Information not received                                   |          |           |          |                  |          |           |          |                          |          |           |          |
| 7.     | Jammu & Kashmir                               | Do                                                         |          |           |          |                  |          |           |          |                          |          |           |          |
| 8.     | Karnataka                                     | 15                                                         | 15       | 15        | 15       | 3                | 3        | 3         | 3        | Information not          |          |           |          |
| 9.     | Kerala                                        | 8                                                          | 8        | 8         | 8        | 2                | 2        | 2         | 2        | Information not          |          |           |          |
| 10.    | Madhya Pradesh                                | 15                                                         | 15       | 16        | 16       | 18               | 18       | 20        | 20       | Information not          |          |           |          |
| 11.    | Maharashtra                                   | 13                                                         | 13       | 13        | 13       | 7                | 7        | 7         | 7        | Information not          |          |           |          |
| 12.    | Manipur                                       | Information not received                                   |          |           |          |                  |          |           |          |                          |          |           |          |
| 13.    | Meghalaya                                     | Do                                                         |          |           |          |                  |          |           |          |                          |          |           |          |
| 14.    | Nagaland                                      | Do                                                         |          |           |          |                  |          |           |          |                          |          |           |          |
| 15.    | Orissa                                        | 16                                                         | 16       | 16        | 16       | 24               | 24       | 24        | 24       | Information not          |          |           |          |
| 16.    | Punjab                                        | 25                                                         | 25       | 25        | 25       | —                | —        | —         | —        | 14                       | 14       | 20        | 20       |
| 17.    | Rajasthan                                     | Information not received                                   |          |           |          |                  |          |           |          |                          |          |           |          |
| 18.    | Sikkim                                        | —                                                          | —        | —         | —        | —                | —        | —         | —        | —                        | —        | —         | —        |
| 19.    | Tamil Nadu                                    | Information not received                                   |          |           |          |                  |          |           |          |                          |          |           |          |
| 20.    | Tripura                                       | Do                                                         |          |           |          |                  |          |           |          |                          |          |           |          |
| 21.    | Uttar Pradesh                                 | 18                                                         | 18       | 18        | 18       | 2                | 2        | 2         | 2        | 18                       | 18       | 18        | 18       |
| 22.    | West Bengal                                   | 15                                                         | 15       | 15        | 15       | 5                | 5        | 5         | 5        | 15                       | 15       | 15        | 15       |
| 23.    | Andaman & Nicobar Islands                     | —                                                          | —        | —         | —        | 16               | 16       | 16        | 16       | —                        | —        | —         | —        |
| 24.    | Arunachal Pradesh                             | Information not received                                   |          |           |          |                  |          |           |          |                          |          |           |          |
| 25.    | Chandigarh                                    | Do                                                         |          |           |          |                  |          |           |          |                          |          |           |          |
| 26.    | Dadra & Nagar Haveli                          | @@                                                         | 2        | 2         | 2        | @@               | 43       | 43        | 43       | —                        | 15       | 15        | —        |
| 27.    | Delhi                                         | 15                                                         | 15       | 15        | 15       | 7.50             | 7.50     | 7.50      | 7.50     | —                        | —        | —         | —        |
| 28.    | Goa, Daman & Diu                              | Information not received                                   |          |           |          |                  |          |           |          |                          |          |           |          |
| 29.    | Lakshadweep                                   | —                                                          | —        | —         | —        | 45               | 45       | 45        | 45       | —                        | —        | —         | —        |
| 30.    | Mizoram                                       | 7.50                                                       | 7.50     | 7.50      | 7.50     | 12               | 12       | 12        | 12       | —                        | —        | —         | —        |
| 31.    | Pondicherry                                   | 16                                                         | 16       | 16        | 16       | 5                | 5        | 5         | 5        | 15                       | 15       | 15        | 15       |
| 32.    | Central Government*                           | 15                                                         | 15       | 15        | 15       | 7.50             | 7.50     | 7.50      | 7.50     | 15                       | 15       | 15        | 15       |
|        |                                               | 16½@                                                       | 16½@     | 16½@      | 16½@     |                  |          |           |          |                          |          |           |          |

*in services and posts in Central Ministries/State Governments/Union Territory Administrations*

| reservation in promotion |          |           |          | Actual Representation |          |           |          |                  |          |           |          | Remarks (Ref. and date) |  |
|--------------------------|----------|-----------|----------|-----------------------|----------|-----------|----------|------------------|----------|-----------|----------|-------------------------|--|
| Scheduled Tribes         |          |           |          | Scheduled Castes      |          |           |          | Scheduled Tribes |          |           |          |                         |  |
| Class I                  | Class II | Class III | Class IV | Class I               | Class II | Class III | Class IV | Class I          | Class II | Class III | Class IV |                         |  |
| 15                       | 16       | 17        | 18       | 19                    | 20       | 21        | 22       | 23               | 24       | 25        | 26       | 27                      |  |
| available                |          |           |          | 9.14                  | 9.04     | 6.80      | 16.9     | 2.69             | 6.08     | 5.40      | 14.41    | 1-1-79                  |  |
| 14                       | 14       | 14        | 18       | 4.5                   | 5.9      | 10.7      | 34.7     | 2.3              | 3.2      | 9.1       | 17.8     | 1-1-79                  |  |
| available                |          |           |          | 3.4                   | 3.9      | 7.5       | 25.1     | —                | —        | —         | —        | 1-1-79                  |  |
| available                |          |           |          | 5.3                   | 4.1      | 7.4       | 14.9     | 0.5              | 0.6      | 0.6       | 0.8      | 1-1-76                  |  |
| available                |          |           |          | 1.71                  | 3.47     | 3.95      | 10.24    | —                | 0.35     | 0.78      | 1.05     | 1-1-78                  |  |
| available                |          |           |          | 1.95                  | 2.25     | 7.03      | 8.5      | 0.6              | 1.05     | 5.6       | 7.14     | 1-1-78                  |  |
| available                |          |           |          | 6.28                  | 6.83     | 0.80      | 21.00    | 1.30             | 2.07     | 4.17      | 6.80     | 1-1-79                  |  |
| available                |          |           |          | 0.65                  | 1.03     | 7.90      | 17.08    | 0.41             | 0.51     | 6.15      | 8.12     | 1-4-77                  |  |
| —                        | —        | —         | —        | 8                     | 8        | 13.5      | 35       | —                | —        | —         | —        | 1-1-79                  |  |
| —                        | —        | —         | —        | —                     | —        | —         | —        | —                | —        | —         | —        | —                       |  |
| 2                        | 2        | 2         | 2        | 4.44                  | 4.1      | 9.1       | 14.8     | 0.1              | 0.10     | 0.32      | 0.38     | 1-1-79                  |  |
| 5                        | 5        | 5         | 5        | 1.81                  | 2.65     | 6.58      | 7.13     | 0.38             | 0.58     | 1.89      | 1.01     | 31-3-74                 |  |
| —                        | —        | —         | —        | —                     | —        | —         | —        | —                | —        | —         | 2.35     | 1-1-79                  |  |
| —                        | 7.50     | 7.50      | —        | 12.5                  | 4.35     | 4.45      | 12.50    | —                | 4.35     | 25.66     | 70.70    | 1-1-79                  |  |
| —                        | —        | —         | —        | 6.12                  | 6.92     | 7.58      | 18.32    | —                | —        | 0.69      | 0.60     | 1-1-79                  |  |
| 22½                      | 22½      | 22½       | 22½      | —                     | —        | —         | —        | 27.77            | 40.00    | 55.41     | 81.75    | 1-1-78                  |  |
| —                        | —        | —         | —        | 1.47                  | 4.72     | 1.49      | 4.09     | 69.15            | 71.07    | 91.40     | 83.87    | 1-4-78                  |  |
| 7.5                      | 7.5      | 7.5       | 7.5      | 1.88                  | 9.62     | 6.83      | 14.27    | —                | 0.20     | 0.16      | 0.50     | 1-1-79                  |  |
| 7.50                     | 7.50     | 7.50      | 7.50     | 4.70                  | 7.11     | 11.76     | 19.25    | 0.95             | 1.03     | 2.87      | 5.17     | 1-1-79                  |  |

@ Direct recruitment by open competition on an All India basis Reservation SC 15% ST 7½%.  
Direct recruitment by methods other than open competition SC 16½% ST 7½%.

\* This information (supplied by the Department of Personnel and Administrative Reform) is in respect of 56 Ministries/Departments. The information from the Directorate General Post, & Telegraph was not reported to have been received by the Departments of Personnel & Administrative Reforms.

@@ Posts of Class I are being filled by deputationist from the neighbouring States.

£ Reservation in Services for SC/ST not provided so far.

# ANNEXURE II

Statement showing the position regarding the actual representation of Scheduled Castes and Scheduled Tribes in services and posts as on 1-1-1979 in Central Government and in different States/Union Territories

| S. No. | Name of the State/U.T. Adms. | Actual representation of Scheduled Castes and Scheduled Tribes in Posts and Services |          |           |          |                     |          |                     |          |                     |          |           |          | Remarks (Date as on) |
|--------|------------------------------|--------------------------------------------------------------------------------------|----------|-----------|----------|---------------------|----------|---------------------|----------|---------------------|----------|-----------|----------|----------------------|
|        |                              | Total number of posts                                                                |          |           |          | Scheduled Castes    |          |                     |          | Scheduled Tribes    |          |           |          |                      |
|        |                              | Class I                                                                              | Class II | Class III | Class IV | Class I             | Class II | Class III           | Class IV | Class I             | Class II | Class III | Class IV |                      |
| 1      | 2                            | 3                                                                                    | 4        | 5         | 6        | 7                   | 8        | 9                   | 10       | 11                  | 12       | 13        | 14       | 15                   |
| 1.     | Andhra Pradesh               | Information not received                                                             |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 2.     | Assam                        | Do                                                                                   |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 3.     | Bihar                        | 853                                                                                  | 7330     | 21558     | 10899    | 78                  | 663      | 1469                | 1902     | 23                  | 446      | 1189      | 1571     | 1-1-79               |
| 4.     | Gujarat                      | 2848                                                                                 | 10203    | 283614    | 43156    | 36                  | 276      | 20301               | 10440    | 18                  | 149      | 17189     | 5389     | 1-1-79               |
| 5.     | Haryana                      | 789                                                                                  | 3709     | 113489    | 36704    | 27                  | 144      | 8556                | 9231     | No Scheduled Tribes |          |           |          | 1-1-79               |
| 6.     | Himachal Pradesh             | Information not received                                                             |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 7.     | Jammu & Kashmir              | Do                                                                                   |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 8.     | Karnataka                    | 3871                                                                                 | 10783    | 203886    | 78222    | 205                 | 439      | 14998               | 11649    | 21                  | 62       | 1243      | 1374     | 1-1-76               |
| 9.     | Kerala                       | 375                                                                                  | 9701     | 146695    | 23513    | 15                  | 337      | 5791                | 2409     | —                   | 34       | 404       | 249      | 1-1-78               |
| 10.    | Madhya Pradesh               | 2942                                                                                 | 16310    | 373829    | 74343    | 57                  | 368      | 24300               | 6302     | 17                  | 172      | 21001     | 5315     | 1-1-78               |
| 11.    | Maharashtra                  | 3419                                                                                 | 7404     | 405273    | 51516    | 215                 | 506      | 44801               | 10843    | 45                  | 154      | 17039     | 3595     | 1-1-79               |
| 12.    | Manipur                      | Information not received                                                             |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 13.    | Meghalaya                    | Do                                                                                   |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 14.    | Nagaland                     | Do                                                                                   |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 15.    | Orissa                       | 1676                                                                                 | 8216     | 116432    | 40531    | 11                  | 86       | 9200                | 6922     | 7                   | 42       | 7164      | 3293     | 1-4-77               |
| 16.    | Punjab                       | 1549                                                                                 | 6533     | 183431    | 43495    | 125                 | 523      | 24791               | 16417    | No Scheduled Tribes |          |           |          | 1-1-79               |
| 17.    | Rajasthan                    | Information not received                                                             |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 18.    | Sikkim                       | Reservation not yet provided                                                         |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 19.    | Tamil Nadu                   | Information not received                                                             |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 20.    | Tripura                      | Do                                                                                   |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 21.    | Uttar Pradesh                | 2844                                                                                 | 11996    | 157031    | 143641   | 126                 | 501      | 14038               | 21258    | 3                   | 51       | 513       | 552      | 1-1-79               |
| 22.    | West Bengal                  | 5297                                                                                 | 26884    | 241840    | 17908@   | 96                  | 690      | 15905               | 1277@    | 20                  | 150      | 4564      | 180@     | 31-3-74              |
| 23.    | Andaman & Nicobar Islands    | 118                                                                                  | 196      | 6780      | 3784     | No Scheduled Castes |          |                     |          |                     |          | 162       | 89       | 1-1-79               |
| 24.    | Arunachal Pradesh            | Information not received                                                             |          |           |          |                     |          | No Scheduled Tribes |          |                     |          |           |          |                      |
| 25.    | Chandigarh                   | Do                                                                                   |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 26.    | Dadra & Nagar Haveli         | 8                                                                                    | 23       | 1122      | 232      | 1                   | 1        | 50                  | 29       | —                   | 1        | 288       | 164      | 1-1-79               |
| 27.    | Delhi                        | 1385                                                                                 | 1488     | 54991     | 10333    | 70                  | 103      | 4152                | 1894     | 3                   | 4        | 380       | 64       | 1-1-79               |
| 28.    | Goa, Daman & Diu             | Information not received                                                             |          |           |          |                     |          |                     |          |                     |          |           |          |                      |
| 29.    | Lakshadweep                  | 18                                                                                   | 70       | 1386      | 537      | No Scheduled Castes |          |                     |          | 5                   | 28       | 768       | 439      | 1-1-78               |
| 30.    | Mizoram                      | 201                                                                                  | 529      | 7968      | 5521     | 9                   | 25       | 119                 | 226      | 139                 | 376      | 7288      | 4592     | 1-4-78               |
| 31.    | Pondicherry                  | 159                                                                                  | 488      | 10706     | 4742     | 3                   | 46       | 732                 | 667      | —                   | 1        | 18        | 24       | 1-1-79               |
| 32.    | Central Government           | 44489                                                                                | 51018    | 1325928   | 1189042  | 2090                | 3628     | 155884              | 228872   | 421                 | 523      | 38061     | 61409    | 1-1-79               |

@ These figures are the numbers of employees in categories other than the Class I, Class II & Class III. After pay Revision in 1970 by West Bengal Government, there are no employees in Class IV Group.

£ This information (supplied by the Department of Personnel and Administrative Reforms) is in respect of all the Ministries/Departments except the Directorate General, Post and Telegraph. Information from the Directorate General, Posts and Telegraphs was not reported to have been received by the Department of Personnel & Administrative Reforms.

### ANNEXURE III

*Statement showing the position regarding the actual representation of Scheduled Castes and Scheduled Tribes in Services and Posts as on 1-1-1979 in the various Ministries/Departments/Offices of the Government of India*

| S. No. | Name of the Ministry/ Department/Office         | Actual representation of Sch. Castes and Sch. Tribes in Posts and Services |          |           |          |                  |               |                  |                  |                  |              |                |                 |
|--------|-------------------------------------------------|----------------------------------------------------------------------------|----------|-----------|----------|------------------|---------------|------------------|------------------|------------------|--------------|----------------|-----------------|
|        |                                                 | Total number of Posts                                                      |          |           |          | Scheduled Castes |               |                  |                  | Scheduled Tribes |              |                |                 |
|        |                                                 | Class I                                                                    | Class II | Class III | Class IV | Class I          | Class II      | Class III        | Class IV         | Class I          | Class II     | Class III      | Class IV        |
| 1      | 2                                               | 3                                                                          | 4        | 5         | 6        | 7                | 8             | 9                | 10               | 11               | 12           | 13             | 14              |
| 1.     | President's Secretariat                         | 16                                                                         | 90       | 103       | 95       | 1<br>(6.25)      | 9<br>(10.00)  | 18<br>(17.48)    | 17<br>(17.89)    | —                | 2<br>(2.22)  | —              | —               |
| 2.     | Vice-President's Secretariat                    | 1                                                                          | 5        | 16        | 10       | —                | —             | 1<br>(6.25)      | 2<br>(20.00)     | —                | —            | —              | —               |
| 3.     | Prime Minister's Office                         | 15                                                                         | 63       | 73        | 58       | 1<br>(6.66)      | 3<br>(4.76)   | 8<br>(10.96)     | 10<br>(17.24)    | —                | 1<br>(1.59)  | —              | 4<br>(6.90)     |
| 4.     | Department of Parliamentary Affairs             | 7                                                                          | 40       | 43        | 26       | —                | 7<br>(17.50)  | 4<br>(9.30)      | 4<br>(15.38)     | —                | —            | 1<br>(2.33)    | 3<br>(11.54)    |
| 5.     | Department of Agriculture                       | 1024                                                                       | 1420     | 8353      | 4596     | 82<br>(8.01)     | 102<br>(7.18) | 1065<br>(12.75)  | 1112<br>(24.19)  | 18<br>(1.76)     | 17<br>(1.20) | 171<br>(2.05)  | 148<br>(3.22)   |
| 6.     | Department of Irrigation                        | 558                                                                        | 531      | 3914      | 1267     | 23<br>(4.12)     | 32<br>(6.03)  | 409<br>(10.45)   | 231<br>(18.23)   | 1<br>(0.18)      | 2<br>(0.38)  | 39<br>(1.00)   | 75<br>(5.92)    |
| 7.     | Department of Agricultural Research & Education | 7                                                                          | —        | —         | 5        | —                | —             | —                | —                | —                | —            | —              | —               |
| 8.     | Department of Rural Development                 | 105                                                                        | 364      | 772       | 427      | 5<br>(4.76)      | 29<br>(7.97)  | 89<br>(11.53)    | 65<br>(15.22)    | 1<br>(0.95)      | 6<br>(1.65)  | —              | 2<br>(0.47)     |
| 9.     | Department of Food                              | 189                                                                        | 425      | 1053      | 589      | 19<br>(10.05)    | 35<br>(8.24)  | 138<br>(13.11)   | 118<br>(20.03)   | 1<br>(0.5)       | 7<br>(1.65)  | 15<br>(1.42)   | 32<br>(5.43)    |
| 10.    | Department of Atomic Energy                     | 4853                                                                       | 2462     | 15400     | 4858     | 28<br>(0.57)     | 25<br>(1.02)  | 1441<br>(9.36)   | 1056<br>(21.74)  | 2<br>(0.4)       | 1<br>(1.04)  | 161<br>(1.05)  | 184<br>(3.79)   |
| 11.    | Cabinet Secretariat                             | 11                                                                         | 62       | 60        | 59       | —                | 6<br>(9.68)   | 8<br>(13.33)     | 10<br>(16.95)    | —                | 4<br>(6.45)  | —              | 4<br>(6.78)     |
| 12.    | Department of Chemicals and Fertilizers         | 38                                                                         | 80       | 97        | 28       | 3<br>(7.89)      | 5<br>(6.25)   | 7<br>(7.22)      | 5<br>(17.86)     | —                | —            | —              | 1<br>(3.57)     |
| 13.    | Department of Commerce                          | 172                                                                        | 583      | 2448      | 686      | 16<br>(9.30)     | 59<br>(10.12) | 318<br>(12.99)   | 136<br>(19.83)   | 3<br>(1.74)      | 12<br>(2.06) | 54<br>(2.21)   | 43<br>(6.27)    |
| 14.    | Department of Civil Supplies & Co-operation     | 75                                                                         | 145      | 245       | 116      | 6<br>(5.33)      | 15<br>(10.34) | 44<br>(17.96)    | 19<br>(16.38)    | 2<br>(2.67)      | 4<br>(2.76)  | 5<br>(2.04)    | 6<br>(5.17)     |
| 15.    | Ministry of Communication                       | 152                                                                        | 496      | 2126      | 844      | 9<br>(5.92)      | 36<br>(7.26)  | 423<br>(19.90)   | 242<br>(28.67)   | —                | 1<br>(0.20)  | 111<br>(5.22)  | 56<br>(6.64)    |
| 16.    | Department of Culture                           | 225                                                                        | 366      | 2326      | 4717     | 18<br>(8.00)     | 54<br>(14.75) | 282<br>(12.12)   | 695<br>(14.73)   | 2<br>(0.89)      | 10<br>(2.73) | 55<br>(2.36)   | 152<br>(3.22)   |
| 17.    | Ministry of Defence                             | 5585                                                                       | 5652     | 206185    | 276087   | 195<br>(3.49)    | 352<br>(6.23) | 24832<br>(12.04) | 63584<br>(23.03) | 28<br>(0.50)     | 21<br>(0.37) | 2902<br>(1.41) | 12074<br>(4.37) |
| 18.    | Department of Education                         | 189                                                                        | 464      | 757       | 267      | 12<br>(6.35)     | 34<br>(7.33)  | 89<br>(11.76)    | 54<br>(20.22)    | 2<br>(1.05)      | 3<br>(0.65)  | 7<br>(0.92)    | 12<br>(4.49)    |



| 1                                                                                            | 2    | 3    | 4      | 5     | 6             | 7             | 8                | 9               | 10              | 11           | 12              | 13             | 14            |
|----------------------------------------------------------------------------------------------|------|------|--------|-------|---------------|---------------|------------------|-----------------|-----------------|--------------|-----------------|----------------|---------------|
| 19. Department of Social Welfare . . . . .                                                   |      | 44   | 134    | 297   | 163           | 3<br>(6.81)   | 16<br>(11.94)    | 30<br>(10.10)   | 44<br>(26.99)   | —            | —               | 4<br>(1.35)    | 3<br>(1.84)   |
| 20. Department of Electronics . . . . .                                                      |      | 131  | 113    | 263   | 63            | 1<br>(0.76)   | 6<br>(5.31)      | 49<br>(18.63)   | 22<br>(34.92)   | —            | 1<br>(0.88)     | 11<br>(4.18)   | 4<br>(6.35)   |
| 21. Electronics Commission . . . . .                                                         |      | 8    | 71     | 82    | 51            | —             | 6<br>(8.11)      | 13<br>(15.29)   | 15<br>(29.41)   | —            | 2<br>(2.70)     | —              | —             |
| 22. Department of Power . . . . .                                                            |      | 634  | 382    | 1164  | 314           | 29<br>(4.57)  | 30<br>(7.85)     | 106<br>(9.11)   | 75<br>(23.89)   | 2<br>(0.32)  | 2<br>(0.52)     | 8<br>(0.69)    | 3<br>(0.96)   |
| 23. Department of Coal . . . . .                                                             |      | 40   | 74     | 297   | 108           | 2<br>(5.00)   | 9<br>(12.16)     | 37<br>(12.46)   | 24<br>(22.22)   | —            | —               | 6<br>(2.02)    | 4<br>(3.70)   |
| 24. Ministry of External Affairs . . . . .                                                   |      | 631  | 1672   | 1488  | 626           | 46<br>(7.29)  | 94<br>(5.62)     | 161<br>(10.82)  | 66<br>(10.54)   | 25<br>(3.96) | 11<br>(0.66)    | 38<br>(2.55)   | 4<br>(0.64)   |
| 25. Department of Expenditure . . . . .                                                      |      | 186  | 635    | 659   | 178           | 10<br>(5.37)  | 43<br>(6.77)     | 75<br>(11.38)   | 33<br>(18.54)   | 2<br>(1.07)  | —               | 6<br>(0.91)    | 5<br>(2.81)   |
| 26. Bureau of Public Enterprises . . . . .                                                   |      | 47   | 77     | 71    | 59            | 4<br>(8.51)   | 4<br>(5.19)      | 11<br>(15.49)   | 13<br>(22.03)   | 1<br>(2.13)  | —               | 1<br>(1.41)    | 3<br>(5.08)   |
| 27. Department of Finance (Defence) . . . . .                                                |      | 191  | 1241   | 27164 | 1971          | 14<br>(7.32)  | 61<br>(4.92)     | 3972<br>(14.62) | 432<br>(21.91)  | 5<br>(2.61)  | 3<br>(0.24)     | 786<br>(2.89)  | 88<br>(4.46)  |
| 28. Department of Economic Affairs . . . . .                                                 |      | 269  | 523    | 3348  | 1495          | 16<br>(5.95)  | 36<br>(6.88)     | 525<br>(15.68)  | 382<br>(25.55)  | 3<br>(1.12)  | 5<br>(0.36)     | 176<br>(2.89)  | 89<br>(4.46)  |
| 29. Department of Health }<br>30. Department of Family Welfare . . . . .                     | 4555 | 1645 | 9181   | 6659  | 202<br>(4.43) | 111<br>(6.75) | 1074<br>(11.70)  | 1780<br>(26.73) | 52<br>(1.14)    | 14<br>(0.85) | 218<br>(2.37)   | 373<br>(5.60)  |               |
| 31. Ministry of Home Affairs . . . . .                                                       | 3445 | 2505 | 189371 | 47886 | 132<br>(3.83) | 163<br>(6.51) | 22272<br>(11.76) | 7094<br>(14.81) | 54<br>(1.57)    | 33<br>(1.32) | 11991<br>(6.33) | 3876<br>(8.09) |               |
| 32. Department of Personnel & Administrative Reforms (Personnel Wing) . . . . .              |      | 274  | 609    | 2204  | 1410          | 14<br>(5.11)  | 44<br>(7.22)     | 222<br>(10.07)  | 175<br>(12.41)  | 1<br>(0.36)  | 3<br>(0.49)     | 41<br>(1.86)   | 26<br>(1.84)  |
| 33. Department of Personnel & Administrative Reforms (Administrative Reforms Wing) . . . . . |      | 28   | 42     | 63    | 31            | 1<br>(3.57)   | 4<br>(9.52)      | 4<br>(6.35)     | 4<br>(12.90)    | —            | —               | —              | 4<br>(12.90)  |
| 34. Department of Industrial Development . . . . .                                           |      | 899  | 1269   | 4462  | 1949          | 62<br>(6.90)  | 82<br>(6.46)     | 566<br>(12.68)  | 394<br>(20.22)  | 12<br>(1.33) | 6<br>(0.47)     | 93<br>(2.08)   | 98<br>(5.03)  |
| 35. Department of Heavy Industries . . . . .                                                 |      | 28   | 81     | 100   | 55            | 1<br>(3.57)   | 4<br>(4.94)      | 9<br>(9.00)     | 8<br>(14.55)    | —            | —               | —              | 1<br>(1.82)   |
| 36. Ministry of Information & Broadcasting . . . . .                                         |      | 1743 | 3423   | 11231 | 4667          | 73<br>(4.19)  | 294<br>(8.59)    | 1589<br>(14.15) | 1143<br>(23.98) | 26<br>(1.49) | 92<br>(2.69)    | 498<br>(4.43)  | 364<br>(7.64) |
| 37. Ministry of Labour . . . . .                                                             |      | 734  | 614    | 4883  | 2985          | 93<br>(12.67) | 59<br>(9.61)     | 551<br>(11.28)  | 596<br>(19.97)  | 11<br>(1.50) | 6<br>(0.68)     | 207<br>(4.24)  | 160<br>(5.46) |
| 38. Department of Legal Affairs . . . . .                                                    |      | 143  | 182    | 543   | 293           | 16<br>(11.18) | 17<br>(9.34)     | 71<br>(13.08)   | 60<br>(20.48)   | 2<br>(1.39)  | 3<br>(1.65)     | 21<br>(3.87)   | 10<br>(3.41)  |
| 39. Department of Legislation . . . . .                                                      |      | 53   | 115    | 232   | 100           | 6<br>(11.32)  | 11<br>(9.57)     | 29<br>(12.5)    | 15<br>(15.00)   | 2<br>(3.77)  | 2<br>(1.74)     | 3<br>(1.29)    | 8<br>(8.00)   |
| 40. Department of Company Affairs . . . . .                                                  |      | 180  | 177    | 1020  | 275           | 15<br>(8.33)  | 16<br>(9.04)     | 119<br>(11.67)  | 41<br>(14.91)   | 2<br>(1.11)  | 2<br>(1.13)     | 35<br>(3.43)   | 9<br>(3.27)   |

| 1                                            | 2 | 3     | 4     | 5       | 6       | 7              | 8              | 9                 | 10                | 11            | 12            | 13              | 14              |
|----------------------------------------------|---|-------|-------|---------|---------|----------------|----------------|-------------------|-------------------|---------------|---------------|-----------------|-----------------|
| 41. Department of Parliamentary Affairs      |   | 7     | 40    | 43      | 26      | —              | 7<br>(17.50)   | 4<br>(9.30)       | 4<br>(15.38)      | —             | —             | 1<br>(2.33)     | 3<br>(11.54)    |
| 42. Department of Petroleum                  |   | 29    | 92    | 97      | 34      | 1<br>(0.29)    | 7<br>(7.61)    | 9<br>(9.28)       | 13<br>(38.24)     | —             | 1<br>(1.09)   | —               | 1<br>(2.94)     |
| 43. Planning Commission                      |   | 354   | 346   | 505     | 272     | 12<br>(3.39)   | 16<br>(4.62)   | 71<br>(14.06)     | 54<br>(19.85)     | —             | 1<br>(0.29)   | 9<br>(1.78)     | 7<br>(2.57)     |
| 44. Department of Statistics                 |   | 244   | 148   | 1066    | 405     | 14<br>(5.73)   | 15<br>(10.14)  | 79<br>(7.41)      | 39<br>(9.63)      | —             | 3<br>(2.03)   | 13<br>(1.22)    | 11<br>(2.72)    |
| 45. Ministry of Railways                     |   | 4920  | 4298  | 652584  | 767612  | 385<br>(7.83)  | 450<br>(10.47) | 73583<br>(11.28)  | 138579<br>(18.05) | 48<br>(1.00)  | 81<br>(1.88)  | 15215<br>(2.33) | 40795<br>(5.31) |
| 46. Department of Science and Technology     |   | 489   | 543   | 8300    | 6698    | 15<br>(3.06)   | 58<br>(10.68)  | 1289<br>(15.33)   | 1567<br>(23.40)   | —             | 17<br>(3.13)  | 368<br>(4.43)   | 218<br>(3.25)   |
| 47. Ministry of Shipping and Transport       |   | 469   | 473   | 3357    | 1783    | 27<br>(5.76)   | 38<br>(8.03)   | 357<br>(10.63)    | 272<br>(15.26)    | 4<br>(0.85)   | 5<br>(1.06)   | 86<br>(2.56)    | 72<br>(4.04)    |
| 48. Department of Space                      |   | 1871  | 1239  | 5103    | 1141    | 4<br>(0.21)    | 8<br>(0.65)    | 287<br>(5.62)     | 200<br>(17.53)    | —             | 1<br>(0.08)   | 59<br>(1.16)    | 74<br>(6.49)    |
| 49. Department of Steel                      |   | 51    | 91    | 315     | 136     | 5<br>(9.80)    | 6<br>(6.59)    | 48<br>(15.24)     | 26<br>(19.12)     | 1<br>(1.96)   | —             | 1<br>(0.32)     | 9<br>(6.62)     |
| 50. Department of Mines                      |   | 1792  | 667   | 7437    | 2547    | 64<br>(3.57)   | 30<br>(4.50)   | 1040<br>(13.98)   | 545<br>(21.40)    | 8<br>(0.45)   | 10<br>(1.50)  | 213<br>(2.86)   | 110<br>(4.32)   |
| 51. Department of Supply                     |   | 340   | 856   | 3971    | 1134    | 29<br>(8.52)   | 72<br>(8.41)   | 569<br>(14.33)    | 210<br>(18.52)    | —             | 4<br>(0.47)   | 138<br>(3.48)   | 61<br>(5.38)    |
| 52. Department of Rehabilitation             |   | 83    | 290   | 4565    | 1870    | 4<br>(4.81)    | 13<br>(4.48)   | 615<br>(13.47)    | 309<br>(16.52)    | —             | 1<br>(0.34)   | 57<br>(1.25)    | 116<br>(6.20)   |
| 53. Ministry of Tourism and Civil Aviation   |   | 805   | 1530  | 7754    | 3827    | 60<br>(7.45)   | 134<br>(8.76)  | 1086<br>(14.01)   | 882<br>(23.05)    | 10<br>(0.12)  | 26<br>(1.70)  | 1197<br>(2.54)  | 250<br>(6.53)   |
| 54. Ministry of Works & Housing              |   | 951   | 2339  | 19268   | 8506    | 50<br>(5.25)   | 129<br>(5.52)  | 2420<br>(12.56)   | 1569<br>(18.45)   | 5<br>(0.52)   | 9<br>(0.38)   | 415<br>(2.15)   | 303<br>(3.56)   |
| 55. Comptroller And Auditor General's Office |   | 486   | 2753  | 46806   | 5834    | 31<br>(6.38)   | 126<br>(4.58)  | 5943<br>(12.70)   | 1138<br>(19.51)   | 10<br>(2.06)  | 14<br>(0.51)  | 1879<br>(4.01)  | 412<br>(7.06)   |
| 56. Union Public Service Commission          |   | 64    | 323   | 482     | 217     | 3<br>(4.68)    | 33<br>(10.22)  | 79<br>(16.39)     | 55<br>(25.35)     | —             | 1<br>(0.31)   | 3<br>(0.62)     | 13<br>(5.99)    |
| TOTAL                                        |   | 44489 | 51018 | 1325928 | 1189042 | 2090<br>(4.70) | 3628<br>(7.11) | 155884<br>(11.76) | 228872<br>(19.25) | 421<br>(0.95) | 523<br>(1.03) | 38061<br>(2.87) | 61409<br>(5.17) |

NOTES:— (i) The information set out in the above statement, does not include data in respect of the Directorate General Post & Telegraph, which have not since been received by the Commission.

(ii) The figures shown within brackets indicate the actual percentages of representation.

(iii) Only combined figures for the Department of Health and Department of Family Welfare have been supplied by the Department of Personnel and Administrative Reforms.

## ANNEXURE IV

Statement regarding complaints/representation on service matters from Scheduled Castes and Scheduled Tribes received by the Head Quarters Office of the Commission from August, 1978 to March, 1979.

(State Government/U.T. Administration)

| S. No.                   | Name of the State/<br>Union Territory | Appointment |    | Promotion |    | Transfer |    | Miscellaneous |    | Total<br>(SC&ST)<br>(Cols. 3—10) | No. of cases<br>resulting in<br>desired relief | No. of cases<br>rejected | No. of cases<br>still pending |
|--------------------------|---------------------------------------|-------------|----|-----------|----|----------|----|---------------|----|----------------------------------|------------------------------------------------|--------------------------|-------------------------------|
|                          |                                       | SC          | ST | SC        | ST | SC       | ST | SC            | ST |                                  |                                                |                          |                               |
| 1                        | 2                                     | 3           | 4  | 5         | 6  | 7        | 8  | 9             | 10 | 11                               | 12                                             | 13                       | 14                            |
| <i>States</i>            |                                       |             |    |           |    |          |    |               |    |                                  |                                                |                          |                               |
| 1.                       | Andhra Pradesh                        | —           | —  | 3         | —  | —        | —  | 3             | —  | 6                                | —                                              | 2                        | 4                             |
| 2.                       | Assam                                 | —           | —  | 1         | —  | —        | —  | —             | —  | 1                                | —                                              | 1                        | —                             |
| 3.                       | Bihar                                 | 23          | 2  | 18        | 3  | 5        | —  | 21            | 06 | 78                               | 02                                             | 4                        | 72                            |
| 4.                       | Gujarat                               | —           | —  | 1         | —  | 1        | —  | 3             | 01 | 6                                | —                                              | 1                        | 5                             |
| 5.                       | Haryana                               | —           | —  | —         | —  | 1        | —  | —             | —  | 1                                | —                                              | —                        | 1                             |
| 6.                       | Himachal Pradesh                      | —           | —  | 1         | 1  | —        | —  | —             | —  | 2                                | —                                              | 1                        | 1                             |
| 7.                       | Jammu & Kashmir                       | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 8.                       | Karnataka                             | —           | —  | 2         | —  | —        | —  | 1             | —  | 3                                | 01                                             | —                        | 2                             |
| 9.                       | Kerala                                | —           | —  | 1         | —  | —        | —  | —             | —  | 1                                | —                                              | —                        | 1                             |
| 10.                      | Madhya Pradesh                        | —           | —  | 5         | 2  | 1        | —  | 3             | 01 | 12                               | 01                                             | 3                        | 8                             |
| 11.                      | Maharashtra                           | 01          | —  | 5         | 1  | 2        | —  | 4             | —  | 13                               | —                                              | —                        | 13                            |
| 12.                      | Manipur                               | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 13.                      | Meghalaya                             | —           | —  | 1         | —  | —        | —  | —             | —  | 1                                | —                                              | —                        | 1                             |
| 14.                      | Nagaland                              | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 15.                      | Orissa                                | —           | —  | 1         | 1  | 1        | —  | 1             | 1  | 5                                | —                                              | 1                        | 4                             |
| 16.                      | Punjab                                | —           | —  | 1         | —  | —        | —  | 1             | —  | 2                                | —                                              | —                        | 2                             |
| 17.                      | Rajasthan                             | 2           | 2  | 7         | —  | 4        | —  | 11            | —  | 26                               | 01                                             | 3                        | 22                            |
| 18.                      | Sikkim                                | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 19.                      | Tamil Nadu                            | —           | —  | 2         | —  | —        | —  | 1             | —  | 3                                | —                                              | 1                        | 2                             |
| 20.                      | Tripura                               | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 21.                      | Uttar Pradesh                         | 13          | 2  | 19        | 1  | 2        | —  | 9             | 1  | 47                               | 2                                              | 4                        | 41                            |
| 22.                      | West Bengal                           | 06          | —  | 10        | —  | —        | —  | 10            | 1  | 27                               | —                                              | —                        | —                             |
| <i>Union Territories</i> |                                       |             |    |           |    |          |    |               |    |                                  |                                                |                          |                               |
| 23.                      | A & N Islands                         | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 24.                      | Arunachal Pradesh                     | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 25.                      | Chandigarh                            | —           | —  | —         | —  | —        | —  | 1             | —  | 1                                | —                                              | 1                        | —                             |
| 26.                      | Dadra & Nagar Haveli                  | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 27.                      | Delhi                                 | 07          | 02 | 15        | —  | 1        | —  | 20            | —  | 45                               | 2                                              | 3                        | 40                            |
| 28.                      | Goa, Daman & Diu                      | —           | —  | 1         | —  | —        | —  | 1             | —  | 2                                | —                                              | 1                        | 1                             |
| 29.                      | Lakshadweep                           | —           | —  | —         | —  | —        | —  | 1             | —  | 1                                | —                                              | 1                        | —                             |
| 30.                      | Mizoram                               | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| 31.                      | Pondicherry                           | —           | —  | —         | —  | —        | —  | —             | —  | —                                | —                                              | —                        | —                             |
| TOTAL                    |                                       | 52          | 8  | 94        | 9  | 18       | —  | 91            | 11 | 283                              | 11                                             | 35                       | 237                           |

## ANNEXURE IV(a)

*Representation of Scheduled Castes and Scheduled Tribes in Public (Industrial) Enterprises as on 1-1-1979*

| Category/Class                  | Total No. of employees | Representation in services of |            |                  |            |
|---------------------------------|------------------------|-------------------------------|------------|------------------|------------|
|                                 |                        | Scheduled Castes              |            | Scheduled Tribes |            |
|                                 |                        | No.                           | Percentage | No.              | Percentage |
| 1                               | 2                      | 3                             | 4          | 5                | 6          |
| Class I . . . . .               | 81153                  | 1917                          | 2.36       | 440              | 0.54       |
| Class II . . . . .              | 85095                  | 3605                          | 4.23       | 833              | 0.97       |
| Class III . . . . .             | 1168073                | 203974                        | 17.46      | 94582            | 8.09       |
| Class IV (Excluding Sweepers) . | 402813                 | 90909                         | 22.56      | 40206            | 9.98       |
| Class IV (Sweepers) . . . . .   | 24539                  | 19230                         | 78.36      | 884              | 3.60       |
| TOTAL . . . . .                 | 1961673                | 319635                        | 18.14      | 136945           | 7.77       |

## ANNEXURE IV(b)

Statement showing the total number of employees and the number of Scheduled Caste/Tribe employees among them in Public Sector Banks as on 1-1-1979

| S. No.                                     | Name of the Bank               | Total No. of employees |        |           | No. of S.C. employees |      |        |       | No. of employees |       |          |      |        | %    | Sub-Staff | %    |
|--------------------------------------------|--------------------------------|------------------------|--------|-----------|-----------------------|------|--------|-------|------------------|-------|----------|------|--------|------|-----------|------|
|                                            |                                | Officers               | Clerks | Sub-staff | Officers              | %    | Clerks | %     | Sub-staff        | %     | Officers | %    | Clerks |      |           |      |
| 1                                          | 2                              | 3                      | 4      | 5         | 6                     | 7    | 8      | 9     | 10               | 11    | 12       | 13   | 14     | 15   | 16        | 17   |
| <b>I. Nationalised Banks</b>               |                                |                        |        |           |                       |      |        |       |                  |       |          |      |        |      |           |      |
| 1.                                         | Central Bank of India          | 8749                   | 17442  | 9104      | 23                    | 0.26 | 1576   | 9.04  | 1377             | 15.13 | 6        | 0.07 | 335    | 1.92 | 159       | 1.75 |
| 2.                                         | Bank of India                  | 5841                   | 16340  | 6457      | 303                   | 5.19 | 1870   | 11.44 | 1493             | 23.12 | 63       | 1.08 | 642    | 3.93 | 223       | 3.47 |
| 3.                                         | Punjab National Bank           | 5017                   | 12965  | 7118      | 100                   | 1.99 | 1503   | 11.59 | 1785             | 25.07 | 6        | 0.12 | 152    | 1.17 | 95        | 1.33 |
| 4.                                         | Bank of Baroda                 | 6351                   | 14978  | 5934      | 202                   | 3.18 | 1946   | 12.99 | 1141             | 19.25 | 23       | 0.52 | 185    | 1.24 | 244       | 4.11 |
| 5.                                         | United Commercial Bank         | 5078                   | 9829   | 4815      | 67                    | 1.32 | 529    | 5.38  | 761              | 15.80 | 14       | 0.28 | 64     | 0.65 | 151       | 3.14 |
| 6.                                         | Canara Bank                    | 4890                   | 15456  | 3770      | 78                    | 1.60 | 1840   | 11.90 | 576              | 15.12 | 8        | 0.16 | 322    | 2.08 | 103       | 2.73 |
| 7.                                         | United Bank of India           | 3368                   | 8179   | 4535      | 76                    | 2.26 | 1176   | 14.38 | 490              | 10.80 | 30       | 0.89 | 69     | 0.84 | 57        | 1.26 |
| 8.                                         | Dena Bank                      | 2918                   | 6213   | 2790      | 59                    | 2.02 | 661    | 10.64 | 372              | 13.33 | 6        | 0.20 | 126    | 2.03 | 176       | 6.31 |
| 9.                                         | Syndicate Bank                 | 5622                   | 13939  | 3729      | 260                   | 4.62 | 1389   | 9.96  | 833              | 22.34 | 29       | 0.52 | 428    | 3.07 | 196       | 5.26 |
| 10.                                        | Union Bank of India            | 5631                   | 10782  | 4435      | 65                    | 1.15 | 1493   | 13.85 | 778              | 17.54 | 4        | 0.07 | 106    | 0.98 | 68        | 1.53 |
| 11.                                        | Allahabad Bank                 | 2230                   | 5559   | 3304      | 43                    | 1.93 | 385    | 6.93  | 883              | 26.73 | 8        | 0.35 | 33     | 0.59 | 58        | 1.76 |
| 12.                                        | Indian Bank                    | 3078                   | 7133   | 2516      | 86                    | 2.79 | 879    | 12.32 | 638              | 25.36 | 20       | 0.65 | 96     | 1.35 | 124       | 4.95 |
| 13.                                        | Bank of Maharashtra            | 2147                   | 5493   | 1996      | 81                    | 3.77 | 741    | 13.49 | 254              | 12.73 | 20       | 0.93 | 103    | 1.88 | 50        | 2.51 |
| 14.                                        | Indian Overseas Bank           | 2912                   | 7617*  | 2181      | 115                   | 3.95 | 1501   | 19.71 | 820              | 37.60 | 21       | 0.72 | 154    | 2.02 | 49        | 2.25 |
| TOTAL I                                    |                                | 63832                  | 151925 | 62684     | 1558                  | 2.44 | 17489  | 11.51 | 12195            | 19.45 | 268      | 0.42 | 2815   | 1.85 | 1753      | 2.80 |
| <b>II. State Bank and Its Subsidiaries</b> |                                |                        |        |           |                       |      |        |       |                  |       |          |      |        |      |           |      |
| 1.                                         | State Bank of India            | 29347                  | 69788  | 35283     | 413                   | 1.41 | 8757   | 12.54 | 7463             | 20.13 | 75       | 0.26 | 1656   | 2.37 | 735       | 2.08 |
| 2.                                         | State Bank of Bikaner & Jaipur | 1632                   | 3813   | 2127      | 18                    | 1.10 | 504    | 13.22 | 608              | 28.58 | 1        | 0.06 | 153    | 4.01 | 35        | 1.65 |
| 3.                                         | State Bank of Hyderabad        | 1500                   | 4670   | 1657      | 24                    | 1.60 | 396    | 8.48  | 137              | 8.27  | 6        | 0.40 | 38     | 0.81 | 23        | 1.39 |
| 4.                                         | State Bank of Indore           | 649                    | 1914   | 925       | ..                    | ..   | 301    | 15.67 | 118              | 12.76 | 1        | 0.15 | 35     | 1.72 | 67        | 7.24 |
| 5.                                         | State Bank of Mysore           | 1131                   | 3166   | 1207      | 14                    | 1.24 | 184    | 5.81  | 97               | 8.08  | 6        | 0.53 | 23     | 0.73 | 12        | 0.99 |
| 6.                                         | State Bank of Patiala          | 1041                   | 3069   | 1543      | 29                    | 2.88 | 407    | 13.26 | 541              | 35.06 | 1        | 0.09 | 5      | 0.16 | 17        | 1.10 |
| 7.                                         | State Bank of Saurashtra       | 301                    | 2552   | 1223      | 6                     | 0.75 | 303    | 11.87 | 141              | 11.55 | 1        | 0.12 | 27     | 1.06 | 20        | 1.64 |
| 8.                                         | State Bank of Travancore       | 1109                   | 3612   | 1460      | 13                    | 1.17 | 360    | 9.97  | 196              | 13.42 | ..       | ..   | 17     | 0.47 | 37        | 2.53 |
| TOTAL II                                   |                                | 37210                  | 92584  | 45425     | 517                   | 1.39 | 11212  | 12.11 | 9301             | 20.48 | 91       | 0.25 | 1952   | 2.11 | 946       | 2.08 |

| 1                                                 | 2 | 3             | 4             | 5             | 6           | 7           | 8            | 9            | 10           | 11           | 12         | 13          | 14          | 15          | 16          | 17          |
|---------------------------------------------------|---|---------------|---------------|---------------|-------------|-------------|--------------|--------------|--------------|--------------|------------|-------------|-------------|-------------|-------------|-------------|
| <b>III. Reserve Bank and Its Subsidiaries</b>     |   |               |               |               |             |             |              |              |              |              |            |             |             |             |             |             |
| 1. Reserve Bank of India                          |   | 5245          | 16457         | 6856          | 148         | 2.82        | 1772         | 10.76        | 1350         | 19.69        | 17         | 0.32        | 647         | 3.93        | 234         | 3.41        |
| 2. Industrial Development Bank of India           |   | 415           | 742           | 293           | 7           | 1.69        | 100          | 13.48        | 71           | 24.23        | ..         | ..          | 21          | 2.82        | 15          | 5.12        |
| 3. Industrial Finance Corporation of India        |   | 262           | 355           | 147           | 8           | 3.05        | 35           | 9.85         | 57           | 25.17        | ..         | ..          | 3           | 0.85        | 2           | 1.36        |
| 4. Industrial Reconstruction Corporation of India |   | 74            | 49            | 35            | ..          | ..          | 4            | 8.16         | 9            | 25.71        | ..         | ..          | ..          | ..          | 1           | 2.86        |
| <b>TOTAL III</b>                                  |   | <b>5996</b>   | <b>17603</b>  | <b>7331</b>   | <b>163</b>  | <b>2.72</b> | <b>2074</b>  | <b>11.78</b> | <b>1467</b>  | <b>20.01</b> | <b>17</b>  | <b>0.28</b> | <b>671</b>  | <b>3.81</b> | <b>252</b>  | <b>3.44</b> |
| <b>GRAND TOTAL</b>                                |   |               |               |               |             |             |              |              |              |              |            |             |             |             |             |             |
| <b>(I, II, III)</b>                               |   | <b>107038</b> | <b>262112</b> | <b>115440</b> | <b>2238</b> | <b>2.09</b> | <b>30775</b> | <b>11.74</b> | <b>22963</b> | <b>19.89</b> | <b>376</b> | <b>0.31</b> | <b>5438</b> | <b>2.07</b> | <b>2951</b> | <b>2.55</b> |

\*Includes 44 candidates who were issued orders of appointment but it is not known whether they have joined the Indian Overseas Bank or not.

# ANNEXURE V

*Statement regarding complaints/representations on service matters from Scheduled Castes/Scheduled Tribes received by the Commission from August 1978 to March 1979*

(Central Government)

| S. No.      | Name of the Ministry             | Appointment |    | Promotion |    | Transfer |    | Misc. |    | Total SC & ST (Col. 3-10) | No. of cases resulting in desired relief | No. of cases rejected | No. of cases still pending |
|-------------|----------------------------------|-------------|----|-----------|----|----------|----|-------|----|---------------------------|------------------------------------------|-----------------------|----------------------------|
|             |                                  | SC          | ST | SC        | ST | SC       | ST | SC    | ST |                           |                                          |                       |                            |
| 1           | 2                                | 3           | 4  | 5         | 6  | 7        | 8  | 9     | 10 | 11                        | 12                                       | 13                    | 14                         |
| 1.          | Communication .                  | ..          | .. | 06        | 01 | ..       | .. | 02    | .. | 09                        | ..                                       | 02                    | 07                         |
| 2.          | Defence . . .                    | ..          | .. | 01        | .. | 01       | .. | 02    | .. | 04                        | ..                                       | 02                    | 02                         |
| 3.          | Finance . . .                    | 02          | .. | 02        | 04 | 01       | 01 | 07    | 00 | 17                        | 02                                       | 06                    | 09                         |
| 4.          | Home . . .                       | ..          | .. | ..        | .. | ..       | .. | 03    | .. | 03                        | ..                                       | 03                    | ..                         |
| 5.          | Health . . .                     | 01          | .. | 04        | .. | ..       | .. | ..    | .. | 05                        | 01                                       | 01                    | 04                         |
| 6.          | Agricultural . .                 | ..          | .. | ..        | .. | ..       | .. | 06    | .. | 06                        | ..                                       | ..                    | 05                         |
| 7.          | Industry . . .                   | ..          | .. | ..        | .. | ..       | .. | 01    | .. | 01                        | ..                                       | ..                    | 01                         |
| 8.          | Information & Broadcasting . . . | ..          | .. | 01        | .. | ..       | .. | 01    | .. | 02                        | ..                                       | ..                    | 02                         |
| 9.          | Labour . . .                     | ..          | .. | 01        | 01 | ..       | .. | ..    | .. | 02                        | ..                                       | ..                    | 02                         |
| 10.         | Education & Social Welfare . . . | ..          | .. | ..        | .. | ..       | .. | 02    | .. | 02                        | ..                                       | ..                    | 02                         |
| 11.         | Petroleum & Chemicals            | ..          | .. | ..        | .. | ..       | .. | 01    | .. | 01                        | ..                                       | ..                    | 01                         |
| 12.         | Steel & Mines . .                | ..          | .. | 02        | .. | ..       | .. | ..    | .. | 02                        | ..                                       | 01                    | 01                         |
| 13.         | Railways . . .                   | 01          | .. | 04        | 01 | 01       | .. | 06    | 04 | 17                        | ..                                       | 01                    | 16                         |
| 14.         | Works & Housing .                | ..          | .. | 01        | .. | ..       | .. | 03    | .. | 04                        | 01                                       | ..                    | 03                         |
| 15.         | Shipping . . .                   | ..          | .. | 04        | .. | ..       | .. | 01    | .. | 05                        | 02                                       | 02                    | 01                         |
| TOTAL . . . |                                  | 04          | .. | 26        | 07 | 03       | 01 | 35    | 04 | 80                        | 06                                       | 18                    | 56                         |



# ANNEXURE VI

*Statement showing the total number of Complaints/Representations received directly by the field offices of the Commission from the Scheduled Castes and Scheduled Tribes on service matters (from August 1978 to March 1979)*

| S. No. | Name of the Office                                                         | Total number of cases |             | Total number of cases taken up with the concerned authorities (SC and ST combined) | Disposal of cases referred to Col. 5.    |                       |                            | Remarks                                                                      |
|--------|----------------------------------------------------------------------------|-----------------------|-------------|------------------------------------------------------------------------------------|------------------------------------------|-----------------------|----------------------------|------------------------------------------------------------------------------|
|        |                                                                            | Sch. Caste            | Sch. Tribes |                                                                                    | No. of cases resulting in desired relief | No. of cases rejected | No. of cases still pending |                                                                              |
| 1      | 2                                                                          | 3                     | 4           | 5                                                                                  | 6                                        | 7                     | 8                          | 9                                                                            |
| 1.     | The Zonal Director for Sch. Castes and Sch. Tribes, Madras . . . . .       | 153                   | 1           | 142                                                                                | 1                                        | 13                    | 128                        |                                                                              |
| 2.     | The Zonal Director for Sch. Castes and Sch. Tribes, Patna . . . . .        | 190                   | 32          | 222                                                                                | 20                                       | 7                     | 195                        |                                                                              |
| 3.     | The Zonal Director for Sch. Castes and Sch. Tribes, Ahmedabad . . . . .    | 137                   | 15          | 152                                                                                | 47                                       | 5                     | 100                        |                                                                              |
| 4.     | The Deputy Director for Sch. Castes and Sch. Tribes, Bhubaneswar . . . . . | 39                    | 7           | 46                                                                                 | 12                                       | 3                     | 31                         |                                                                              |
| 5.     | The Deputy Director for Sch. Castes and Sch. Tribes, Chandigarh. . . . .   | 11                    | ..          | 11                                                                                 | 1                                        | 3                     | 7                          |                                                                              |
| 6.     | The Deputy Director for Sch. Castes and Sch. Tribes, Shillong . . . . .    | 2                     | ..          | 2                                                                                  | 1                                        | ..                    | 1                          |                                                                              |
| 7.     | The Deputy Director for Sch. Castes and Sch. Tribes, Lucknow . . . . .     | 125                   | 1           | 121                                                                                | 11                                       | 16                    | 94                         |                                                                              |
| 8.     | The Deputy Director for Sch. Castes and Sch. Tribes. . . . .               | 214                   | 74          | 288                                                                                | ..                                       | ..                    | ..                         | The information relating to Cols. 6—8 is incomplete and is under collection. |
| TOTAL  |                                                                            | 871                   | 130         | 984                                                                                | 93                                       | 47                    | 556                        |                                                                              |

## ANNEXURE VII

*Summaries of some of the important cases which have resulted in desired relief to the representationists and which have been rejected*

### A—I : CASES RECEIVED IN THE HEADQUARTERS OFFICE OF THE COMMISSION RESULTING IN DESIRED RELIEF TO THE REPRESENTATIONISTS

#### *Andhra Pradesh*

(1) One Scheduled Caste employee of the Visakhapatnam Port Trust (A.P.) represented to this Commission on 6-3-79 stating that his services were terminated by the Port Trust authorities, and that in spite of his repeated request to them to take him back in Mechanical Department against a reserved vacancy, no action was taken by the said authorities.

The Commission took up the case with the Visakhapatnam Port Trust for the reinstatement of the representationist in response to which the Secretary, Visakhapatnam Port Trust replied that the representationist who was sponsored by the Employment Exchange for the post of Clerk (Apprentice) was selected and appointed as such. As per Apprentices Act, 1961 and Rules framed thereunder the representationist was to appear and pass the All India Trade Test organised by the Regional Director of Apprenticeship and Training, Madras, for regular absorption in the Clerk grade but he could not pass the said examination. Though he failed in the above test, he was appointed as temporary clerk on *ad hoc* basis alongwith other failed Scheduled Caste candidates as there were no qualified (Passed AITT) Scheduled Castes Apprentices available at that time and when qualified (Passed AITT) Scheduled Castes candidates were available, the services of the representationist were terminated to accommodate the qualified (passed) Scheduled Castes Apprentices. However, he passed the AITT Test in November 1978 and was reinstated as a clerk in the Port Trust with effect from 30-3-79.

#### *Kerala*

(2) One Scheduled Caste Officer working in the office of the Agricultural Credit Department of the Reserve Bank of India, Trivandrum represented to this Commission on 9-2-79 that he was asked by the local Officer-in-Charge to give his option as to which place in India he could be transferred. In response to this order he said that since he was undergoing Ayurvedic treatment due to his illness and his two children were studying in the 4th and 6th standards in the local schools where Malayalam was the medium of instruction, his transfer from his home State would be against his interest. Thus he requested for his retention in Trivandrum Office at least for five years or till his promotion to the next higher grade was effected.

The Reserve Bank of India, Bombay with whom the matter was taken up replied *vide* letter No. Staff/13718/152-Z(1)-78/79, dated 25-4-1979 that according to the norms determined by the Reserve Bank of India for transfer of Staff Officers Group-A, the said representationist was not likely to be transferred out of Trivandrum.

#### *Gujarat*

(3) The All India Scheduled Castes/Scheduled Tribes Association, Jotalpur, Gujarat represented to this Commission by a telegram dated 4-1-79 that Guard Grade B Posts reserved for Scheduled Castes and Scheduled Tribes had not been filled by the Divisional Superintendent (Rly.), Bhavnagarpara, for a long time.

The matter was taken up with the Divisional Railway Manager (R), Bhavnagarpara, who *vide* his letter No. E/804/1/6, dated 3-7-79, replied that the Divisional Superintendent, Jaipur was the controlling authority for filling up the vacancies of Guard Group-B on 4 Divisions basis including Bhavnagarpara division for the vacancies available as on 15-3-78. Subsequently, the work was de-centralized and powers were given to each individual Division to fill up the vacancies, and that accordingly, all the vacancies had recently been filled up and two Scheduled Castes and one Scheduled Tribe employee were promoted according to the roster.

#### *Delhi*

(4) One Scheduled Caste employee working as Clerk in the Office of the Pay and Accounts office, Coal Mines Labour Welfare Organisation, Dhanbad alleged in his representation dated 15-7-78 that adverse remarks had been made in his confidential report without proper assessment of his work and thus, he requested for expunction of such adverse remarks from his C.R.

The Controller of Accounts, Ministry of Labour, New Delhi with whom the matter was taken up by this Commission agreed to expunge the adverse remarks against the representationist except those which were of general nature.

#### *Uttar Pradesh*

(5) One Scheduled Caste employee working as Assistant Grade (M) in the Food Corporation of India, District Office, Hapur, Uttar Pradesh, alleged in his representation that while his juniors had been promoted as Assistant Managers(G), his case was not considered on the plea that the name of his caste, *i.e.* a Scheduled Caste, was not indicated against his name in the seniority list, although he had furnished this information to the Department several times in the past. Therefore, he urged that his case for promotion as Assistant Manager should be considered without any further delay. The matter was immediately referred to the Zonal Office (North), New Delhi and the Food Corporation of India intimated to this Commission that the promotion order of the said representationist was under issue.

#### *New Delhi*

(6) The Commission received a joint representation dated 12-1-79 from two lady doctors of Lodi Colony, New Delhi, that they should be posted as House Surgeons in the Smt. Sucheta Kripalani and Kalawati Saran Hospitals in the Gynaecology and Obstetrics/Paediatrics Medicines respectively as their posting in the said Hospitals would enable them to acquire the required knowledge to appear in the M.D. examination. The Commission took up the case with the Ministry of Health and Family Welfare and it resulted in the desired relief to the representationists. The Director General, Health Services gave instructions to the Lady Hardinge Medical College that these two lady doctors should be appointed as House Surgeons. In the meantime the representationists informed the Commission that they had been posted as House Surgeons in the Smt. Sucheta Kripalani and Kalawati Saran Hospitals.

#### *Uttar Pradesh*

(7) One Scheduled Caste employee working as Assistant Superintendent, General Stores Department, Northern Railway, Alambagh, Lucknow represented to this Commission that departmental proceedings had been started against him under the major penalty clause charging that while he was posted as Assistant Superintendent, he furnished a wrong certificate on the loan application of one senior clerk of the Stores Department, Lucknow, that no D & AR case was pending against Railway, Lucknow when a case of major penalty was pending enquiry against the senior clerk. The matter was taken up with the General Manager, Northern Railway with the request that

his case be considered sympathetically and the departmental proceedings drawn against the representationist should be dropped in view of his imminent retirement from service. Later on, the representationist informed this Commission that the Railway authorities had provided him, the desired relief.

#### Chandigarh

(8) A Scheduled Caste officer working as Deputy Manager in the Food Corporation of India, Haryana Region represented on 6-2-79 that the harassment, even punishment, had been inflicted on him by terminating his services without giving him reasonable opportunity to defend his position. He requested that the order of his termination from his services be withdrawn.

The Commission demi-officially requested the Chairman, Food Corporation of India, New Delhi to look into this case. The Personnel Manager, Food Corporation of India, New Delhi, replied that the representationist was appointed as Deputy Manager (General) on the basis of direct recruitment against the quota reserved for Scheduled Caste and Scheduled Tribe candidates and was placed on probation for a period of one year. As his performance during the period of probation was found unsatisfactory, his probation period was extended to a further period of one year. With a view to giving him different working environments to enable him to improve upon his performance, he was transferred from the office of the Joint Manager, Calcutta to the District Office, Balasore, Orissa, where he assumed charge as District Manager. His performance was also not good there and as such the service of the representationist as Deputy Manager was terminated and he was reverted to his initial post of Assistant Grade (I) (Depot) which he was holding before his appointment as Deputy Manager (General).

As the reply received from the Food Corporation of India was not convincing and as the Commission felt that the case was a genuine one, the matter was again taken up with the F.C.I., New Delhi and this Commission was informed on 24-8-79 and again on 17-9-79 that an order had been issued for reinstating the representationist in the post of Deputy Manager (General) and that he would be paid arrears of pay and allowances for the intervening period, provided it was confirmed by the Regional Manager, Bhopal that the representationist did not join the region as Assistant Grade (I)(Depot).

#### New Delhi

(9) One Scheduled Caste employee, working as Junior Assistant in the National Textile Corporation, New Delhi complained stating that though he possessed the requisite qualification and experience, he was denied promotion while some of his juniors were promoted as Assistants. He requested for his promotion as Assistant against the reserved quota. This Commission took up the case of the representationist with the authorities concerned of the N.T.C. for redressal of his grievances. The Manager (Personnel) of the N.T.C. replied that the representationist was appointed as a Junior Assistant in the Corporation on 28-9-74 and that as per the existing rules, he would be due for promotion as an Assistant in the scale of Rs. 425—700 only as on 28-9-79, after completion of 5 years of service as a Junior Assistant. However, as the representationist was a Scheduled Caste employee, the Corporation had already promoted him to the post of Assistant on *ad hoc* basis in the pay scale of Rs. 425—700 with effect from 4th June, 1979 to 28th September, 1979 and that he would be given regular promotion as Assistant when he would complete the prescribed minimum period of five years of service as Junior Assistant.

#### New Delhi

(10) One lady Scheduled Caste employee working as Investigator in the Central Health Education Bureau, New Delhi represented on 4-12-78 that her seniority should be protected as Investigator. Her case was taken up with the Director General, Health Services, New Delhi who in his reply stated that the representationist was continuing in the post of Investigator on an *ad hoc* basis, and the employee whom she had stated to have superseded her stands junior to her as he was appointed as Junior Investigator only in September, 1979, whereas the representationist being senior to him her seniority would not be affected.

#### West Bengal

(11) An officer of the rank of Junior Engineer belonging to a Scheduled Caste represented to the Commission on 22-12-78 that the Central Public Works Department, New Delhi, where he was working, deliberately delayed the office orders of the E-in-Chief which resulted in the cancellation of his promotion order which is against the principles of natural justice. He, therefore, requested this Commission to take up the case with the concerned authorities for redressal.

The Engineer-in-Chief, Central Public Works Department, New Delhi, was requested to intimate this Commission the facts of the case as well as the action taken by them for redressal of the representationist's grievances. He intimated the Commission, *vide* letter No. 30/8/77-ECI (Vol. II) dated 10-8-79, that the said representationist was charge-sheeted under the C.C.S. (Conduct) Rules for having contracted bigamous marriage. A penalty of removal from service was imposed on him. This penalty was, however, revoked by the President on review. In the meantime as the representationist had been charge-sheeted, his case for promotion was kept pending. On his reinstatement, his case for promotion was reconsidered and he was promoted.

#### West Bengal

(12) A Scheduled Caste employee working as L.S.G. Clerk in the office of the General Manager, Telecom Factory, Calcutta alleged that he was deprived of one of the H.S.G. posts although his claim for promotion to a H.S.G. post was justified as per Ministry of Home Affairs O.M. No. 27/2/71/EST(SCT) dated 27-11-72. He prayed for Commission's intervention.

This Commission took up the matter with the General Manager, Telecom Factory, Calcutta who replied that according to the recruitment rules, L.S.G. Clerks with 5 years service in the said grade were eligible for promotion to the H.S.G. subject to fulfilment of other requisite conditions. As the representationist completed 5 years of service in the L.S.G. on 1-3-79, he was promoted to the H.S.G. with effect from 1-4-79 against a reserved vacancy.

#### West Bengal

(13) A Scheduled Tribe employee working as Mechanic in the Government of India Press, Calcutta in his representation alleged that the arrears dues for the suspension period were not paid by his employer *i.e.*, Directorate of Printing & Stationery, New Delhi and requested this Commission to take up the case with the concerned authority as he was acquitted in the case prosecuted against him.

Judging that the case was genuine one, the Director, Printing and Stationery, New Delhi was requested to look into the case for the needful and he, *vide* letter No. C-16013/12/79-AV, dated 30-5-79, replied that the representationist was kept in Police custody on 30-4-79 for a period exceeding 48 hours and, therefore, he was placed under demand suspension *vide* order dated 3-5-74 by the disciplinary authority *viz.* Manager, Government of India Press, Calcutta for the reason that he was arrested by the Police on a Warrant of Arrest issued by the Judicial Magistrate, 1st Class, Howrah in connection with case No. 1264-C/71 under Section 500 I.P.C. He was tried in the Court of Law and the Court held that the accused was found not guilty of the charge under Section 500 I.P.C. and was ordered that he be set at liberty forthwith. The said representationist thus produced certified copy of the judgement on the basis of which suspension order was

revoked on 21-8-77 by the disciplinary authority and it was ordered that the payment for the period of his suspension be restricted to the subsistence allowance already received by him. As the representationist was not satisfied with this order, he made an appeal to the appellate authority viz. Director of Printing, on the basis of one of the Supreme Court Judgements relating to case of M. Gopal Krishna Naidu vs. State of M.P. (AIR 1968 SC 240), it was decided by the appellate authority that the order of the Court be taken as a clear acquittal and as such, the representationist involved in the case be entitled to the full pay and allowance during the period of his suspension and ordered for full payment of his arrear pay.

This Commission, thus, is of the view that the representationist could get justice only due to the timely intervention of this Commission which would have been denied otherwise.

#### *Bihar*

(14) A lady representationist working as Cleaner in North Frontier Railway, Katihar belonging to Kayastha caste but married to a man belonging to Balmiki Caste alleged in her representation that her case was not considered by the Railway authority for Class III post in spite of her possessing the requisite educational qualification and prayed before this Commission that her case may be taken up with the authority concerned for her absorption in Class III post.

The General Manager, North Frontier Railway, Gauhati, in response to this Commission's letter replied that the representationist working as substitute Female Sanitary Cleaner under District Medical Officer had recently been screened for appointment as a regular Female Sanitary Cleaner by the Divisional Railway Manager, N.F. Railway, Katihar. He had further stated that as per normal avenue of promotion she would be eligible for promotion to Class III post if found suitable on completion of her qualifying period of service for promotion from Class IV to Class III service.

It is heartening to note that she has been given all benefits admissible to staff belonging to Scheduled Caste Community by the Railway authority.

#### *Orissa*

(15) A Scheduled Tribe employee working as Fitter in Public Works Department in Sundargarh (Orissa) represented to this Commission on 21-2-79 that though he had been working in the said post for the last 10 years to the full satisfaction of the superiors, his case was not considered for promotion, and prayed for this Commission's intervention in the matter.

This Commission also took up the case with the Superintending Engineer, Public Works Department, Bhubaneswar who in his reply stated that promotion of the representationist was under active consideration and the result would be intimated in due course.

### **A—2 : CASES RECEIVED IN THE FIELD OFFICES OF THE COMMISSION RESULTING IN DESIRED RELIEF TO THE REPRESENTATIONISTS**

#### *Orissa*

(16) A Scheduled Caste employee working as a Senior Clerk in the office of the District Agricultural Officer, Bhawanipatna in Kalahandi District of Orissa had alleged in his representation dated 21-2-79 that his case for promotion had been overlooked. The matter was taken up by the Deputy Director for Scheduled Castes and Scheduled Tribes, Bhubaneswar with the authorities concerned as a result of which the representationist was favoured with promotion as Accountant in his parent department.

#### *West Bengal*

(17) A representation was received from the Calcutta Port Trust Scheduled Castes and Tribes Employees Association, alleging that a Scheduled Caste candidate was selected by the Calcutta Port Trust in an interview held on 30-5-78 and though subsequently he had completed all the formalities like production of medical fitness certificates, etc. connected with his appointment, the appointment order was not issued to him. The matter was taken up by the Deputy Director for Scheduled Castes and Scheduled Tribes, Bhubaneswar with the Chairman, Calcutta Port Trust who later on informed that the representationist was appointed as Clerk with effect from 16-8-1978.

#### *Tamil Nadu*

(18) One Scheduled Caste unemployed person holding Diploma in Mechanical Engineering requested for employment assistance. His representation was forwarded by Zonal Office, Madras to the District Employment Officer, Vellore (Tamil Nadu) who took immediate step to sponsor his name for the post of Chageman in Thanthai, Periyar Transport Corporation.

#### *Kerala*

(19) One Scheduled Caste Junior Engineer working in the office of the Director of Light Houses and Lightships, Cochin requested for cancellation of his transfer from Cochin to Jamnagar. His case was referred by the Zonal Office, Madras to the Director General of Light Houses and Lightships, Delhi with the result that his transfer was deferred till 30-4-79.

#### *Assam*

(20) A Scheduled Caste resident of village Pailapool in Cachar District complained to the office of the Deputy Director for Scheduled Castes and Scheduled Tribes, Shillong on 3-10-78 that though he had appeared for a written test for the post of a L.D. Assistant in the office of the Divisional Flood Control, Silchar on 26-3-78 alongwith other candidates, he was not favoured with an appointment even though the police verification, etc. had been completed. The matter was taken up with the Department concerned on 10-10-78 by the Deputy Director in consequence of which the applicant received his appointment order on 8-11-78.

#### *Chandigarh*

(21) A Scheduled Caste employee working as Assistant in the office of the Director of Public Instruction, Chandigarh Union Territory represented for his promotion as Deputy Superintendent of Education. The case was taken up with the authorities concerned by the Deputy Director for Scheduled Castes and Scheduled Tribes, Chandigarh and the representationist was promoted as Deputy Superintendent.

#### *Bihar*

(22) The case of one Scheduled Caste employee against his retrenchment by his employer i.e. Tele. Communication Services, Bihar, Patna was taken up by the Commission's Zonal Office, Patna with the officer concerned and his service has since been restored.

*Bihar*

(23) The Secretary, Patna District Harijan Welfare Association, represented to the Commission's Zonal Office, Patna, regarding the case of transfer of one Scheduled Caste employee. The matter was taken up by the local office, Patna with the Director General of NCC, New Delhi which resulted in the desired relief.

*Bihar*

(24) The case of one Scheduled Caste person for appointment to the post of Roller Driver was taken up by the Zonal Office, Patna with the Bridge Construction Corporation, Bihar which has given the desired relief to the representationist.

*Bihar*

(25) One Scheduled Caste person represented to the Commission's Zonal Office, Patna for his promotion to the post of Lower Division Clerk in the Irrigation Department, Government of Bihar. The case was taken up with the authority concerned and the representationist was given promotion.

*Bihar*

(26) The Commission's Zonal Office at Patna received a representation from a Scheduled Caste person for his reinstatement in service in the Police Department, Government of Bihar. The matter was taken up with the Inspector General of Police, Bihar who has since reinstated the representationist and posted him as Sub-Inspector of Police.

*Bihar*

(27) The representation of one Scheduled Caste person for his promotion was forwarded to the Railway authority by the Commission's Zonal Office, Patna who has informed that the representationist has been promoted as Firemen grade II.

*Bihar*

(28) One Scheduled Caste person represented to the Commission's Zonal office at Patna for appointment in Railways and accordingly the matter was taken up with the Eastern Railway authorities which resulted in desired relief to the representationist.

*Bihar*

(29) The representation of one Scheduled Tribe employee, G.C.C. Tube Company against his transfer was forwarded to the authority concerned by the Commission's Zonal Office, Patna and from the report received from his employer it is found that his transfer order had since been cancelled, thus resulting in the desired relief.

#### B-1 : CASES RECEIVED IN THE HEADQUARTERS OFFICE OF THE COMMISSION WHICH HAVE BEEN REJECTED

*Meghalaya*

(1) One Scheduled Tribe officer working in the Border Security Force as Deputy Commandant in Meghalaya at Border out-post, Shella, represented to this Commission on 16-3-79 that his case may be taken up with the authorities concerned for posting him to Shillong as his wife serving with the Government of Meghalaya as Director, Social Welfare will enable them to lead a family life.

The Director General, Border Security Force, New Delhi, who had issued necessary orders in this regard for posting him to Shillong, which was unfortunately not carried out by the field office, was requested demi-officially to post him to the HQ of IG or DIG at Shillong.

However, the Inspector General (HQ), New Delhi, *vide* his D.O. letter No. 11/1101/67-ORG/BSF dated 31-8-79 informed the Commission that the Director General after careful consideration found it unnecessary to make any amendment to the orders already issued posting the representationist to a Reserve BN at Shillong and not to I.G. or DIG, Shillong as the representationist was not found suitable for assignment to a staff appointment. It added that just because the representationist's wife happened to be a Government servant under the State Government of Meghalaya, the representationist could not be guaranteed that for all time to come he would remain posted in Shillong.

*Tamil Nadu*

(2) One Scheduled Caste Officer working as Deputy Stores Manager under the Government of India Undertaking alleged in his representation that he was not allowed by his previous employer (*i.e.* Pallavan Transport Corporation, Madras) to have lien with the previous organisation from where he got the present posting as Deputy Stores Manager which is a higher job in the Government of India Undertaking while there are several cases of P.T.C. officers who were allowed to be on deputation. He requested this Commission to take up the case, considering his long 7 years of substantive and regular service.

Though this Commission took up the matter with the Tamil Nadu Government for considering his case favourably, his request for retaining his lien in the Pallavan Transport Corporation was not accepted.

*Gujarat*

(3) A representation was received from a Scheduled Caste Superintendent of Police, Western Railway, stating that the Commissioner of Police, Ahmedabad due to caste prejudice had given him adverse remarks in his confidential report for the year 1977-78 which is detrimental to his service career. The representationist requested this Commission to take up the matter with the authority concerned for expunction of the adverse remarks from his confidential report.

The matter was referred to the State Government of Gujarat which, *vide* confidential letter No. ACS/PS/CR/HL/78-CR-Cell dated 11-6-78, replied that the State Government, after careful consideration of the case under reference, decided not to expunge or modify the adverse remarks. It was further stated that on the basis of the reply received from his superior officer, the allegations made by the representationist regarding victimisation by his superior officer on the ground of the representationist being a Scheduled Caste person were not found to be tenable by the State Government.

**Mormugao**

(4) A telegram was received in this Commission on 22-1-79 from an Assistant Engineer stating that he had been deprived from the reserved post of Assistant Executive Engineer in the Mormugao Port Trust. The matter was immediately taken up with the Union Ministry of Shipping and Transport, New Delhi which replied, *vide* their letter No. PEG-7/79, dated 16-8-79, that the post of Assistant Executive Engineer was a promotional post and the Assistant Engineers who fulfilled the conditions of the recruitment rules were considered for promotion to the post of Assistant Executive Engineer. The representationist, an Engineering Assistant Grade I, had recently been promoted to the post of Assistant Engineer in supersession of two candidates senior to him, since the post was reserved one. Further the representationist who joined in the Port Trust in February 1973 as Engineering Assistant Grade I had three promotions by 1979. Moreover, the representationist was a diploma holder. According to the rules, whenever the posts of Assistant Executive Engineer were filled in by promotion, one diploma holder could be appointed in a cycle of four vacancies and he did not come in the zone of consideration for promotion. So the contention of the representationist that he had been deprived of a promotional opportunity as Assistant Executive Engineer was not correct.

As the reply received from the said Ministry was found satisfactory, the Commission dropped the case.

**West Bengal**

(5) The General Secretary, Depressed Classes League, Kharagpur, alleged in his representation dated 19-1-79 that a number of candidates have been appointed in Kharagpur Railway Workshops against the sports quota without reserving quota for Scheduled Castes and Scheduled Tribes for such appointments.

The Senior Personnel Officer, South Eastern Railway, Calcutta, to whom the matter was referred, replied to this Commission that the candidates appointed on sports account are against the direct recruitment quota where the roster is being followed as per existing rules. No separate roster is being followed for the candidates being appointed on sports quota. The Senior Personnel Officer further stated that in Kharagpur Workshops, only 2 candidates were appointed to Class IV posts on sports quota during 1977-78. No Scheduled Caste and Scheduled Tribe candidates applied for employment on sports quota.

**Delhi**

(6) It was alleged by a Scheduled Caste employee, a Proof-Reader in the office of the Central Board of Secondary Education, New Delhi, that his seniority and promotion as Scheduled Caste had been ignored by his employer. He prayed to the Commission for redressal of his grievance.

With a view to bring justice to him, this Commission took up the case with the Department of Education in the Ministry of Education and Social Welfare. They informed the Commission that the representationist is holding the post of Proof-Reader which is an isolated post, but that the Central Board of Secondary Education was considering the question of encadrement of the post of Proof-Reader into the general posts to provide avenue of promotion to the representationist.

**Delhi**

(7) One Scheduled Caste employee working as U.D.C. in the office of the Director General, Border Security Force, Headquarters, New Delhi, alleged in his representation dated 27-12-1978 that notwithstanding the fact that he had been awarded Commendation Certificate and Cash Reward during 1976, 1977 and 1978 as a mark of appreciation for his work, his Confidential Report for the year 1978 was recorded by an officer under whom he had not worked. The CR contained adverse remarks. He stated that he had not received at any time during his long period of service in the Border Security Force, such adverse remarks.

Considering *prima facie* the merit of the case, it was referred to the Directorate General, Border Security Force, New Delhi, which replied that the case of the said representationist had been examined in detail but that the decision reached thereon stood. However, they added that any officer from the Commission could go through the documents as the matter was of a secret and sensitive nature.

**West Bengal**

(8) The Secretary, Scheduled Castes, Scheduled Tribes & Backward Classes Employees Council, Durgapur Steel Plant, Durgapur (West Bengal) alleged in his representation that one Scheduled Caste Mechanical Engineering Graduate was denied his rightful promotion to the post of Assistant General Foreman in Plant Water Supply Department and that another candidate was promoted to the said post.

The Commission took up the case with the Union Ministry of Steel and Mines. They informed the Commission that the Selection Committee, which had a member belonging to Scheduled Caste throughout its deliberations, had given due weightage for the higher qualification of the representationist but placed him, second in the list containing the recommended names. The Steel Authority, therefore, felt that no injustice had been done to the representationist.

**New Delhi**

(9) A Scheduled Caste employee, working as an Investigator in the office of the Trade Fair Authority of India, alleged in his representation dated 5-1-1978 that though there were more than 40 officials in the cadre of Investigator in TFAI only 4 persons were from the listed Communities which was against the 40 point model roster according to which 10 persons should be from Scheduled Castes and Scheduled Tribes and that his services were terminated which was highly irregular.

The Deputy Chief Establishment Officer, Trade Fair Authority of India with whom the case was taken up, replied that the allegation made by the representationist was baseless because of the following :—

The representationist was appointed as an Investigator on purely *ad hoc* basis against one of the vacant posts created for 3 months exclusively for Agri-Expo 77 and that according to the terms, he joined in the said organisation on 18-10-1977. The term of his appointment ended on 31-12-1977 at this stage he was allowed to continue as investigator in another short-term vacancy which has been created for India National Exhibition in Moscow. He was again accommodated against one of the *ad hoc* posts created for the National Small Industries Fair, 1978 ignoring the fact that other candidates belonging to general communities were much higher up in the merit lists and seniority. Thereby, the representationist was allowed to enjoy the benefit of being a Scheduled Caste candidate as long as it was possible. As the authority concerned had no more *ad hoc* or regular posts against which the representationist could be accommodated, the authority concerned terminated the services of not only the representationist but of all *ad hoc* Investigators recruited directly, irrespective of the fact whether they were working against permanent or temporary posts. The representationist was retrenched from service with effect from 31-1-1979. In appreciation of the Authority's benevolence on the listed class candidates, the Commission dropped the matter.

**Maharashtra**

(10) A Scheduled Caste person working as Junior Clerk in the City Food Wing, Nagpur in his representation dated 16-1-1979 alleged that he was deprived of promotional post of Food Supply Inspector in the City Food Wing, Nagpur despite High Court's Order dated 13-1-1977 in favour of his promotion with retrospective effect from 25-2-1974.



This Commission promptly took up the case with the State Government of Maharashtra for the facts of the case as well as the action taken by the State Government. The reply received from the State Government is as follows :—

The representationist was originally appointed as a Clerk in the Collectorate, Nagpur. Subsequently, on creation of the office of the Controller of Rationing for Nagpur City w.e.f. 1-3-1966, his services were transferred to the Controller of Rationing, Nagpur. There were also a number of direct recruits appointed in the Controller of Rationing's office. In February 1974, 32 additional posts of Supply Inspectors were sanctioned by Government for Nagpur City and orders were issued to the effect that 50% of the such posts should be filled in by direct recruitment. The representationist, alongwith others similarly placed, staked the claim to these promotion posts on the ground that they belonged to the Civil Supplies Department. But the Government took a view that since these persons were borne on the Revenue Establishment they could not be treated as direct recruits and considered for promotion in the prescribed ratio. As a result, the representationist and 12 others filed a special Civil Application No. 707/74 in the High Court, Nagpur for treating them as employees belonging to the Civil Supplies Department. The High Court, in their judgement, directed the State Government to treat the representationist and other petitioners as employees belonging to the Food and Civil Supplies Department and to consider their cases of promotion as Supply Inspectors, if permissible, under the rules governing such promotion. Collector, Nagpur issued orders accordingly, on 5-5-1977 listing the names of the persons treated as direct recruits and the representationist stood at S. No. 13 in the list.

Consequent upon the High Court decision, a combined Gradation list of 13 Clerks affected by the High Court order and those of directly recruited Jr. Clerks in the City Food Wing, Nagpur was prepared and finalized. By the gradation list, the representationist stood at S. No. 29. The Selection Committee set up for preparing a select list and Jr. Clerks fit for promotion to the posts of Supply Inspectors, prepared a select list of first 24 Jr. Clerks. The representationist being at S. No. 29 in the seniority list could be considered for promotion to the post of Supply Inspector according to his seniority in the gradation list. The representationist's request to set aside the said gradation list and to order his promotion as Supply Inspector from February, 1974 could not be accepted by the Government since the said list had been prepared as a result of the High Court's decision and the representationist had accordingly been given regret reply. Incidentally, special C.A. No. 2011/78 filed by the representationist in the High Court at Nagpur challenging the validity of gradation list dated 27-7-78 had also been rejected by the Court on 24-11-1978.

#### *Assam*

(11) A Scheduled Caste employee working as U.D.C. in the Small Industries Service Institute, Bamunimaidan, Gauhati represented on 31-3-1979 to this Commission that one candidate who was junior to him had been appointed as Superintendent (Accounts) by ignoring his five years' service in the same capacity i.e. as Superintendent.

The Director, Small Industries Service Institute, Gauhati to whom the case was referred stated that the competent authority for promotion to the post of Superintendent from U.D. Clerk was the Development Commissioner, Small Scale Industries, New Delhi and considering the A.C. Rs of another clerk, who is senior to the representationist, the latter being fully competent in his work has been promoted as Office Superintendent.

#### *West Bengal*

(12) The Secretary, Jessop Scheduled Castes/Tribes Employees Council, Calcutta in his representation dated 3-11-1978 levelled many allegations against M/s. Jessop & Company Limited, Calcutta that the said company was not following the Government policy and rules in service matters for Scheduled Castes and Scheduled Tribes.

This Commission took up the case with the Company to clarify the actual position. However, the Jessop & Company Limited replied that they were following the usual reservation as per Government directives and as such the allegations made were false. To substantiate the claim, the Company mentioned that on its own initiative and humanitarian consideration, 2 widows of SC/ST employees (one died in an accident and another died while in service) had been given employment at Durgapur which was beyond the usual reservation.

As the reply received from the Jessop & Co. was convincing, the Commission dropped the case.

#### *West Bengal*

(13) A case regarding denial of promotion was referred to this Commission by one Scheduled Caste employee working in the office of the Chief Mechanical Engineer of Calcutta Port Trust with the request to take up the case with the Calcutta Port Trust for the needful.

Accordingly this Commission forwarded a copy of his representation to the authority concerned to intimate the facts of the case as well as the action taken for redressing the grievance of the representationist. The Chairman, Calcutta Port Trust in his reply stated that since the adoption by the Trustees of the reservation order for promotion of SC/ST, only temporary vacancies arose in the post of Assistant Foreman, Shipyard. The vacancies were filled up in accordance with the 40 point roster and the representationist was promoted twice against temporary vacancies and no permanent vacancy arose in the post of Assistant Foreman, Shipyard after adoption of the scheme of reservation. Further it was explained that no Shipwright, Shipyard Foreman or Assistant Foreman of Shipyard Division was on leave for more than 45 days at a time and therefore no leave vacancy arose to which reservation orders were applicable. The Trust has, however, assured that reservation orders will be strictly followed when such permanent vacancies arose.

#### *West Bengal*

(14) A Scheduled Caste person from Nadia district of West Bengal represented to this Commission that he appeared before the Interview Board at U.P.S.C.'s office on the 19th July 1974 for the recruitment to the post of Programme Executive, AIR, but he received a regret letter on 25-3-1975 which proved the injustice and malpractices of the said Commission regarding his appointment and requested this Commission to intervene in the matter.

In order to protect the interest of the representationist this Commission took up the case with the Union Ministry of Information and Broadcasting, New Delhi, on 3-3-1979 which was kind enough to reply immediately stating that as the complaint of the representationist was about his non-selection for the post of Programme Executive for which recruitment was made by the U.P.S.C., the Directorate of the said Ministry had no comments to offer. However, it had been assured that so far as reservation of vacancies for Scheduled Castes and Scheduled Tribes is concerned, they are duly reported to the Union Public Service Commission as and when the requisition is sent to the Commission for making recruitment to this post.

As this Commission is satisfied with the reply, the matter was dropped.

*New Delhi*

(15) A Scheduled Caste person working as a peon in the Grindlays Bank Ltd., New Delhi alleged in his representation dated 23-1-79 that he was working in the said post for the last 32 years but he was denied promotion as Daftary in spite of the fact that many others who were junior to him had been promoted as Daftary which was a clear case of discrimination by the employers to the poor and down-trodden community. Hence he prayed the Commission that his case could be taken up with the Grindlays Bank for the needful.

The convincing reply received from the Grindlays Bank in response to this Commission's letter reveals that the case under reference was purely an industrial dispute basing on the terms of appointments and had nothing to do with discrimination on the basis of caste. As this Commission is satisfied by the above reply the case was dropped.

*Orissa*

(16) The General Secretary, All India Scheduled Castes/Scheduled Tribes Bank Employees Union, Bhubaneswar in his representation to this Commission alleged about the departmental atrocities let loose by the Assistant General Manager, Indian Bank, Calcutta by putting forth many cases like the suspension of discretionary powers of the General Secretary of the above Association who is a Branch Manager, negligence in following the reservation orders, etc.

The Chairman & Managing Director, Indian Bank, Madras to whom the Commission referred the matter has categorically explained the actual position stating that the allegations made against the Bank are not true. The actual position is as follows :—

The entry into Orissa by the Indian Bank was only from 1975 with the result the clerical staff are yet to attain the requisite seniority to be promoted as Officers and many of them are taking merit test only in 1979. The number of directly recruited officers also are very small i.e. there are only 8 Oriya Officers out of whom 4 are Branch Managers. As such the Urban areas are manned by officers from other States.

While accepting the fact that the Assistant General Manager, Calcutta recommended withdrawal of discretionary powers granted to the Branch Manager under question, an inspection of his branch carried out in April 1978 revealed disturbing features in respect of certain irregular advances and overdue loan accounts. Security documents obtained in respect of certain loans were defective. Hence the Assistant General Manager, Calcutta felt that continued use of all discretionary powers by the said Branch Manager would not be in the interest of the Bank. Regarding promotion policy also, he has clarified that the promotion policy is governed by an agreement dated 16-12-1978 between the Federation of Indian Bank Employees' Union, Madras and the Bank which is valid upto 31st December 1981 which provides reservation for candidates belonging to Scheduled Castes and Scheduled Tribes at 15% and 7½%.

As this Commission felt that the allegations made in the representation are baseless in the light of the reply received from the Bank, the case was dropped.

*Andhra Pradesh*

(17) The Divisional Secretary, All India SC/ST Employees Association, Waltair took up on 6-2-1979 a case relating to a Scheduled Caste employee working as Senior Office Clerk under Divisional Commercial Superintendent, South Eastern Railway for his promotion to the post of Assistant Commercial Inspector.

The Chief Personnel Officer, South Eastern Railway, Calcutta with whom the case was taken up replied that as per existing rules, all posts of Commercial Inspectors Grade IV (ACI) in the scale of Rs. 425-640 (Revised scale) which are divisionally controlled selection posts should be filled in from amongst the Commercial Clerks in the scale of Rs. 330-560 (Revised scale) on the basis of selection. Therefore, the employee whose case is under consideration has no channel of promotion to the post of Commercial Inspector Grade IV (ACI) in the scale of Rs. 425-640 (Revised scale). Hence the Railway authority had expressed their inability to consider the case of the representationist.

**B—2 : CASES RECEIVED IN THE FIELD OFFICES OF THE COMMISSION WHICH HAVE BEEN REJECTED***Orissa*

(18) One Scheduled Caste employee working as Mail Carrier, Jeypore (Koraput) had represented to the local office of the Commission in Bhubaneswar on 6-3-1979 that he was not being given a chance to sit in the written test and interview for promotion. The matter was taken up with the Post Master General, Bhubaneswar, who informed that enquiry made into the case revealed that the representationist was appointed by the Inspector of Post Offices, Jeypore (Koraput) as an extra departmental (ED) official with effect from 8-5-1975 basing on a false evidence of his age as major. He obtained a court affidavit stating his date of birth as 1-6-1955 which later on was found to be 2-5-1959. As per rules, the minimum age of an E.D. official at the time of appointment should be 18 years. But the representationist managed to get himself appointed in the said cadre when he was still a minor. As such, his service period till he attained the age of a major could not be taken into account while considering the total service in the E.D. cadre. Thus he was not allowed to sit in the examination for promotion which was held on 4-3-1979.

*Orissa*

(19) Another Scheduled Caste employee working as Daftary in the office of the Chief Construction Engineer, Rengali Multi-purpose Project, District Dhenkanal (Orissa), represented to this Commission's local office located at Bhubaneswar on 24-3-1979 that 2 posts of Ferro-Printer lying vacant in his office were going to be filled up by appointing non-Scheduled Caste peons. He, therefore, requested that he should be given a chance to work as a Ferro-Printer though he had no knowledge of the job. The matter was immediately taken up with the Chief Construction Engineer, Rengali Multipurpose Project who responded by stating that the Employment Exchange Officers, Cuttack and Sambalpur were requested to sponsor some candidates to fill up two posts of Ferro-Printers but the response was negative. As the posts were to be filled up immediately in public interest, it was decided to conduct an interview and test the departmental candidates; the basic need of the post being knowledge in Ferro-Printing. Thus the persons who secured 1st and 2nd position in the panel were appointed. As the representationist secured 4th position and only 2 posts were vacant, his case could not be considered.

*Orissa*

(20) One (Scheduled Caste) employee working as Packer in the Returned Letter Office, Bhubaneswar represented to the Commission's local office at Bhubaneswar that he had been working as contingent packer since 1974 and that prior to that he was working as a part-time employee in the P & T Department, Bhubaneswar since 1972. He, therefore, requested that he should be appointed on a



regular basis as a Packer as one permanent post of Packer had been sanctioned to the Returned Letter Office. The matter was immediately taken up with the Post Master General, Bhubaneswar who replied that as per recruitment rules, Class IV posts in administrative offices are filled in through 100% direct recruitment and accordingly an outsider had been selected.

*Bihar*

(21) The Commission's Zonal office, Patna received a representation from one Scheduled Caste employee alleging that he was being harassed by the P & T Department as he is a member of Scheduled Caste community. On his case being taken up by the Commission's Zonal office with the authority concerned, it was found that the transfer of the employee was done on purely administrative grounds and there was no question of any harassment.

*Bihar*

(22) One Scheduled Tribe person in his representation submitted to the Commission's Zonal office, Patna alleged that he was victimized by his employer by discharging him from service. On the basis of a reply received from the authority concerned *i.e.* The Indian School of Mines, Dhanbad, it was found that the individual had tendered his resignation and the authorities had accepted the same.

*Bihar*

(23) The representation of one Scheduled Caste person against the termination of his services from the Kendriya Vidyalaya Sangathan, Bihar was forwarded by the Commission's Zonal office, Patna and it was found that his employer had terminated his services on administrative grounds after giving one month's notice as per terms and conditions of appointment. The decision taken by the appointing authority appears to be justified.

## CHAPTER IX

### ADMINISTRATIVE MACHINERY CONCERNING SAFEGUARDS FOR AND DEVELOPMENT OF THE SCHEDULED CASTES AND TRIBES

It has been noticed in the past that even though policy guidelines are laid down and programmes formulated, they fail to materialise in the field at the implementation stage. It is, therefore, absolutely necessary that implementation of socio-economic development programmes should receive top priority and attention and wherever necessary the local administrative machinery should be adequately strengthened.

9.2 To ensure that development schemes are being implemented according to a time bound programme there should also be a strong monitoring machinery at various levels. The regular monitoring of the programmes will ensure that wherever any programme is lagging behind the target suitable remedial action is taken in time.

#### *Administrative machinery*

9.3 The organisation responsible for implementation of the programmes should be adequate and manned by dedicated personnel. Monetary and other incentives should be given to officials working in difficult areas without basic amenities. There should be special cells headed by senior officers both at the Centre and in the States who should be exclusively assigned the task of looking after the welfare of the Scheduled Castes and Scheduled Tribes in each Ministry/Department particularly those relating to agriculture and rural development, irrigation, industries, cooperation, education and health.

9.4 A special column may be included in the *pro forma* of the Annual Confidential Report in respect of certain categories of officers to assess their contributions towards advancement of the Scheduled Castes and Scheduled Tribes in general and prevention of atrocities on them in particular.

These categories of officers may be as follows :

- (a) Commissioners/District Magistrates/SDOs/Tahsildars/Circle Officers.
- (b) I.G/D.I.Gs/S.Ps/Dy.S.Ps/Inspectors/Sub-Inspectors of Police.
- (c) B.D.Os.

#### *Staff in Blocks under Tribal Sub-Plan and IRDP*

9.5 In view of the large investments in the Blocks covered by the Tribal Sub-Plan and the IRDP it is necessary that the staff structure in these Blocks should be strengthened and personnel having proper orientation towards the development of the Scheduled Castes and Scheduled Tribes deployed.

#### *Monitoring and evaluation*

9.6 There should be regular monitoring and evaluation of different programmes. Provision of inbuilt mechanism for the purpose should be a pre-condition for consideration and approval of sectoral plans. The machinery for monitoring and evaluation may work under special cells to be set up at the State/district levels for reviewing the progress of implementation of developmental programmes for the Scheduled Castes and Scheduled Tribes. At the State level the cell may be headed by the Chief Secretary and at the district level by the District Magistrate. The cell may meet once a quarter and apart from reviewing the progress of implementation of developmental programmes it may also review cases under the Protection of Civil Rights Act and cases of harassment of and atrocities on the Scheduled Castes and Scheduled Tribes.

9.7 The Tribal Research Institutes should be utilised in an organised manner for evaluation of developmental programmes and their findings and suggestions should be given due consideration. Indeed for this purpose the research personnel will have to be persons of sound academic background and field experience.

#### *Apex Coordination Body*

9.8 A coordination machinery at the highest level should be set up both at the Centre and in the States, headed by the Prime Minister and the Chief Ministers respectively, to ensure implementation of developmental programmes and safeguards provided for the Scheduled Castes and Scheduled Tribes and to issue general guidelines and directions in all vital matters concerning the Scheduled Castes and Scheduled Tribes.

### REORGANISATION AND REORIENTATION OF THE POLICE

9.9 The National Police Commission set up under the chairmanship of Shri Dharma Vira in November 1977 forwarded copies of their Questionnaire to the Commission on 6th February, 1979 and requested them to convey their observations and suggestions from the point of view of the Scheduled Castes and Scheduled Tribes as item 9 of the terms of reference of the NPC related to the special responsibilities of the police towards the weaker sections of the community. The Commission considered the Questionnaire and communicated on 13th February, 1979 their observations and recommendations with special bearing on the two weaker sections of the society, viz., the Scheduled Castes and Scheduled Tribes, on important points arising in the Questionnaire without confining themselves to individual questions as such.

9.10 It is the general experience, which is also reflected in the NPC Questionnaire, that the police, as constituted at present, are subject to various pressures including political pressures in the discharge of their duties, with the result that the aggrieved parties in many cases do not get justice at their hands. The Questionnaire also reflects the general feeling that because of political and other pressures in respect of agitations, which was politically inspired, suitable remedy is not available to the weaker sections of the society who are subjects of attack in such political agitations. There is also widespread corruption prevalent in the police force with the result that the weaker sections of the society do not get adequate protection against acts of aggression against them or against offences committed against them. It is also a fact that the police do not record all the cognizable cases that are reported to them. In many cases the weaker parties are turned away without recording their complaints or offering any remedies in respect of offences committed against them. It is also the general experience that partly on account of the fear of the local powerful political groups or caste groups and partly because of the indifference of the police machinery, in many cases the weaker sections do not even go to and make formal complaints before the police.

#### *Control and management of the police force*

9.11 Under the existing legal provisions law and order is a State subject and the administration of the police force in a State vests entirely in the State Government. The police force is, therefore, an executive wing of the State Government though the duties that it has to perform in respect of prevention, detection, investigation and prosecution of criminal cases and in respect of maintenance of law and order are statutory duties and are regulated by the various laws enacted by the Union or the State Governments. Ordinarily one should expect that even though the police force is under the executive control of the State Government, it should be able, in normal circumstances, to perform its lawful duties without any interference or pressure at any level. However, experience has shown that in respect of agitations which are politically inspired, the impartiality of the police force comes into question. Similarly in respect of individual cases which may have political implications, the impartiality of the police again comes into doubt. It has also been observed that because of widely prevalent corruption among the police the more powerful and economically more affluent sections may manage to get their work done according to their wishes and the weaker sections of the society, who do not enjoy economic power, fail to get their grievances redressed at the hands of the police, particularly when they are ranged against the politically or economically important sections of the society.

9.12 Since the control and management of the police vest in the State Government it depends on the political will of the State Government to ensure that the police act impartially and in accordance with law. It is also for them to ensure that the police give adequate protection to the weaker sections.

#### *Reorganisation of Police Stations*

9.13 The police Station is the pivot of the police administration. Vital and vast powers under the police Act vest in the SHO or the Officer-in-charge of the police Station who is generally of the rank of Sub-Inspector. It is at the level of the Police Station where the police force comes into contact with the public and where bulk of the police work *vis-a-vis* the public is handled. Therefore, the overall image of the police largely depends on the attitude of the people towards the personnel at the Police Station. In view of this it is essential to reorganise and improve the police force particularly at the level of the Police Station in such a manner that there is effective supervision and control at the Police Station level and also the maintenance of good public relations. The following suggestions are made in this regard by the Commission :

- (i) The Sub-Inspector, who enjoys vast powers, is in the police officers' hierarchy at the lower level, above only to ASI/Head Constable and Constable and has a non-Gazetted status with a salary which is totally incommensurate with the powers that he enjoys. It is considered that a Police Station should be managed by an officer of Gazetted rank who should at least be of the status of Dy. S.P. or Assistant S.P. Normally on the Revenue and the Development side, for a Block or a Revenue/Circle, we have a Gazetted officer in charge for performance of revenue duties. In some States a Police Station is co-terminous in jurisdiction with the Block or a Revenue Circle and there is no reason why for criminal administration, as in the case of development and revenue administration, we should not have a full-fledged Gazetted officer more or less equivalent to a PCS officer, who functions as a B.D.O. or a Revenue Officer. The majority of the Officers-in-charge of the Police Stations should be officers directly recruited as Dy. S.P.s or to the IPS. The putting in charge of an officer of this rank as Officer-in-charge of the Police Station is, in the ordinary course, expected to lead to better qualitative management of the Police Station, better public relations and elimination or reduction of corruption at the level of the Police Station. When an Assistant S.P. is posted at a Police Station his tenure there should be of at least one year so that the impact of the posting of a young IPS officer in the area can be properly felt.
- (ii) The Officer-in-charge of the Police Station should be adequately assisted by supporting staff consisting of SIs, ASIs, Head Constables and Constables whose number should be commensurate with the increase in crime and law and order workload in the area. Deployment of adequate personnel at the Police Station is also necessary, particularly in sensitive areas, to enable them to regularly move in the area and keep in close touch with the people so that

suitable and timely action can be taken to prevent commission of any atrocity on or harassment of the weaker sections of the society.

- (iii) One or two CID men (SI/ASI) may be attached to the Police Station to collect intelligence bearing on criminal administration and to perform any other special duties assigned to them.
- (iv) The police force should be made mobile by providing a vehicle and in areas with difficult terrain at least a motor bicycle. Wireless equipment should invariably be provided to each Police Station.
- (v) Where incidence of crime is high the jurisdiction of the Police Station could be suitably expanded and Sub-Police Stations/Outposts provided under the overall supervision of the Dy. S.P. or Assistant S.P.

#### *Recruitment*

9.14 In order that justice is done to the weaker sections of the society, it is desirable that at least 50% of the posts of Constables, Head Constables and so far as possible Sub-Inspectors and Inspectors of police should be filled up by the Scheduled Castes and Scheduled Tribes.

9.15 Minimum educational qualification for the post of Constable should normally be matriculation except in the cases of the Scheduled Castes and Scheduled Tribes the educational qualification to be prescribed, at least initially, should be somewhat lower, say, Middle School standard. In view of the arduous duties performed by Constables and the considerable power they wield, their emoluments should be similar to those of Class III (LDCs) and they should have suitable avenues of promotion. However, the physical standards prescribed for them should be adhered to.

#### *Training*

9.16 The attitude of the police should be service-oriented. It is essential, therefore, to lay down a comprehensive training programme during their probationary period and short refresher courses at regulated intervals after confirmation. Generally speaking, such courses should be devised in a manner as to develop a progressive and humane outlook in the police force, not in any way affecting the supreme need for discipline and enforcement of law. Special attention should be paid to ensure that secular and caste-less outlook is developed among the trainees. During the training period community living should be emphasised, particularly common messing where Scheduled Caste cooks may be employed.

9.17 With a view to improving relations between the police and the public it is necessary that the police who at present enjoy a reputation of rude and insolent behaviour should be given special training in dealing with the public with politeness and courtesy. Cases of rude, insolent or indifferent behaviour should be sternly dealt with.

9.18 General attitude of the police should be re-oriented towards serving the community and assisting them against crime and harassment. Special training combined with control and supervision should ensure that the police encourage the public to approach them for redress of their grievances.

9.19 Study of the Protection of Civil Rights Act, 1955, should find a prominent place in the curricula of all police training courses right from that for IPS officers to that for Constables. Refresher courses should be organised for the police personnel at different levels to acquaint them with the socio-economic problems of the weaker sections of the society and the legislative and executive measures adopted by the Government from time to time for the welfare and protection of these sections, particularly the Scheduled Castes and Scheduled Tribes.

#### *Deployment*

9.20 Sensitive areas prone to commission of atrocities on the Scheduled Castes and Scheduled Tribes should be identified in each district and in such areas more than 50% of the police force at the concerned Police Stations should consist of the Scheduled Castes and Scheduled Tribes. The preponderance of SC/ST police personnel at the P.S. level will act as a deterrent to commission of atrocities on or harassment of the Scheduled Castes and Scheduled Tribes.

#### *Service conditions*

9.21 It is necessary that the police force, particularly the non-Gazetted personnel, should be paid adequately so that the temptation to corruption is minimised. Housing and proper medical facilities to the police force as well as educational facilities for their children are essential to have a contented and responsible police force.

#### *Organisational set-up*

9.22 The following suggestions are made for improving the organisational set-up of the police :

- (i) At the Sub-Divisional level an officer newly promoted as an SP should be appointed as Sub-Divisional Police Officer while at the District level an officer with a few years' experience as an SDPO may be the District Superintendent of Police. If the police set-up is reorganised on these lines, it is felt that it will considerably improve the efficiency of the police force, reduce the element of corruption and improve public relations.
- (ii) There should be Public Relations Wings at the State/District/Sub-Divisional levels.
- (iii) At the Police Hqs. there should be an Evaluation Cell to monitor and evaluate the performance of the police force at different levels to assess as to what action the police took to prevent and detect crime, disposal of cases, percentage of cases leading to conviction as compared to those challaned, etc. This Cell should function directly

under the control of the Director General/I.G. of Police of the State. There should be similar Cells at Divisional/District/Sub-Divisional levels. These Cells should specially monitor and evaluate the criminal cases against the Scheduled Castes and Scheduled Tribes including enforcement of the Protection of Civil Rights Act, 1955.

- (iv) Village Chowkidars are at present usually hereditary posts and they act as informants to the Police Station/Outpost and have also to perform several miscellaneous duties and in some States even degrading menial functions. This practice must stop. They are paid very meagre allowances. They hardly command any respect in the village community and do not even inspire fear in the minds of the villagers which is done by Constables or other regular police force. Whereas the villagers look forward to Constables for receiving help and protection, they do not have any such expectation from the Village Chowkidar. In order to provide a more positive and respectable role to the rural police it is suggested that the institution of Village Chowkidar should be professionalized and these posts suitably redesignated and manned. They should be paid adequate remuneration though they may continue to be part-time employees. The composition of the rural police force should be at least 50% Scheduled Castes/Scheduled Tribes and in sensitive areas or in areas predominantly inhabited by the Scheduled Castes/Scheduled Tribes their composition should be much larger. If necessary, trained Home Guards may be appointed to these posts. In order that the existing incumbents do not lose their only source of livelihood they may be given suitable reorientation course and employed.

#### *Special machinery for the protection of the Scheduled Castes and Scheduled Tribes*

9.23 The following suggestions are made regarding the special machinery to protect the interests of the Scheduled Castes and Scheduled Tribes who are the weakest sections of the society below the poverty line and are unable to defend themselves particularly in cases arising out of socio-economic causes :

- (i) At the State level there should be a Consultative Committee with the Chief Minister as Chairman, the Home Minister as Vice-Chairman and the Home Secretary as Secretary to the Committee to take policy decisions on all matters relating to law and order including those concerning the Scheduled Castes and Scheduled Tribes, the implementation of the PCR Act and the position regarding atrocities on and harassment of the Scheduled Castes and Scheduled Tribes. The members of the Committee may include, among others, the IG of Police, the DIG or other high level officers

in charge of the SC/ST Cell, representatives from amongst legislators and non-official organisations including those of the Scheduled Castes and Scheduled Tribes, representatives of different political parties, social scientists and individual eminent persons. If necessary, retired members of the judiciary may also be included in this Committee.

- (ii) At the State level there should be a Scheduled Castes/Scheduled Tribes Cell under the control of the IG/Additional IG/DIG of Police depending on the size of the police force of the State. Such special cells may be set up at the Divisional/District/Sub-Divisional levels also.
- (iii) There should be a Special Police Station at the State headquarters under the charge of the State level SC/ST Police Cell. Similarly there should be Special Police Stations at the District level and, where necessary, even at the Sub-Divisional level to exclusively deal with cases under the PCR Act as well as other cases of atrocities on and harassment of the Scheduled Castes and Scheduled Tribes. Such Special Police Stations should be particularly set up in sensitive areas. This special arrangement should be treated only as supplementary to the normal Police Stations. The personnel deployed in these Special Police Stations should be men of proven integrity and dedication and, as indicated earlier, at least 50% of them, if not more, should belong to the Scheduled Castes/Scheduled Tribes. They should be specially recruited and oriented.
- (iv) In sensitive areas there should be a small cell in each Police Station to exclusively deal with cases relating to atrocities on and harassment of the Scheduled Castes and Scheduled Tribes.

#### *Police administration, disciplinary control and accountability*

9.24 The National Police Commission Questionnaire had enquired about the desirability of having a Committee of the State Legislature to be called as 'Public Security Committee' and constituted on the same lines as the Public Accounts Committee or the Estimates Committee, with the object of independently monitoring the action taken by the police in situations which gave rise to complaints or criticism against the police. While acts or omissions by individual police personnel could be looked into by either departmental or judicial inquiries, as the case may be, collective performance by the police as a whole could be called to account by the suggested Committee of the State Legislature. The Commission endorsed this suggestion and recommended that this Committee should include Scheduled Caste/Scheduled Tribe Members also so that the interests of the Scheduled Castes and Scheduled Tribes were looked after by this Committee.

9.25 The NPC wanted to know if a similar arrangement was desirable at the district level also. The Commission's answer was in the negative.

9.26 The NPC Questionnaire also mentioned about the need for having a Board with the Home Minister as Chairman and its Members drawn from the judiciary, academics including sociologists of public standing and eminent non-political public men, with the power to exercise control over the police. This Board could periodically take note of police performance in the State and give appropriate policy directions and guidelines from time to time. The Commission opined that such a Board would be ineffectual because ultimately the police would be responsive only to the orders and wishes of the State Government and the Board would not be able to stem the tide of political pressures. In place of such a Board a Consultative Committee may be appointed as already suggested in para 9.23(i) above.

#### *Supervisory structure and role of executive magistrates*

9.27 The NPC mentioned that though the district police administration was vested in the Superintendent of Police, the administration was now subject to 'general control and direction' of the District Magistrate. A view had been expressed that this dual control at the district level from a functionary outside the police system eroded the sense of full responsibility that should be rightly borne within the system and, therefore, this dual control should be done away with. The Commission were of the view that at the present stage of development of the Indian society where casteism, communalism and feudalism were still prevalent, it would not be in the public interest to do so. The District Magistrate is the head of the district and remains in close touch with the public and gets his information from different sources. His continuance as the head of the criminal administration of the district ensures that the police force does not become unduly repressive and that it is responsive to public opinion and needs. From the angle of weaker sections the continuance of the District Magistrate as the head of the criminal administration of the district is all the more necessary as the weaker sections need special protection against the assault of vested interests and against the use of police force by politically, socially or economically stronger groups. The Sub-Divisional Officer (Civil) should also have similar powers at the Sub-Divisional level.

9.28 Under the system of separation of the judiciary from the executive not only has the function of trial of cases been taken over by the judiciary but even the initial action right from the filing of FIR to the stage of completion of investigation and submission of final form by the police is also now handled by the judiciary. Keeping in view the backward conditions in the rural areas and the necessity of providing protection to the weaker sections it is felt that while trial of cases may continue to be handled by the judiciary, criminal action upto the stage of completion of investigation and cognizance of cases may remain with the SDOs (Civil). Since the SDOs (Civil) are executive and touring officers

and are conversant with the areas under their charge it should be possible for them to ensure suitable protection to the weaker sections at the stage of investigation and grant of bail, etc. This would not in any way affect the impartial and independent handling of cases as an independent judiciary would try such cases.

#### *Nyaya Panchayats*

9.29 The NPC enquired about the desirability of empowering village or ward level courts, on the lines of Nyaya Panchayats, assisted by a trained executive, to dispose of cases of ordinary crimes. It was suggested that the emphasis in the proceeding before these courts would be on compounding or levy of fine with adequate compensation to the victim of crime. The Commission expressed the view that the Nyaya Panchayats should not have any judicial powers to deal with criminal cases because of local political and caste rivalries. The local people working in the Nyaya Panchayats may not be able to render proper justice in criminal cases. This is particularly so insofar as the weaker sections, particularly the Scheduled Castes are concerned because the experience is that the Panchayats are generally captured by economically and socially powerful groups.

#### *Public complaints against police*

9.30 The NPC referred to a suggestion that in every district there should be an arrangement for an automatic judicial inquiry by a nominated Sessions or Additional Sessions Judge into any incident of :

- (a) death in police custody,
- (b) death or grievous hurt arising from alleged police tortures,
- (c) death resulting from police firing, and
- (d) alleged rape of women in police custody.

The Commission supported the suggestion.

#### *Redress of grievances*

9.31 With a view to ensuring that any grievances of the general public against the police force receive proper attention, we may have a Special Grievances Cell under the charge of the S.D.O. and the District Magistrate at the Sub-Divisional and District levels respectively. The Sub-Divisional and the District Magistrate should have adequate authority to look into these grievances with the help of senior officers, who should be in-charge of these cells, to provide remedy to such grievances. There should be a similar Grievances Cell at the headquarters of the Government under the charge of the Chief Secretary who may be assisted by a senior officer of the rank of Commissioner to deal with the Cell.

9.32 At the apex level those Grievances Cells should function under the control of a statutory Grievances Commissioner independent of the State Government so as to make them effective and insulate them against political pressures. The Chief Secretary/District Magistrate/SDO as in-charge of the Grievances Cells at the various levels shall act at the instance and under the direction of the statutory Grievances Commissioner.



## CHAPTER X

### RESEARCH AND EVALUATION STUDIES

The present chapter deals with the research and evaluation studies on certain important welfare schemes such as Post-Matric Scholarship Scheme, Pre-examination Training Centres, Non-Official Organisations receiving grant-in-aid from the Ministry of Home Affairs for the welfare of Scheduled Castes and Scheduled Tribes etc. and the problem of Untouchability. The Statement at Annexure I gives the particulars of 40 research and evaluation studies undertaken by the field offices of the Commission during the period under report. Summaries of only 24 important research and evaluation studies conducted by the field offices alongwith some important findings/suggestions are given below :—

#### I. *Post-Matric Scholarship Scheme*

10.2 The object of this Centrally Sponsored Scheme is to provide financial assistance to the Scheduled Castes and Scheduled Tribes students studying at post matriculation, or post secondary stage, so as to enable them to complete their education. The expenditure on the scheme at the level of 1978-79 stands committed to the State Governments; amount spent over and above the committed expenditure on the expansion of the scheme is being met by the Government of India. These scholarships are available for studies in India only and are awarded by the Government of the State/Union Territory to which the applicant actually belongs, *i.e.* the State/Union Territory in which he is permanently settled. The field offices of the Commission conducted a few studies of the scheme during the year.

#### *Kerala*

10.3 The Zonal Office, Madras conducted a study in January, 1978 on the working of the scheme in Kerala and made the following observations :

- (i) The work of disbursing the post-matric scholarships does not involve unreasonable delay.

The Director of Harijan Welfare, therefore, did not consider it necessary to decentralise the scheme to the district level.

- (ii) In order to overcome the financial difficulties of the Scheduled Castes and Scheduled Tribes students during the initial months of their admission into colleges, the Government of Kerala are sanctioning stipends for 3 months on an ad-hoc basis to each Scheduled Caste and Scheduled Tribe student at the beginning of the academic session. The amount is sufficient to maintain the students upto September.

- (iii) All the Scheduled Castes and Scheduled Tribes students are exempted from the payment of admission fees, tuition fees, examination fees, etc. which are reimbursed to the colleges direct by the Director of Harijan Welfare.
- (iv) The achievement of the students in the final year of degree examination level is not encouraging. The promotion from one class to another during a course of study is made annually on the basis of attendance. The students often, therefore, do not take their studies seriously till the final year of the course. There is no check on them to ensure their progress throughout the course.
- (v) The problem of drop-outs is not so acute in the post-matric classes due to general promotion of students annually, because of which they continue to receive the scholarship upto the final degree examination.
- (vi) The problem of unemployment is acute in the case of matriculates. None of the Scheduled Castes and Scheduled Tribes students having degrees in technical courses like Engineering and Medicine were found on the Live Register of the Employment Exchanges as on 31st December, 1977.

#### *Punjab*

10.4 (a) The Deputy Director Chandigarh, with a view to find out whether the benefits of this scheme have been equally shared by all the Scheduled Caste communities, conducted a study during 1977 in Punjab and made the following observations :—

- (i) There are 18 communities which do not have any scholar at the Post-matric stage. Thus all the Scheduled Caste communities are not deriving equal benefit from the P.M.S. Scheme. This may be due to the peculiar socio-economic conditions of the communities concerned. The communities which received large benefits from the scheme are Sikriband, Ad-dharni, Megh, Sarera and Khatik, Kabirpanthi and Ramdasia. Of these Sikriband, Sarera and Khatik form negligible part of the Scheduled Caste population. Though the neglected communities (18 in number) form only 0.24% of the total Scheduled Caste population of the State, due weightage in favour of these communities must be given by the State Government with a view to make up for the back-log their development to bring them at par with the other communities.

- (ii) Most of the Scheduled Caste scholars pursue/Arts and Commerce courses as against a few who take Science, Engineering, Medicine, etc. which position continues at Post-graduate level also. Opening of special residential schools on the lines of Ashram schools with special coaching facilities to the Scheduled Caste students in subjects like Mathematics and Science would go a long way to solve the problem.
- (iii) It should be the endeavour of the State Government to find out the reason for the low enrolment amongst the most backward communities and prepare a package of schemes which will enable them to avail of the facilities to raise themselves to the level of other developed Scheduled Caste communities.

10.4 (b) An evaluation study of the results of beneficiary students belonging to Scheduled Castes during the Annual Examination held in April, 1977 was conducted by the Office of the Deputy Director, Chandigarh in Punjab to find out whether the scheme is having the desired impact of improving the educational level of the listed communities. For this study, the result particulars of 3439 students were collected. 37.24% of them failed and 19.24% placed in compartment, the total of these two being 56.48%. The rest 43.52% of the students who passed were placed as follows :—

- (i) 7.59% secured less than 40% marks, 21.23 per cent secured 40 to 45 per cent marks, 6.26% secured 45 to 50 per cent marks and 6.69 per cent secured 50—60 per cent and only 1.75% secured 60 per cent or more marks.
- (ii) From the above, it is clear that only 43.52% of the total expenditure incurred by the Government was fruitful. It would be necessary to improve the coaching standard for Scheduled Castes.

#### *Haryana*

10.5(a) The Deputy Director, Chandigarh conducted a study in Haryana to examine the operation of the Post-Matric Scholarship Scheme, and the gaps and short-comings in the implementation and suggest methods for making the programme more effective. In Haryana the Scheme was decentralized during 1973-74 and the powers were delegated to the principals of the colleges to draw and disburse the scholarships. In order to remove the delay in disbursement of scholarships, the State Government accepted the system of disbursement of scholarship through Nationalized Banks as proposed by the Ministry of Home Affairs. The Punjab National Bank agreed to undertake this work from the academic year 1978-79. Another measure introduced by the State Government during 1976-77, to minimise the financial problems of the Scheduled Caste and Scheduled Tribe Post-Matric scholars was the sanctioning of *ad hoc* amount at the beginning of the academic session. In 1974-75 there were 4001 awards as against 3673 awards in 1973-74. The number of awards came

down to 3280 during 1975-76 but rose to 3682 in 1976-77. The following are some of the important findings of the study :—

- (i) The female beneficiaries increased from 465 in 1975-76 to 700 in 1976-77.
- (ii) The total expenditure incurred on the implementation of the scheme during 1976-77 was Rs. 32.03 lakhs, the total number of beneficiaries was 3682.
- (iii) 81.20% of the beneficiaries at undergraduate level and 68.87% of the beneficiaries at the graduate level had taken Arts and Commerce courses.
- (iv) 29.39% of the beneficiaries among the Post-graduate scholars had taken Teachers' Training Course (34.48%) of the beneficiaries in this category were females. 26.93% belong to Law course, and 20.20% to Arts and Commerce courses.
- (v) Caste-wise analysis of the scheme reveals that only 18 castes out of the 37 castes listed in the State were represented in the under-graduate course. Of these, Chamar caste constituted 79.97%, Dhanak 6.52%, Balmiki 5.33%, Khatik 1.91%, and Od 1.32%. All the other castes had less than 1% representation. In case of Post-graduate level 13 castes had representation, the major beneficiaries being Chamar (64.87%), Dhanak (7.22%), Balmiki (3.61%) and Megh (2.40%).

10.5(b) The Deputy Director, Chandigarh conducted a sample study in Haryana to find out the performance of the Scheduled Caste Post-Matric beneficiary-students in different districts of the State of Haryana. For this study, a sample of 47 institutions in 10 districts covering 1476 students was taken and on the basis of an analysis, the following observations/suggestions were made :—

- (i) Of the total 1476 sample students 13.00% failed while 29.07% were placed in compartment. Among the successful candidates 8.13% secured less than 40 per cent marks, 36.11% secured 40—50 per cent of marks, 4.27% secured 50—60% marks and 1.29% secured 60% or more marks which shows the poor performance of the beneficiaries.
- (ii) With a view to bring about improvement in the present position it would be necessary to improve the coaching standard for the Scheduled Castes.

#### *Bihar*

10.6 A study on the working of Post-matric Scholarship Scheme with special reference to delay in disbursement of scholarship, drop-out ratio and performance of the students receiving scholarships was conducted by the office of the Zonal Director, Patna in



some selected colleges in the districts of Palamau, Ranchi, Aurangabad and Gaya of Bihar. The observations/suggestions of the study are as follows :—

- (i) There was considerable delay in the disbursement of scholarship due to non-receipt of application forms by the Heads of institutions from the District Officers, and late submission of application forms by the beneficiary students to the District Welfare Officers. Many beneficiary found it difficult to continue their studies due to delay in receipt of their scholarship.
- (ii) There was high rate of drop-out among the girl students compared to boy students.

To prevent the high drop out amongst girl students effective steps have to be taken to create social awareness amongst the parents so that the studies of such students are not disturbed due to marriages etc.

- (iii) Mal-practices and cases of corruption were noticed during the course of study. In 1975 the Principals of two colleges, Ranchi defalcated huge sums of Post-matric scholarship amount in collusion with the District Welfare Officer of Ranchi and his staff. Scholarship amounts were also drawn against bogus applications and in the name of fictitious students.

The State Government should take effective steps against the District Welfare Officers and their staff as well as College authorities in case of lapses.

- (iv) Most of the beneficiary students were pursuing Arts and Commerce courses. Only a few opted for Science and Technical courses.

#### *Madhya Pradesh*

10.7 The Zonal Office of the Commission at Bhopal conducted a study on the award of Post-matric Scholarships in Chhindwara district of Madhya Pradesh in April, 1978. The study was undertaken on the basis of the information gathered from the State Government on the working of the scheme for all the Post-matric Institutions of the District of Chhindwara for the 1977-78 and covering 389 Scheduled Caste and 146 Scheduled Tribe students. The findings and suggestions emerging the study are given below :—

- (i) In Chhindwara District with lower Scheduled Caste population, when compared with the Scheduled Tribes, the Scheduled Caste students have received major benefit of the Post-matric Scholarship scheme. Therefore, consistent efforts may be made to increase the enrolment of tribal students at secondary stage with a view to encourage them to join various post-matric courses.

- (ii) The State Government's instructions for award and disbursement of scholarship on quarterly basis have not been adhered to by the disbursing authorities. For instance, the scholarship amount for 1977-78 to day-scholars was disbursed in March, 1978 in lump-sum while the hostellers received the first instalment in October, 1979 and subsequent amounts on monthly basis.
- (iii) Only more vocal Scheduled Castes communities, i.e., Mahar, Mehra, Chamar and Katiya and only Scheduled Tribe community of Gonds have received Post-matric Scholarship in the district. The State Government should take positive steps to promote pre-matric education among the most backward Scheduled Caste communities like Basors and tribals like Korku, Bharia and Pardhi so that their enrolment at Post-matric stage may be increased.
- (iv) Steps should be taken to increase the enrolment of Scheduled Caste and Scheduled Tribe students in Science and Engineering courses from 5.3% as at present to a much higher level so that the number of Scheduled Caste and Scheduled Tribe students going for Arts and Commerce courses is reduced.
- (v) Special coaching should be provided to the hostellers in weak subjects as at present their performance in the examination is very much wanting.
- (vi) The demand for Post-Matric Scholarship amount during 1977-78 in the district has exceeded the funds allotted by the State Government. The funds allotted to each district should be in proportion to the anticipated requirements so that the awards are made and disbursed in time.

#### *II. The Pre-Examination Training Centres*

10.8 The Chandigarh office reviewed the working of the Pre-examination Training Centre, Ambala and made the following observations/suggestions :—

- (i) The advertisement is published in 5 newspapers. This is not enough. Publicity of the scheme may be given on All India Radio. The District Welfare Officers must also publicise the scheme in their districts.
- (ii) Selection of trainees should be strictly on merit.
- (iii) The total strength of the trainees should be raised from 60 to 100 and divided into two units; one unit of the trainees for the Assistant Grade Examination and the other for the various Clerical Examinations.
- (iv) Adequate teaching staff, especially to teach Hindi, English and Arithmetic may be appointed.

- (v) The Centre may have its own hostel building for the boy trainees. It may also have a part-time medical practitioner to look after the health of the trainees.
- (vi) The Governing Body, which oversees the functioning of the Centre, has not met for the last 3 years. It may meet at least twice a year to discuss the various problems of the Centre.
- (vii) Suitable action should be taken to check truancy and indiscipline among the students by vesting some authority with the Principal of the Centre.

### III. Reports on the working of Non-official organisations Thakkar Bappa Gurukulam and Mid-day Meals Scheme at Chillakur (Andhra Pradesh) run by the Servants of India Society.

10.9 The Servants of India Society is running the Thakkar Bappa Gurukulam at Chillakur in Nellore district in Andhra Pradesh for the benefit of Yenadis (ST), Scheduled Castes and certain Backward Classes children living in villages around this institution. The Deputy Director, Madras visited this institution on 28th and 29th July, 1978 to study the working of the Scheme. The following three Schemes were implemented by the Servants of India Society in Andhra Pradesh with the grants provided by the Ministry of Home Affairs :—

- (i) The Thakkar Bappa Gurukulam (Hostel),
- (ii) Ashram School, and
- (iii) The Mid-day Meals Scheme.

10.10 Scheme-wise details are as follows :—

#### (i) The Thakkar Bappa Gurukulam

The total strength of the Gurukulam was 80 : 60 boys and 20 girls. All the boys and girls in different classes belonged to Yenadi tribal community of the district. The inmates of the Gurukulam hostel were given two meals and one breakfast. The breakfast comprised Uppuma made of Rawa with sugar or chatni. The mid-day meals as well as the night meal comprised rice, sambar and one vegetable. This pattern continued through out the year except, on some important festivals. The inmates of the hostel had been given mats durries and blankets, 2 pairs of dresses comprising half pants and shirts for boys and skirts and blouses for girls were provided. The Tribal Welfare Department also provided to all the inmates a pair of such dress. The hostel had a small library with some 300 books for the benefit of the inmates.

#### (ii) Thakkar Bappa Gurukulam School

The total strength of the school was 190 students in Classes I to VII and they belonged to Yenadis (Scheduled Tribe), Harijans and other Weaker Sections. The teaching staff comprised of one Headmaster and 4 Assistant teachers which was inadequate in comparison to the total strength of the students.

### (iii) Mid-day meals Scheme

A full meal was provided to all the children in the school under this scheme with the financial assistance from the Ministry of Home Affairs. The expenditure on this when worked out came to 65 to 70 paise per student per day. The Ministry of Home Affairs sanctioned Rs. 1,07,560 during 1977-78 for the running of these above schemes which included 10% of the matching share of the Servants of India Society. The Society incurred an expenditure of Rs. 81,716.08 only. On the basis of the inspection, the following suggestions were made :—

- (a) An additional building should be constructed to accommodate the students of the growing school.
- (b) The teachers should be given additional D.A. at the increased rate in accordance with the D.A. rate granted to the teachers of Andhra Pradesh Education Department.
- (c) The strength of the teaching staff may be increased in proportion to the students' strength.
- (d) The books and magazines for the library and games materials such as football, volleyball and other indoor items may be purchased and made available to the students regularly.

### Working of the Schemes run by the Servants of India Society in North Kanara District of Karnataka

10.11 The Servants of India Society was implementing three schemes viz. (i) providing mid-day snacks to the students of weaker sections of the society, (ii) supply of text books and (iii) supply of a pair of dress to students in 14 Janata Vidyalayas through the Kanara Welfare Trust. The inspection was carried out in 7 out of 14 Vidyalayas by the Zonal Office, Madras during July, 1978. The details of the said schemes and the observations/suggestions are given below :—

#### Mid-day snacks

- (i) This scheme was implemented in 13 schools benefiting 529 students during 1977-78. Out of 7 schools visited, 6 schools were running the scheme benefiting 176 students of whom only one belonged to Scheduled Caste and the rest were from Backward Classes. This scheme aimed at benefiting those students who came from villages situated 2 or more miles away from the schools. The students were required to apply separately for the Mid-day snacks and the Headmaster selected the deserving students keeping in view the amount of grant during a particular year. The items of food provided to the students varied from school to school.

#### Supply of Books

- (ii) This scheme which aimed at supplying Text Books to the poor students who could not afford to purchase the books benefited

450 students of 8 schools during 1977-78. Of the 7 schools visited, the scheme was implemented in 5 schools with 217 beneficiaries including 7 Scheduled Castes and the expenditure incurred was Rs. 1,610.

#### *Supply of Dresses*

- (iii) During 1977-78, the scheme of supply of dresses to the poor and needy students was implemented in all the 14 schools with a total expenditure of Rs. 8,754.88 and the expenditure incurred in the 7 schools visited was Rs. 5,159.44 with 398 beneficiaries, of whom 8 were Scheduled Castes and the rest from the Backward Classes.

The study conducted by the Zonal office, Madras during 1978 revealed that though the grants released by the Ministry of Home Affairs were intended for the Scheduled Caste, Scheduled Tribes and other Backward Classes (Nomadic, Semi-Nomadic and Denotified Tribes) students, the beneficiaries of all the above three schemes run by the Kanara Welfare Trust, Ankola belonged mostly to Backward Classes, not mentioned under the scheme. The Government of India should take suitable steps to ensure that the benefits reach the target groups.

#### *Tailoring Schools*

- (iv) The Servants of India Society was running Tailoring Schools in Ankola and Mungod villages with the grant-in-aid from the Ministry of Home Affairs where training was given to poor women and girls in preparing women's and children's garments like dupadis, blouses, skirts and half-pants.

10.12 The following observations/suggestions were made for the improvement of the schemes :—

- (a) As the enrolment of Scheduled Caste students in the schools was less, the Trust should make efforts to bring larger number of Scheduled Caste students in order to enable the poor and deserving students to reap the benefit of this scheme.
- (b) It was noticed that the Trust was not running any scheme in Sirsi which had the highest concentration of Scheduled Caste population. It should, therefore, be the endeavour of the Trust to open one Janata Vidyalaya in Sirsi taluk to help the poor Scheduled Caste students.
- (c) It was further noticed that in some schools items of food were either purchased from the hotels and served in the school or the students were allowed to have their snacks in hotels by issue of tickets. It was suggested that in order to ensure the quality and proper quantity of the food, the snacks should be prepared in the school.

#### *Shri Ramakrishna Advaita Ashram, Kaladi*

10.13 The Deputy Director, Madras visited Shri Ramakrishna Advaita Ashram, Kaladi (Kerala) with the purpose of inspecting the schemes run by the Society with the grant-in-aid from the Ministry of Home Affairs. The most important among the schemes was running of a tribal hostel in Kaladi.

#### *Tribal Hostel*

(i) During 1977-78, the total number of inmates of the hostel was 70 who were drawn from 7 districts with 46 students from Idikki district alone, followed by Kottayam and Ernakulam with 7 students each. Castewise break-up of the total strength showed that 42 boarders belonged to Mala Arayan, 12 to Mala Urali, 3 to Mala Ulladam, 2 to Kuruman and 1 to Kadan. The remaining 10 seats were reserved for Scheduled Castes of which 5 seats went to Pulaya community and the remaining 5 to Panan, Velam, Parayan and Ulladan. As against Rs. 85,630 sanctioned by the Ministry of Home Affairs during 1977-78, the expenditure incurred on this scheme was only Rs. 88,140. The performance of the students in 1977 S.S.L.C. Examination in respect of this hostel was found unsatisfactory as only 4 students passed the Examination as against the 13 who appeared. This may be either due to the fact that these students were given general promotion in lower classes or the tribal hostel did not get intelligent students.

(ii) It was suggested that the Director of Tribal Welfare should be approached to select talented tribal boys and send them to this hostel which will improve the general standard of the hostel. In addition to this, special coaching should be provided to all the hostel inmates in specialized subjects in which they are deficient.

#### *Hostel for Post-matric and Pre-matric Scheduled Caste students at Phagwara (Punjab)*

10.14 The Bharatiya Depressed Classes League, New Delhi had been given grant by the Ministry of Home Affairs for running a hostel for Post-matric and Pre-matric Scheduled Caste students during 1977-78 and the same was inspected by the office of the Deputy Director, Chandigarh on 1st December, 1978 to see the working of the hostel. During the inspection it was found that the said hostel was closed down from 4th November, 1976 till the date of inspection. It was, however, not known how this hostel was included by the Bharatiya Depressed Classes League among the schemes proposed by them during 1977-78.

#### *Gandhi Social Welfare and Education Centre, Gurgaon, Haryana*

10.15 The office of the Deputy Director, Chandigarh found out many irregularities in the working of the Education Centre, Gurgaon run-by the Hind Sweepers Sevak Samaj when it was inspected in June, 1978. There was poor attendance in the Centre. No register of roll call was maintained. Though the teachers were paid salary upto March

1978, the social worker attached to the Centre was reported not to have received his salary for two years.

*Ramakrishna Mission Ashrama, Narendrapur, West Bengal*

10.16 The Ministry of Home Affairs had sanctioned Rs. 2,91,160 as grant-in-aid during 1978-79 to the Ramakrishna Mission Ashrama, Narendrapur for continuance of many on-going schemes like Training in Tailoring (for Women), Training in Weaving (for women), Charitable Dispensary (Morning and Evening Shifts), running of one hostel and automobile engineering centre. The Ashrama authorities spent Rs. 2,69,415 during the said period.

10.17 The Deputy Director, Bhubaneswar conducted an inspection of the activities of the said Ashrama. A brief of the important schemes viz. (i) Students Hostel and (ii) Charitable Dispensary are given below :—

(a) *Charitable Dispensary :*

Medical relief was provided by the Ashrama to the poor and the needy by running a Charitable Dispensary in two shifts. On an average 20—25 patients were being treated in the Evening Shift daily while the Morning Shift registered 10,063 old cases and 6,224 new cases during 1978-79. As against Rs. 29,680 sanctioned by the Ministry of Home Affairs, the Ashrama spent Rs. 30,273.92 for running the said scheme which is praiseworthy.

(b) *Maintenance of Students Hostel :*

As against the sanctioned strength of 100 students, the Ashrama maintained 133 students, majority of whom belonged to Scheduled Castes such as Poundra (39) Namasudra (32) and Suari/Suri (12), while there were 17 from Santal and 1 from Bhumij from among the Scheduled Tribes. Though, the Ashrama received Rs. 100 P.M. per student as maintenance and establishment charge, the actual per capita expenditure was around Rs. 150 P.M. for college and school (general) section and Rs. 120 for Junior & Automobile Engineering Sections, the difference of which was borne by the Ashrama. To improve the educational standard of the inmates of the hostel, the Ashrama had 5 teachers who gave special coaching to students in different subjects.

10.18 The following were some important observations and suggestions on the scheme :

(i) It was observed that the Medical Relief Centre was found closed on Government holidays and Sundays. It was suggested that the said Centre should be kept open on these days also so that emergency cases can be taken care of. As the present Centre was situated in a place where sanitation was a problem, it was also suggested for the shifting of the Centre to a better place.

(ii) The number of patients treated by the Centre during morning shift had increased considerably for whom adequate supply of medicine was necessary. Therefore, an increase in the grant-in-aid by the Ministry of Home Affairs was recommended.

(iii) Due to even increasing cost of all the essential commodities an upward revision in respect of grant-in-aid on maintenance charges was also recommended.

(iv) As there were a few affluent communities among Scheduled Castes and Scheduled Tribes having fair representation in the students hostel, it was suggested that efforts should be made by the Ashrama authorities to admit members from among the more backward listed communities.

*Thakkar Bapa Ashram, Nimakhandi (Orissa)*

10.19 The inspection of accounts in respect of Thakkar Bapa Ashram for the year 1978-79 was done by the Deputy Director, Bhubaneswar in July 1979 to find out whether the grant-in-aid sanctioned by the Government of India during that year was spent in accordance with the terms and conditions laid down. The important among the schemes implemented by the Ashram are (i) Maintenance of a hostel for which extra mess expenses were provided by the Government of India, (ii) Umbrella Making Training Centre and (iii) Removal of Untouchability. All the schemes were found to be running satisfactorily. The Deputy Director, Bhubaneswar suggested the following on the basis of the inspection :—

(i) The contribution by the Government of India towards the mess expenses was meagre which was restricted to 10 months in a year, while the inmates remained in the Ashram throughout the year. The Ministry of Home Affairs should be approached for sanction of more funds for the maintenance of the hostel.

(ii) As the dining hall had been insufficient to accommodate all the inmates, it had been suggested that the hostel building should be expanded.

(iii) The existing strength of two posts of tuition masters should be further strengthened by appointment of one graduate tuition master.

(iv) The State Government should be approached by the Ashram to find out wholesale markets for the umbrellas produced in the Ashram.

*Dayanand Vidya Niketan, Bokajan, Karbi-Anglong, District Assam*

10.20 The Ministry of Home Affairs sanctioned Rs. 1,23,600 as grant-in-aid to the Dayanand Vidyaniketan, Bokajan, a subsidiary of the All India Dayanand Seva Ashram Sangh, New Delhi, for schemes totalling Rs. 1,54,300 during 1977-78 and the inspection of the accounts was carried out by the Deputy Director, Shillong in August 1978. The following were the schemes run by the Niketan :—

(i) *Mobile Dispensary Van.*—Rs. 57,301.24 were spent on purchase of the van for which the Government of India sanctioned Rs. 72,000. Rs. 13,128.90 were spent on

purchase of dispensary equipments. Thus the total expenditure on the Van was Rs. 70,430.14. The organisation had appointed one M.B.B.S. doctor for giving treatment to the patients. As against Rs. 8,500 sanctioned for medicines the organisation purchased medicines costing Rs. 8,024.10. The Mobile Dispensary covered as many as 6 villages within a radius of 18 Kms. and provided medical facilities to 3008 patients.

- (ii) *Dairy Farming*.—The organisation implemented the scheme successfully by purchasing 11 cows (Jersey Cross-breed type) out of the grant of Rs. 18,000 provided by the Government of India and they were getting 40 Kgs. of milk per day from the cows. The milk was sold at Rs. 2.25 per Kg.
- (iii) *Modern Agriculture*.—Rs. 56,000 had been provided as grant-in-aid by the Government of India for the implementation of the scheme and the organisation had purchased power tillers, sprayers, dusters and agricultural appliances. Under this scheme, the organisation could bring 65 acres of land under cultivation (maize in 30 acres and paddy in 35 acres) and the estimated yield was approximately 150 quintals worth about Rs. 60,000 to 70,000. It is clear from the above that this scheme had proved to be successful.

#### *Shri Ramakrishna Society, Dimapur (Nagaland)*

10.21 A medical Service Centre, being run by Shri Ramakrishna Society, Dimapur for the benefit of the tribal people in and around Dimapur was inspected by the Deputy Director, Shillong in August 1978. The Organisation spent Rs. 27,000 during 1977-78 as expenditure towards running of the Mobile Service Centre as against the grant of Rs. 25,000 provided by the Government of India. Based on physical verification of accounts of the Society, the Deputy Director has certified that the grant-in-aid sanctioned to them for the said scheme during 1977-78 had been properly utilised and this scheme had proved to be a success.

#### *Adult Training Centre, Rupa (Arunachal Pradesh)*

10.22 The Bharatiya Adimjati Sevak Sangh, a reputed non-official organisation of All India character, was running two hostels, one each for tribal boys and tribal girls at Rupa in Kameng district (Arunachal Pradesh) in the name of Adult Training Centre from the year 1963. The working of the said Centre was inspected during October 1978 by the Deputy Director, Shillong. The Ministry of Home Affairs sanctioned during 1978-79 a sum of Rs. 74,860 of which Rs. 36,621.60 had been spent by the organisation for running the Centre where 75 inmates were accommodated. Of the inmates, 48 were boys and 27 girls. Most of the inmates belonged to the Sherdukpen tribe which is the dominant tribe of the area. Tribes

like Khowa, Dokpa and Rokpu had one representation each in the hostel. The Deputy Director, Shillong found the Adult Training Centre to be very useful among the tribals of the district by way of providing hostel facilities to the inmates and also inculcating the sense of oneness among them.

#### *Ramakrishna Mission Ashram, Ranchi (Bihar)*

10.23 The Zonal Director, Patna visited the Ramakrishna Mission Ashram, Ranchi in May 1977 for inspection of accounts of 1976-77 of the Ashram for the working of the schemes like Divyayan, Audio-Visual Unit Workshop and Library for which the Ministry of Home Affairs had sanctioned Rs. one lakh during 1976-77. The Ashram was running, among others, the scheme Divyayan, which was recognised as a Krishi Vigyan Kendra by the Indian Council of Agricultural Research with 320 trainees for one and a half months course and 80 special trainees for a duration of about 6 months who were provided with food, lodging and field uniforms free of cost. The Zonal Director found all the schemes running satisfactorily.

#### *IV. Corporation*

##### *Adivasi Co-operative Societies in Chandrapur, Maharashtra*

10.24 The working of the Adivasi Co-operative Societies in Chandrapur district of Maharashtra State was studied by the Zonal Director, Ahmedabad to find out as to how far this scheme proved beneficial in ameliorating the conditions of the tribals of Maharashtra State. At the time of inspection, there were 46 Adivasi Co-operative Societies, (following the merger of 486 Service Co-operative Societies with these) functioning in 4 ITDPS of Chandrapur district with the main objective of helping the tribal farmers, artisans and others including agricultural labourers by providing them Integrated-credit-cum-marketing and other services including sanctioning of consumption credit for social needs, procuring/collecting agriculture produce and minor forest produce from them and supply of consumer goods to them. At the time of amalgamation of the old service Co-operative Societies, the total number of members as on 30th June, 1977 was 4,35,93 (18,161 tribal members and 25,432 non-tribal members). This rose to 51,764 (23,249 tribal members, and 28,515 non-tribal members) by 30th June, 1978. The number of villages allotted to each Society varied from 18 to 127 at distances ranging from 20 Kms. and 80 Kms. It was ascertained during the course of the study that the Adivasi Co-operative Societies had advanced loans to the tune of Rs. 71.54 lakhs, both medium and short term, during 1977-78.

10.25 Observations/suggestions of the study are given below :

- (i) In almost all the Adivasi Co-operative Societies, non-tribal members outnumbered the tribal members. This means that non-tribals are benefited more than the tribal

members which defeats the very object of helping the tribals in Sub-Plan area.

- (ii) The liabilities of the erstwhile agriculture credit Societies and Service Societies were transferred to the Adivasi Co-operative Societies. As a result, these Societies were found to be struggling hard in their nascent stage.
- (iii) The operational area of some of these societies was unwieldy which acted as a handicap for the effective functioning of these societies.
- (iv) Collection of old loans of the Old Service Co-operative Societies had been the major task of these Societies which resulted in low rate of recovery.
- (v) Rate of interest charged by these Societies appeared to be very high.
- (vi) Efforts should be made to enrol more tribals in these Societies to make them more purposeful.
- (vii) The State Government should take steps to wipe off the old liabilities of the Societies.
- (viii) The operational area of these Societies should be reduced so as to enable these Societies to work effectively.
- (ix) Steps should be taken to wipe off the old loans to be recovered from the tribals.

#### *The Working of Large-Sized Multi-Purpose Societies in Orissa*

10.26 The Deputy Director, Bhubaneswar conducted a study during March 1978 to have a first hand knowledge of the working of the Large-Sized Multi-Purpose Societies with particular reference to the benefits derived by the Scheduled Tribes and other weaker sections of the Society in two selected LAMPS in the tribal district of Koraput, Orissa. On the basis of the recommendation of the Bawa Committee on LAMPS the State Government of Orissa have set up LAMPS by amalgamating many Forest Co-operative Societies and other Service Co-operative Societies. The LAMPS under study were procuring minor forest produces (mfp) and small agricultural produces (sap), the majority of which being Tamarind, Niger, Myrobalan, Nux Vomica, Koranja seed and paddy. In addition, these LAMPS were giving agricultural loans to the tribals both for Kharif and Rabi Seasons. As the LAMPS were set up towards the fag end of 1976-77 and the study was conducted in March, 1978 it was considered premature to comment much on the working of the LAMPS in the Report. Some important findings and suggestions are as under :—

- (i) The tribals should be provided with not only short-term loans but also medium and long-term loans as envisaged in the Bawa Committee Report in order to improve the

economic status of the tribals. Follow-up action should also be taken by the LAMPS authorities to ensure that the loans taken by the tribal members are utilized for the purpose for which the same have been sanctioned.

- (ii) In the areas where LAMPS are operating, the Sahukars dealing in trades of m.f.p. and s.a.p. should not be allowed to make outright purchase directly from the tribals so as to save them (tribals) from exploitation by the former.
- (iii) The Tribal Development Co-operative Corporation branch should not operate in the area where the LAMPS is in operation. This will avoid duplication and over-lapping of functions by the two organisations having similar goals.

#### *V. Agriculture*

##### *Pilot Project, Jaipur (Cuttack), Orissa for the Welfare of Scheduled Castes*

10.27 In the month of February 1978 the Deputy Director, Bhubaneswar conducted a study to evaluate the working of various developmental schemes being implemented in the Pilot Project, Jaipur (Cuttack), Orissa for the Welfare of Scheduled Castes and to examine whether the existing schemes are sufficient or some more schemes are required to be included in the Project area for rapid economic development of Scheduled Castes. The said project is the first of its kind in India as designed by the State Government more or less on the pattern of the Integrated Tribal Development Projects. Started in the year 1975-76, the project covers 6 Blocks viz., Jajpur, Dasarathpur, Binjharpur, Bari Korai, and Daragadi of Jajpur Sub-Division of Cuttack district which is having 25.83 per cent of Scheduled Castes out of the total population of the Project area.

10.28 The Director, Tribal and Rural Welfare Department acts as the Controlling Officer for issue of sanctions in respect of the schemes. The Sub-Divisional Officer (Civil) is the Drawing and Disbursing Officer in respect of the various schemes being implemented in the Project area. However, the task of implementation of the schemes of the Project area is done by the respective Block Development Officers in consultation with the Officers of the respective Departments posted in the Blocks. The Project level Co-ordination is ensured through the Project Level Committee headed by the District Magistrate. The following schemes were under implementation in the project during the period of study :—

- (i) Goat rearing
- (ii) Agricultural input assistance
- (iii) Dug Wells
- (iv) Supply of Bullocks
- (v) Horticulture
- (vi) Reclamation of land
- (vii) Purchase of Cycle-Rickshaws.



10.29 All the schemes have a loan component but the quantum of subsidy ranges from 25 per cent to 50 per cent. The loan component is arranged through the Nationalized Bank having Branches in the Project area. From 1975-76 to 1977-78, the State Government spent Rs. 1,63,782 as against the total allotment of Rs. 3,78,650. This excludes the loan component.

10.30 Some important findings/suggestions are as under :

- (a) Provisions made for implementation of various schemes in the Pilot Project are paltry and the area covered under this project is also limited to one Sub-Division of the State. The Project requires to be strengthened by allotting more funds for implementation of the schemes in more Sub-Divisions where there is more than 20 per cent concentration of Scheduled Castes.
- (b) The Sub-Divisional Officer (Civil) who is incharge of execution of the Schemes being implemented in the Project area is over busy with multifarious duties like maintenance of law and order, collection of land revenue, etc. and he gets hardly any time to devote his attention to the work relating to the Pilot Project. If the administrative set-up is streamlined by appointing a Project Officer with adequate supporting staff, it will go a long way in ameliorating the conditions of Scheduled Castes through speedy implementation of these schemes.
- (c) Almost all the schemes implemented in the Project area have proved beneficial to the Scheduled Caste population. As such there is ample scope for the Project being introduced in other States also where there is concentration of Scheduled Castes.
- (d) Agriculture oriented economic uplift schemes for the Scheduled Caste persons should be implemented on an extensive scale so that all the small and marginal farmers are benefited.
- (e) There is need to supplement the meagre income of the landless labourers by providing improved variety of coconut plantations to each household.

*Study on the impact of Soil Conservation Schemes on the tribals of Jhabua District, Madhya Pradesh*

10.31 As desired by the Commissioner for Scheduled Castes and Scheduled Tribes, a survey was undertaken in Jhabua District of Madhya Pradesh by the Deputy Director, Bhopal during 1978 to study the impact of soil conservation schemes on the tribals as also to see if any misutilisation of funds had taken place in the implementation of the programme. The

following are some of the important findings/suggestions of the study :—

- (i) The number of tribal non-official members may be raised from only one as at present to five i.e., one for each tahsil of the district.
- (ii) Considering the peculiar topography of the district and for getting effective results out of soil conservation programme, it is suggested that an integrated approach may be followed with a view to providing a package of services for proper land use and water management. Such an approach should ensure coverage of both cultivable area and uncultivable area (revenue land as well as forest land) by soil conservation measures.
- (iii) Recovery of cost of works in 20 annual instalments with interest rate of  $7\frac{1}{2}$  per cent which falls heavily on the tribals of the Jhabua District should be spread over to 30 annual instalments at differential rate of interest.
- (iv) The tribals belonging to the most backward groups and those owning landless than 10 acres may be provided 'subsidy' in one way or the other.

*VI. Study on the practice of Untouchability*

10.32 The Deputy Director, Bhubaneswar conducted a snap study on the practice of untouchability in six selected districts of Orissa and the findings/suggestions of the study were :—

- (i) The Brahmins got polluted if they came into contact with Scheduled Castes. They got themselves purified by changing their sacred thread in addition to bathing and washing of their clothes.
- (ii) Temple entry was denied to Scheduled Castes.
- (iii) The Scheduled Castes had their own priests, barbers and dhobies.
- (iv) There was, however, no discrimination against Scheduled Castes for entry into hotels/restaurants.
- (v) Financial assistance might be provided to the leading non-official organisations to carry on an anti-untouchability work in the rural areas of the State.
- (vi) The Tribal-cum-Harian Research Institute and other Social Science Research Institutes should conduct periodic surveys on the working of the Protection of Civil Rights Act, 1955.

10.33 The Central Research Advisory Council which was set up in November 1972, with a view to reviewing the work of the Tribal Research Institutes



and for suggesting research programmes to be taken up by them had, *inter alia*, recommended in its first meeting held in December, 1972 that the Tribal Research Institutes should enlarge their scope so as to include studies in relation to Scheduled Castes, denotified and nomadic tribes also. The Commission had accordingly collected information regarding the work done by all the 11 Tribal Research Institutes listed at Annexure II for Scheduled Tribes and Scheduled Castes through its field offices. The information about the Research Studies 37 in number as conducted by only 5 Tribal Research Institutes has been received by the Commission as at Annexure III. A perusal of the same reveals that excepting the Cultural Research Institute, Calcutta all other Tribal Research Institutes have undertaken Researches on Scheduled Tribes only. The Scheduled Castes constituting about 15 per cent of the total population of the country (1971 Census) have not received the desired attention.

10.34 *The recommendations which relate only to the working of the Tribal Research Institutes are given below :—*

- (i) The available information shows that only one Tribal Research Institute at Calcutta out of the five Institutes which have furnished the information through the field offices of Commission has conducted studies on the problem of Scheduled Castes in accordance with the decision of the Central Research Advisory Council made in its meeting on 15th February, 1974. It is, therefore, recommended that all other Tribal Research Institutes should conduct Research Studies on the problems of Scheduled Castes also.

- (ii) The Tribal Research Institutes should conduct studies on the impact of large number of schemes being implemented for the Welfare of Scheduled Tribes in and outside the Sub-Plan areas.

Sd/-

(Bhola Paswan Shastri)  
*Chairman*

Sd/-

(Shishir Kumar)  
*Member*

Sd/-

(A. Jayaraman)  
*Member*

Sd/-

(T. S. Negi)  
*Member*

Sd/-

(S. K. Mallick)  
*Member*

New Delhi,  
the 8th February, 1980.

# ANNEXURE I

*Statement showing the Research and Evaluation Studies conducted by the field offices of the Commission for Scheduled Castes and Scheduled Tribes during 1978-79*

| S. No. | Name of the Office                                                        | Title of the Study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Remarks |
|--------|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1      | 2                                                                         | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 4       |
| 1.     | The Zonal Director for Scheduled Castes and Scheduled Tribes, Madras      | (1) The working of the Post-matric scholarship scheme in Kerala State.<br>(2) The working of Shri Ramakrishna Advaita Ashrama, Kalady.<br>(3) The working of the Thakkar Bapa Gurukulam and mid-day meal scheme at Chilakur (Andhra Pradesh) run by the Servants of India Society.<br>(4) The working of Andhra Rashtra Adimjati Sevak Sangh, Nellore for the year 1977-78.<br>(5) The working of the schemes run by the Servants of India Society in North Kanara District of Karnataka.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         |
| 2.     | The Zonal Director for Scheduled Castes and Scheduled Tribes, Ahmedabad   | (6) The evaluation of the Post-matric scholarship scheme in Wardha District of Maharashtra State.<br>(7) Sample study on the benefits derived by the Scheduled Castes and Scheduled Tribes from the Schemes of electrification of Harijan Bastis & Tribal villages in Wardha & Chandrapur Districts of Maharashtra State.<br>(8) A sample study on the working of the Special Revenue-cum-Police Cell in the Districts of Ahmedabad and Mehsana.<br>(9) Evaluation of the working of Adivasi Cooperative Society in Chandrapur District of Maharashtra State.<br>(10) Grant-in-aid to the Banasthali Vidyapith (Rajasthan) during the year 1978-79 for construction of a hostel accommodation for hundred Scheduled Tribes girls.<br>(11) A sample evaluation study on the work done by the Government of Maharashtra to rehabilitate the Scheduled Castes and Scheduled Tribes in the villages affected by violence in Nanded and Parbhani Districts of Maharashtra State.                                                                |         |
| 3.     | The Zonal Director for Scheduled Castes and Scheduled Tribes, Patna       | (12) Inspection of the activities of Ramakrishna Mission, Ranchi.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |
| 4.     | The Deputy Director for Scheduled Castes and Scheduled Tribes, Chandigarh | (13) Evaluation study on the results of Scheduled Castes and Scheduled Tribes Beneficiary students in their Annual Examination held in April 1977 (Haryana).<br>(14) Evaluation study on the results of the beneficiary students belonging to Scheduled Castes and Scheduled Tribes during the Annual examination held in April, 1977 (Punjab).<br>(15) Study on the working of Post-Matric Scholarship scheme in Punjab with special references to representation of Scheduled Castes and Scheduled Tribes Communities in 1976-77.<br>(16) Evaluation study on the working of Post-Matric Scholarship scheme during the academic year 1976-77 (Haryana).<br>(17) Evaluation study on the working of Post-Matric Scholarship scheme during the academic year 1976-77 (Punjab).<br>(18) Review of the working of the Pre-Examination Training Centre, Ambala.<br>(19) Working of the Tri-partite Scheme of Credit facilities by the Punjab National Bank linked with supply of raw materials and marketing by Haryana Harijan Kalyan Nigam. |         |

| S. No. | Name of the Office                                                        | Title of the study                                                                                                                                                                                              | Remarks |
|--------|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|        |                                                                           | (20) Inspection on the working of Bharatiya Depressed Classes League Pracharaks in Nabha.                                                                                                                       |         |
|        |                                                                           | (21) Inspection on the working of Post-Matric Hostel run by the Bharatiya Depressed Classes League in Phagwara.                                                                                                 |         |
|        |                                                                           | (22) Inspection on the working of Govind Vallabh Pant Social Welfare & Education Centre, Patiala run by the Hind Sweepers Sewak Samaj.                                                                          |         |
|        |                                                                           | (23) Inspection on the working of Gandhi Social Welfare Education Centre, Gurgaon by the Hind Sweepers Sewak Samaj.                                                                                             |         |
| 5.     | The Deputy Director for Scheduled Castes & Scheduled Tribes, Bhubaneswar. | (24) Working of the Pilot Project, Jaipur, Orissa and its impact on the Scheduled Castes.                                                                                                                       |         |
|        |                                                                           | (25) Snap study on the incidence of Untouchability in the country-side (Orissa).                                                                                                                                |         |
|        |                                                                           | (26) Review of the working of the Pre-examination Centres—Cuttack and Calcutta.                                                                                                                                 |         |
|        |                                                                           | (27) Study on the working of LAMPS in Orissa.                                                                                                                                                                   |         |
|        |                                                                           | (28) Collection of statistical information to examine the feasibility of imposing merit criteria for the award of Post-matric Scholarships to the Scheduled Caste and Scheduled Tribe students in Orissa State. |         |
|        |                                                                           | (29) Study on Bonded Labour System in Tripura State.                                                                                                                                                            |         |
|        |                                                                           | (30) Inspection on the working of Thakkar Bapa Ashram, Rayagada, Orissa.                                                                                                                                        |         |
|        |                                                                           | (31) Inspection on the working of Thakkar Bapa Ashram, Nimakhandi, Orissa.                                                                                                                                      |         |
|        |                                                                           | (32) Inspection on the working of Ramakrishna Mission Ashram, Puri, Orissa.                                                                                                                                     |         |
|        |                                                                           | (33) Inspection on the working of the Social Welfare Centre, Ranaghat, West Bengal.                                                                                                                             |         |
| 6.     | The Deputy Director for Scheduled Castes and Scheduled Tribes, Shillong.  | (34) Inspection on the activities of Dayanand Vidya Niketan, Bokajan, Karbi Anglong, Assam (a branch of Akhil Bharatiya Adimjati Sevak Sangh, New Delhi).                                                       |         |
|        |                                                                           | (35) Inspection on the working of Shri Ramakrishna Society, Dinapur, Nagaland.                                                                                                                                  |         |
|        |                                                                           | (36) Inspection on the activities of Adult-Training Centre, Supain, Kameng District of Arunachal Pradesh (a branch of Bharatiya Adimjati Sevak Sangh, New Delhi).                                               |         |
| 7.     | The Deputy Director for Scheduled Castes and Scheduled Tribes, Bhopal.    | (37) Collection of statistical data to examine the feasibility of imposing merit criteria for the award of Post-Matric Scholarship to Scheduled Caste and Scheduled Tribe students.                             |         |
|        |                                                                           | (38) Study on the relation of forest officials with Tribals.                                                                                                                                                    |         |
|        |                                                                           | (39) Annual sample study to evaluate the working of the Post-Matric Scholarship programme.                                                                                                                      |         |
|        |                                                                           | (40) Survey regarding the work of soil conservation undertaken in Jhabua district with reference to its impact on the tribal population.                                                                        |         |
| 8.     | The Deputy Director for Scheduled Castes and Scheduled Tribes, Lucknow.   | No reply received from Lucknow Office.                                                                                                                                                                          |         |

## ANNEXURE II

### *List of Tribal Research Institutes in different States*

1. Tribal, Cultural Research and Training Institute, Government of Andhra Pradesh, Banjara Hills, Hyderabad.
2. Tribal Research Institute, Government of Assam, Zoo Road, Gauhati.
3. Tribal Welfare Research Institute, Government of Bihar, Morabad Road, Ranchi.
4. Tribal Research & Training Centre, Gujarat Vidyapith, Ahmedabad.
5. Kerala Institute for Research Training and Development Studies of Scheduled Castes and Scheduled Tribes, Koshikode-17.
6. Madhya Pradesh Tribal Research and Development Institute, Government of Madhya Pradesh, 35-Shamla Hills, Bhopal.
7. Tribal Research Institute, Government of Maharashtra, 28-Queens Road, Pune.
8. Tribal & Harijan Research-cum-Training Institute, Government of Orissa, Bhubaneswar.
9. Tribal Research & Training Institute, Government of Rajasthan, Udaipur.
10. Cultural Research Institute, Government of West Bengal, New Secretariat Building, Ist Floor, Block B, Calcutta.
11. Directorate of Harijan and Social Welfare, Government of Uttar Pradesh, Lucknow.

### ANNEXURE III

*Statement showing the Research and Evaluation Studies conducted by the different Tribal Research & Training Institutes of State Governments and other Organisations during 1978-79*

| S. No. | Name of the Research Institutes                                               | Name of the Studies conducted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Remarks |
|--------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1.     | Tribal Research & Training Institute, Ahmedabad.                              | 1. The Kolghas of Gujarat (A Socio-Economic Study and a Development Plan).<br>2. Block Level Planning for Full Employment, Danta.<br>3. Sons of Aravallis : The Garasias.<br>4. Proportion of Backward Classes in different services in Gujarat State (in Gujarati).<br>5. Wastage and Stagnation in Primary Education in Tribal areas of Gujarat.<br>6. Report of Seminar on Tribal Development.<br>7. Report of Conference of Social Workers.<br>8. Dubla Folk Songs (in Gujarati).<br>9. Bandhni Lugra of Choudharys of South Gujarat (in Gujarati).<br>10. A Tribal Village in the shadow of 'Polo Nagri' Archaeological excavations.<br>11. The Kathodis.<br>12. Adivasi Gujarat, Vol. I & II.                                                                                                                                                                                                                                                                                                                                                                                                                                |         |
| 2.     | Manikya Lal Verma Tribal Research and Training Institute, Udaipur, Rajasthan. | 13. Kadana Resettlement : A study of Tribal displacement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |         |
| 3.     | Tribal Research and Training Institute, Pune.                                 | 14. A Survey Report on the scheme of "Consumption Finance" of Government of Maharashtra.<br>15. Organisation and Development of Adivasi Cooperative Societies in Tribal Sub-Plan area of Maharashtra—A study.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |
| 4.     | Cultural Research Institute, Calcutta.                                        | A. <i>Studies taken up</i><br>16. Bench Mark Survey on I.T.D.P. areas.<br>17. Problems of the under-developed Tribals.<br>18. Preparation of Project reports on I.T.D.P. areas.<br>19. Evaluation studies on LAMPS.<br>20. Educational problems of the Tribals—entailing a survey on the students reading in Schools and Colleges.<br>21. Land alienation among the tribals.<br><br>B. <i>Studies under progress</i><br>22. Project report on I.T.D.P. area in the district of Malda—report writing continuing.<br>23. Assessment of the progress of Secondary Education among the Scheduled Tribes and Scheduled Castes for the year 1973—report writing started.<br>24. Benchmark survey in I.T.D.P. villages of West Bengal (Survey has been completed in most of the districts, primary tabulation started).<br>25. Photographic Brochure on the life of the Tribals of West Bengal.<br>26. Preparation of a Tribal Atlas of West Bengal.<br>27. Progress of education among the Scheduled Castes and Scheduled Tribes students in respect of their enjoying government awards at Post-Matric level during 1959-60 to 1970-71. |         |

| S. No. | Name of the Research Institutes                                                                       | Name of the studies conducted                                                                                                                  | Remarks |
|--------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|        |                                                                                                       | 28. Preparation of Project Reports on the under-developed Tribal communities of West Bengal-Birhor.                                            |         |
|        |                                                                                                       | 29. Transfer of Tribal land in Sunderban area.                                                                                                 |         |
|        |                                                                                                       | C. <i>Studies completed</i>                                                                                                                    |         |
|        |                                                                                                       | 30. The Project-report on I.T.D.P.—Survey in Malda district completed.                                                                         |         |
|        |                                                                                                       | 31. Assessment of the programme of Secondary Education among the Scheduled Tribes and Scheduled Castes for the year 1973—Tabulation completed. |         |
|        |                                                                                                       | 32. Identification of dispersed tribals concentrated mauzas outside the I.T.D.P. area.                                                         |         |
|        |                                                                                                       | 33. Evaluation of LAMPS at Nazat under Sandeshkhali I.T.D.P. area.                                                                             |         |
|        |                                                                                                       | 34. Evaluation of LAMPS at Saltora of Bankura district.                                                                                        |         |
| 5.     | Research Wing of the Directorate of Harijan and Social Welfare, Government of Uttar Pradesh, Lucknow. | 35. Integrated Tribal Area Development Project for Gonda District (Plan for 1978—83).                                                          |         |
|        |                                                                                                       | 36. Integrated Tribal Area Development Project for Lakhimpur Kheri District (Plan for 1978—83).                                                |         |
|        |                                                                                                       | 37. Special Scheme for the Development of the Rajia—A primitive tribal group of Uttar Pradesh (Plan for 1978—83).                              |         |

# CHAPTER XI

## SUMMARY OF RECOMMENDATIONS

| S. No.                                                            | Recommendations/Observations                                                                                                                                                                                                                                                                                                                                                                | References |          |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|
|                                                                   |                                                                                                                                                                                                                                                                                                                                                                                             | Para No.   | Page No. |
| 1                                                                 | 2                                                                                                                                                                                                                                                                                                                                                                                           | 3          | 4        |
| <b>Chapter I—SETTING UP OF THE COMMISSION AND THEIR FUNCTIONS</b> |                                                                                                                                                                                                                                                                                                                                                                                             |            |          |
| 1.                                                                | The Commission for Scheduled Castes and Scheduled Tribes should be given statutory status at the earliest . . . . .                                                                                                                                                                                                                                                                         | 1.8        | 2        |
| 2.                                                                | The Constitution (Amendment) Bill to amend Article 338 should include the following as one of the functions of the Commission : “to participate in and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to monitor and evaluate the progress of implementation thereof both in respect of the Union and the States.” . . . . . | 1.13       | 3        |
| 3.                                                                | The reports to be submitted by the Commission to the President should not only relate to the working of safeguards provided for the Scheduled Castes and Scheduled Tribes, but should cover all matters within the purview of the Commission (including the socio-economic development of Scheduled Castes and Scheduled Tribes) . . . . .                                                  | 1.14       | 3        |
| 4.                                                                | The Commission may submit reports not only at such intervals as the President might direct but also whenever they find it necessary to do so . . . . .                                                                                                                                                                                                                                      | 1.14       | 3        |
| 5.                                                                | For purposes of holding investigations the Commission should have the same status and powers as a Commission of Inquiry under the Commission of Inquiries Act, 1952 . . . . .                                                                                                                                                                                                               | 1.15       | 4        |
| 6.                                                                | The Constitution (Amendment) Bill to amend Article 338 should provide that the Union and the State Governments must consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes . . . . .                                                                                                                                                        | 1.16       | 4        |
| <b>Chapter II—ORGANISATIONAL SET-UP OF THE COMMISSION</b>         |                                                                                                                                                                                                                                                                                                                                                                                             |            |          |
| 7.                                                                | The Commission should be actively involved in the planning process and monitoring and evaluation of the developmental programmes for the Scheduled Castes and Scheduled Tribes . . . . .                                                                                                                                                                                                    | 2.3        | 18       |
| 8.                                                                | The Government may sanction a post of Director General for Scheduled Castes and Scheduled Tribes for the Commission at the earliest. . . . .                                                                                                                                                                                                                                                | 2.8        | 20       |
| 9.                                                                | The Government may sanction the opening of at least six more field offices as envisaged in the revised proposals of the Commission . . . . .                                                                                                                                                                                                                                                | 2.11       | 21-22    |
| 10.                                                               | The Government may sanction two Research Units each for the 12 major field offices to enable these offices to do justice to the task of investigation and evaluation . . . . .                                                                                                                                                                                                              | 2.11       | 21-22    |
| 11.                                                               | The smaller field offices headed by Deputy Directors need to be provided with at least one more Investigator each. . . . .                                                                                                                                                                                                                                                                  | 2.14       | 22       |
| 12.                                                               | Some additional ministerial and Class IV staff are required in all the field offices . . . . .                                                                                                                                                                                                                                                                                              | 2.14       | 22       |
| 13.                                                               | The Government may consider providing adequate staff cars for the Headquarters office of the Commission . . . . .                                                                                                                                                                                                                                                                           | 2.15       | 22       |
| 14.                                                               | The provision of vehicles is also essential for the efficient and effective functioning of the field offices . . . . .                                                                                                                                                                                                                                                                      | 2.15       | 22       |



| 1                                                                                    | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 3    | 4     |
|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------|
| <b>Chapter III—ECONOMIC DEVELOPMENT OF THE SCHEDULED CASTES AND SCHEDULED TRIBES</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      |       |
| 15.                                                                                  | The Commission should be actively associated with the formulation of the Annual Plan and the Medium Term Plan insofar as these relate to the Scheduled Castes and Scheduled Tribes . . . . .                                                                                                                                                                                                                                                                                     | 3.6  | 31    |
| 16.                                                                                  | Since Plan policy matters are dealt with at the level of the Planning Commission in consultation with the Ministries/Departments concerned, it would be appropriate if the Planning Commission themselves take up the suggestions contained in this Commission's Note on Socio-Economic Development of the Scheduled Castes and Scheduled Tribes and get the programmes suggested by this Commission processed and implemented by the Ministries/Departments concerned . . . . . | 3.7  | 31-32 |
| 17.                                                                                  | The concerned Central Ministries and all the State Governments/U.T. Administrations should formulate Special Component Plan for Scheduled Castes and make specific separate provision in each sector indicating the financial and physical targets for the Scheduled Castes, as has been done in the case of the tribal Sub-Plan . . . . .                                                                                                                                       | 3.9  | 32    |
| 18.                                                                                  | The Ministry of Home Affairs should provide Special Central Assistance for the Scheduled Castes, as in the case of the Scheduled Tribes, to supplement the Special Component Plan . . . . .                                                                                                                                                                                                                                                                                      | 3.9  | 32    |
| 19.                                                                                  | The funds provided under the Special Component Plan and the Special Central Assistance should be non-divertible and non-lapsable . . . . .                                                                                                                                                                                                                                                                                                                                       | 3.9  | 32    |
| 20.                                                                                  | In the case of the Scheduled Castes a family/hamlet approach would be appropriate . . . . .                                                                                                                                                                                                                                                                                                                                                                                      | 3.10 | 32    |
| 21.                                                                                  | For the 20% Scheduled Tribe population dispersed outside the Tribe Sub-Plan area funds should be provided out of the State Plan and these may be supplemented under the Special Central Assistance and a family/hamlet approach should be adopted . . . . .                                                                                                                                                                                                                      | 3.10 | 32    |
| 22.                                                                                  | The State Governments should make weighted allocations from each sector in favour of the Sub-Plan areas . . . . .                                                                                                                                                                                                                                                                                                                                                                | 3.10 | 32    |
| 23.                                                                                  | The investments envisaged for the Sub-Plan areas in the Sixth Plan should be made non-divertible and non-lapsable where not done so far . . . . .                                                                                                                                                                                                                                                                                                                                | 3.10 | 32    |
| 24.                                                                                  | The Central Ministries should also earmark adequate funds for the Tribal Sub-Plan in the Annual Plan 1979-80 and the Sixth Plan . . . . .                                                                                                                                                                                                                                                                                                                                        | 3.10 | 32    |
| 25.                                                                                  | There should be a separate chapter in the Central/State Plans (both Annual and Medium Term) indicating the financial and physical targets proposed and achieved for the Scheduled Castes and Scheduled Tribes . . . . .                                                                                                                                                                                                                                                          | 3.11 | 32    |
| 26.                                                                                  | In all the schemes relating to land and agriculture, irrigation, horticulture, cottage industries, etc., where financial assistance is provided by the Government, the element of subsidy should be at least 75% and that of loan 25% at DRI (differential rate of interest). The financial assistance, should be in kind as far as possible . . . . .                                                                                                                           | 3.12 | 33    |
| 27.                                                                                  | In allotment of surplus land under the ceiling law or cultivable Government waste land or newly reclaimed or developed land first priority should be given to the Scheduled Caste/Scheduled Tribe landless labourers and only after meeting their requirements fully these may be allotted to others . . . . .                                                                                                                                                                   | 3.14 | 33    |
| 28.                                                                                  | Whenever land is settled with Scheduled Castes/Scheduled Tribes it should be entered in the record of rights and it should be ensured that it is properly demarcated and actual possession given to the allottees and proper protection ensured to maintain their continuous occupation . . . . .                                                                                                                                                                                | 3.14 | 33    |

| 1   | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3             | 4     |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------|
| 29. | A Scheduled Caste/Scheduled Tribe family should be settled on developed land as far as possible. When this is not possible it should be engaged by the Government on wages for developing it. Each such family should also be provided with an irrigation well and inputs either on 100 % grant basis or with at least 75 % subsidy and 25 % loan at DRI. Until the allottees start getting income from the land they should be given consumption loan at DRI for essential social purposes like marriage, funeral, etc. . . . .                                                                                                                                                                                                                                                      | 3.14          | 33    |
| 30. | The enforcement machinery of the State Governments should be adequately strengthened by providing funds under the Plan so that the workers get the benefit of minimum wages fixed by the Government . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3.15          | 33    |
| 31. | Special Public Works Programme including 'Food for Work' Programme may be undertaken for the rural poor including the Scheduled Castes and Scheduled Tribes not only during lean seasons but even during agricultural seasons. These programmes should be of planned permanent nature, e.g., schemes of irrigation, soil conservation, afforestation, pukka roads, reclamation of land, etc., which will help in increasing production and income. An investigation-cum-evaluation cell under each Chief Engineer concerned with the major programmes should explore the possibility of taking up suitable projects in each village or group of villages. Exploitation of labour by middlemen should be eliminated and the labour engaged directly by the official agencies . . . . . | 3.15,<br>3.16 | 33    |
| 32. | The Government may actively promote organisation of the rural labour including Scheduled Caste and Scheduled Tribe labour through voluntary bodies and unions . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3.17          | 33    |
| 33. | The land ceiling laws should be strictly enforced within a time bound programme, say, a year or two. The first priority in distribution of surplus ceiling land should be given to the Scheduled Castes/Scheduled Tribes since they form the bulk of the landless . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3.18          | 33    |
| 34. | Lacuna in the land ceiling laws should be identified and removed. These news should be put in the Ninth Schedule to the Constitution . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 3.18          | 33    |
| 35. | The possession of land allotted to the Scheduled Castes/Scheduled Tribes from surplus land or Government land should be protected. Land should be clearly demarcated. Persons who dispossesses them of their land should be summarily evicted and tried under law which should provide deterrent punishment . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3.19          | 33-34 |
| 36. | In order to protect the interests of the Scheduled Caste/Scheduled Tribe farmers, landless labourers and share-croppers, at least 50 % of the lower level posts like Patwari/Karmachari, Amin, Constable, Head Constable, Sub-Inspector of Police, etc., should be filled by the Scheduled Castes/Scheduled Tribes. Moreover, in sensitive areas majority of these posts (not merely 50 %) should be manned by the SC/ST . . . . .                                                                                                                                                                                                                                                                                                                                                    | 3.20          | 34    |
| 37. | Share-cropping should be duly recorded in the land records. Categories of Public services connected with land record, e.g., village Patwaris or Mandals and survey officials should be strengthened and at least 50 % of these posts should be manned by the Scheduled Castes/Scheduled Tribes and in sensitive areas majority of these posts (not merely 50 %) should be held by them . . . . .                                                                                                                                                                                                                                                                                                                                                                                      | 3.21          | 34    |
| 38. | A special drive for recording the rights of share-croppers in a time bound programme is imperative. The law should be amended and the share-croppers given the status of tenants directly under the Government . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3.21          | 34    |
| 39. | According to one estimate there are about 22 lakh bonded labourers in the country. They should be identified through Government, autonomous and voluntary agencies . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3.22          | 34    |
| 40. | Alongwith the programme of releasing the bonded labour a simultaneous crash programme of their rehabilitation preferably on land should be implemented . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 3.22          | 34    |

| 1   | 2                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3    | 4  |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|----|
| 41. | Those who cannot be rehabilitated on land should be rehabilitated in other occupations/industries and for this purpose at least 75% subsidy and 25% loan at DRI should be provided. The Government should provide relief grant for maintaining the released bonded labour and his family until such time as he is rehabilitated. Their consumption needs for essential social purposes should also be met by the Government through loan at DRI | 3.22 | 34 |
| 42. | As in the case of the Scheduled Tribes there should be law to prevent alienation of land belonging to the Scheduled Castes                                                                                                                                                                                                                                                                                                                      | 3.23 | 34 |
| 43. | For ensuring prompt disposal of cases of alienation of their lands special courts with powers of summary disposal may be set up and in all such cases the Government may be a party. The Government may meet all the expenses on behalf of the Scheduled Caste/Scheduled Tribe litigants                                                                                                                                                        | 3.23 | 34 |
| 44. | In cases where in a land dispute a Harijan or a tribal is killed the Government machinery must ensure that the land in possession of the deceased Harijan/tribal passes on to the heirs of the deceased and in no circumstances whatsoever the persons who have committed aggression should be allowed to take over possession of the land                                                                                                      | 3.24 | 34 |
| 45. | Land alienated from tribals to non-tribals should be got restored to the former in a concerted manner. In all cases of informal alienation money-landers should be evicted from tribal lands. For this purpose suitable legislation may be enacted                                                                                                                                                                                              | 3.25 | 34 |
| 46. | It is necessary to provide consumption loans at DRI to the needy Scheduled Caste/Scheduled Tribe persons to meet some of their pressing social obligations                                                                                                                                                                                                                                                                                      | 3.26 | 34 |
| 47. | The Government may acquire the lands of the Scheduled Castes/Scheduled Tribes only for public purpose and not for any other purpose                                                                                                                                                                                                                                                                                                             | 3.27 | 35 |
| 48. | Simultaneously the affected families may be provided with alternative lands. If these lands are undeveloped, the same may be developed at Government cost by engaging the members of the affected families on wages                                                                                                                                                                                                                             | 3.27 | 35 |
| 49. | If these families have been displaced for setting up any industrial/power/irrigation project, one of the clause of the agreement should provide for obligatory employment of at least one member each of the affected Scheduled Caste/Scheduled Tribe families in the project                                                                                                                                                                   | 3.27 | 35 |
| 50. | Irrigation should be given top priority in the programme of development of land                                                                                                                                                                                                                                                                                                                                                                 | 3.28 | 35 |
| 51. | Irrigation wells should be dug at Government cost for Scheduled Caste/Scheduled Tribe farmers or at least 75% subsidy and 25% loan at DRI may be made available by the Government to meet the cost                                                                                                                                                                                                                                              | 3.28 | 35 |
| 52. | Wherever necessary tube wells may also be provided by the Government and either irrigation water made available to Scheduled Caste/Scheduled Tribe farmers free of charge or concessional irrigation rate may be levied on them after a few years                                                                                                                                                                                               | 3.28 | 35 |
| 53. | In all major, medium and minor irrigation projects preference should be given to those areas where the majority population comprises the Scheduled Tribes and in the case of the Scheduled Castes and dispersed Scheduled Tribes, where their population is 20% or more                                                                                                                                                                         | 3.29 | 35 |
| 54. | Lift irrigation projects, bunds and dams should be taken up in areas having preponderant Scheduled Tribe population                                                                                                                                                                                                                                                                                                                             | 3.29 | 35 |
| 55. | In tribal areas minor irrigation schemes should be given a high priority to raise the low level of productivity                                                                                                                                                                                                                                                                                                                                 | 3.29 | 35 |
| 56. | Soil conservation schemes should be accorded top priority in plateau areas. The Scheduled Caste/Scheduled Tribe farmers may be given 100% grant for these schemes or at least 75% grant and 25% loan at DRI                                                                                                                                                                                                                                     | 3.30 | 35 |

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| 57. | First preference should be given to the Scheduled Castes/Scheduled Tribes in taking up subsidiary occupations like animal husbandry, dairy development, poultry, piggery, fishery, etc. At least 75% subsidy should be provided for these schemes and the remaining 25% may be met by loan at DRI. Even in these schemes preference should be given to the landless, marginal farmers and small farmers in that order . . . . .      | 3.31 | 35    |
| 58. | For successful implementation of these schemes adequate infra structure in the form of roads and marketing facilities has to be provided . . . . .                                                                                                                                                                                                                                                                                   | 3.32 | 35    |
| 59. | Income flow from the Operation Flood II programme to the Scheduled Castes/Scheduled Tribes on top priority may be ensured. Milk chilling plants may be set up at suitable centres near the villages/hamlets inhabited by the Scheduled Castes/Scheduled Tribes, as far as possible . . . . .                                                                                                                                         | 3.33 | 35    |
| 60. | The skills of Scheduled Caste/Scheduled Tribe traditional artisans should be upgraded with Government assistance. Raw materials should be made available to them at subsidised rates. Adequate marketing arrangements are necessary including on-the-spot payment to the artisans for their products . . . . .                                                                                                                       | 3.34 | 35    |
| 61. | Sericulture (mulberry, tasar, eri, etc.) should be popularised among the Scheduled Castes/Scheduled Tribes as there is great potential for this industry both for the internal market and exports . . . . .                                                                                                                                                                                                                          | 3.34 | 35    |
| 62. | The Scheduled Castes/Scheduled Tribes should also be assisted in taking to new skills as well as small and cottage industries . . . . .                                                                                                                                                                                                                                                                                              | 3.34 | 35    |
| 63. | Lists of inputs for medium and large industries may be prepared to identify items which are or can be produced by the Scheduled Castes/Scheduled Tribes after necessary training at Government cost and encouragement . . . . .                                                                                                                                                                                                      | 3.35 | 35    |
| 64. | The quantum of the Special Component Plan in each sector should be in the ratio of the Scheduled Castes to the population of the target group. Where data in this regard are not available, at least 50% of the funds should be earmarked for the Scheduled Castes in the relevant sectors . . . . .                                                                                                                                 | 3.36 | 35-36 |
| 65. | Funds allocated for the Scheduled Castes in the various sectoral plans and the revised minimum needs programme should be included in the hard core Plan . . . . .                                                                                                                                                                                                                                                                    | 3.36 | 35-36 |
| 66. | Institutional finance through cooperatives should be exclusively available at DRI to landless labourers, marginal farmers and small farmers in that order in rural areas . . . . .                                                                                                                                                                                                                                                   | 3.37 | 36    |
| 67. | All landless labourers, marginal farmers and small farmers among the Scheduled Castes and Scheduled Tribes should be compulsorily made members of cooperatives. For landless labourers registration fee and share money should be met entirely at Government cost. Funds should be made available not only for agricultural and allied purposes but also for non-land based economic activities . . . . .                            | 3.37 | 36    |
| 68. | Cooperative Managers, though paid by the cooperatives, should be selected, trained and appointed by the Government and there should be a State cadre of such Managers . . . . .                                                                                                                                                                                                                                                      | 3.37 | 36    |
| 69. | Credit facilities to cultivators in kind and/or cash provided by some State Government should be wholly reserved for the landless, marginal and small farmers . . . . .                                                                                                                                                                                                                                                              | 3.38 | 36    |
| 70. | Credit at DRI provided by commercial banks should be available only to the Scheduled Castes and Scheduled Tribes and only if funds are left after meeting their requirements the same may be made available to other weaker sections. Not less than 50% of the incremental credit provided by the banks at normal or higher rates of interest may be earmarked for the Scheduled Castes/Scheduled Tribes in all activities . . . . . | 3.39 | 36    |

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| 71. | In the various items of the Revised Minimum Needs programmes during the Sixth Plan the financial and physical targets should be earmarked for the Scheduled Castes/Scheduled Tribes in proportion to their population in that of the target group . . . . .                                                                                                               | 3.40 | 36    |
| 72. | In the backward areas it is essential that the infrastructure such as roads, power and irrigation is developed on a priority basis and special financial allocations made . . . . .                                                                                                                                                                                       | 3.41 | 36    |
| 73. | The Special Component Plan for the Scheduled Castes should be to the extent of 15% of the total plan as they constitute 15% of the country's population. In some sectors like the integrated Rural Development programme, cottage industries, etc., the Scheduled Castes should have a major share . . . . .                                                              | 3.42 | 36    |
| 74. | The Tribal Sub-Plan and the Special Central Assistance together should similarly constitute 7.5% of the total Plan allocations as the Scheduled Tribes form 7.5% of the country's population and, in addition, there should be adequate weightage to cover the backlog of development . . . . .                                                                           | 3.42 | 36    |
| 75. | A large number of traditional artisans engaged in leather work require upgrading of their skills for which raw materials at subsidised rates and marketing facilities should be provided by the Government. The middlemen should be eliminated . . . . .                                                                                                                  | 3.43 | 36    |
| 76. | For proper development of the industry and due protection to the interests of these artisans a Leather Development Corporation/Board should be set up at the Centre as well as the States . . . . .                                                                                                                                                                       | 3.43 | 36    |
| 77. | Development/Finance Corporations for the Scheduled Castes should be established in all the States to provide seed money and stand as guarantors. At least 50% of the Scheduled Castes families should be covered by some economic development programme or the other by the end of the Five Year Plan 1978—83 by the active initiative of these Corporations . . . . .    | 3.44 | 36-37 |
| 78. | For evolving the right type of crops for the mostly rainfed tribal areas, adaptive research and experimentation should be taken by the ICAR and other research organisations . . . . .                                                                                                                                                                                    | 3.45 | 37    |
| 79. | Action should be taken to step up research for developing dry farming practices in tribal areas in order to augment income of tribals . . . . .                                                                                                                                                                                                                           | 3.46 | 37    |
| 80. | Tribals still practising shifting cultivation should be settled on Government land or acquired land, if available, which may be reclaimed and developed by employing these tribals on wages. Inputs should also be made available to them on a highly subsidised basis (75% grant and 25% loan at DRI) . . . . .                                                          | 3.47 | 37    |
| 81. | These tribals may also be settled in non-land based occupations and cottage industries, keeping in view their aptitudes . . . . .                                                                                                                                                                                                                                         | 3.47 | 37    |
| 82. | Large areas are easily identifiable as a base for horticultural programmes in tribal areas including lands over which shifting cultivation is practised, where the programme is taken upon lands owned by the Government the rights for usufruct can rest with the individual . . . . .                                                                                   | 3.48 | 37    |
| 83. | The traditional rights of the tribals over the forest produce should be preserved. In collection and marketing of MFP (Minor Forest Produce) contractors should be completely eliminated. Preferably tribal cooperatives should be given monopoly over MFP as in the case of Andhra Pradesh or this work may be undertaken by Minor Forest Produce Corporations . . . . . | 3.49 | 37    |
| 84. | Social forestry should be encouraged and species which could be used for fuel may be grown. Fruit-bearing plants may be popularised and the tribals given assistance in kind free of charge . . . . .                                                                                                                                                                     | 3.50 | 37    |
| 85. | Sericulture and lac culture which have special importance for tribals need special attention of the Forest Department in coordination with the Industries Department/Ministry . . . . .                                                                                                                                                                                   | 3.51 | 37    |

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| 86. | An overall plan for development of cattle breeding, dairying, poultry, fishery and piggery should be prepared with provision for intensive efforts in specific areas where the potential is the highest . . . . .                                                                                                                                                                  | 3.52 | 37    |
| 87. | To meet the increasing demand for dairy products in mining and industrial townships in the tribal areas, animal husbandry and dairying may be popularised among the tribals. The infrastructure such as roads, marketing, etc., will also have to be developed on a priority basis . . . . .                                                                                       | 3.53 | 37    |
| 88. | In the hills during the winter the past pasture wealth lies totally covered under snow and the flock owners have to move down to lower altitudes. They have to cross inter-State borders in search of grazing fields and face numerous difficulties from the Forest Department. Suitable remedial measures may be taken . . . . .                                                  | 3.54 | 38    |
| 89. | There should be adequate credit flow to the tribal areas. Where LAMPS are not organised, they should be organised and adequate credit flow ensured. The quantum of funds under DRI for tribal areas should multiply . . . . .                                                                                                                                                      | 3.55 | 38    |
| 90. | Only 91 Blocks coming within the Tribal Sub-Plan areas are at present included in the IRDP while the total number of such Blocks is 503. There is need to include more such Blocks in the IRDP . . . . .                                                                                                                                                                           | 3.56 | 38    |
| 91. | The Ministry of Labour agreed that it was necessary to have a time-bound programme for the rehabilitation of bonded labourers who had already been identified; a time-frame upto the financial year 1979-80 was the outermost for the rehabilitation of these identified bonded labourers numbering more than a lakh . . . . .                                                     | 3.59 | 38-39 |
| 92. | The procedure adopted by the Government of West Bengal, which had secured funds for the implementation of the Minimum Wages Act under the Social Welfare head, would be recommended to other States by the Ministry of Labour since the West Bengal procedure brings out the position correctly . . . . .                                                                          | 3.60 | 39    |
| 93. | It was agreed that the States would be financed and helped by the Ministry of Labour to have an adequate machinery for implementation of the Minimum Wages Act . . . . .                                                                                                                                                                                                           | 3.60 | 39    |
| 94. | It is necessary to see that a proper evaluation of the rural labour camps organised by the National Labour Institute was made and appropriate follow-up measures undertaken. It is not sufficient just to start the process at these camps. It is necessary to go much deeper and to pursue the thought process initiated by them . . . . .                                        | 3.61 | 39    |
| 95. | Voluntary agencies should also be utilised for organisation and motivation of agricultural labourers . . . . .                                                                                                                                                                                                                                                                     | 3.61 | 39    |
| 96. | It is necessary to keep an eye over the village and the neighbouring villages to see that the landless labourers, including the Scheduled Castes and Scheduled Tribes are not persecuted for participating in these camps . . . . .                                                                                                                                                | 3.61 | 39    |
| 97. | It is necessary to extent the Workers' Education Scheme to rural workers also . . . . .                                                                                                                                                                                                                                                                                            | 3.61 | 39    |
| 98. | The Ministry of Labour would need to work out in detail the programmes for helping the rural poor to organise so as to enable them to deal better with their socio-economic environment. Effective monitoring and evaluation of the schemes in the field would have to be ensured and sufficient care taken to account for the varied requirements of each specific area . . . . . | 3.62 | 39-40 |
| 99. | It would be necessary as a follow-up to draw up schemes in relevant Ministries for the organised rural poor; it would be essential for the Ministry of Labour to pursue this aspect also since only then will the entire effort of organising the rural poor bear fruit . . . . .                                                                                                  | 3.62 | 39-40 |

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| 100. | In some areas large scale industries disrupt the old pattern of life of tribals who become destitute or low paid labour on sub-contract wages. The Ministry of Labour should try to do something for these unorganised and exploited labourers. The Ministry agreed that they would take up the matter of organisation of tribals whose environment was totally disrupted by the advent of large-scale modern industries . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3.62 | 39-40 |
| 101. | In the Industrial Training Institutes additional measures should be adopted to clear the backlog in the intake of SC/ST trainees . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3.63 | 40    |
| 102. | Training should be linked with job opportunities and placement and that in the I.T.Is. and other similar institutes the course should be linked with the specific requirements of the area and their coverage from time to time . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 3.63 | 40    |
| 103. | Job opportunities in existing industries and projects under construction should be indentified in advance and candidates given requisite training in close collaboration with the Industries/Projects authorities so that the trainees may have immediate employment . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3.63 | 40    |
| 104. | The Labour Ministry agreed to consider the establishment of Special Employment Exchanges for SC and ST in all the States as the one at Hyderabad set up by the Government of Andhra Pradesh . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 3.64 | 40    |
| 105. | The Ministry of Industrial Development agreed that to the maximum extent possible the processing of raw materials procured in tribal areas, for example, should be done in that area itself thus ensuring that as large an extent of the value added as possible would flow to the primary workers. This would help to eliminate middlemen. The licensing policy for setting up industries could lay down a condition to this effect. The Commission felt that the Ministry should act on this suggestion since a measure of this kind would have a substantial and far reaching impact . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3.74 | 41    |
| 106. | The project reports considered by the Ministry of Industrial Development should cover the following important aspects in the interests of the Scheduled Castes and Scheduled Tribes :<br><br>(a) The maximum possible purchase of raw materials and other inputs is made in the immediate hinterland of the industry and where the raw materials are capable of being supplied by family units, like milk processing units, at least 50 % is taken from the Scheduled Castes and Scheduled Tribes.<br><br>(b) The benefits from such major industrial projects flow to a large extent to the inhabitants of the surrounding areas, including employment for the Scheduled Castes and Scheduled Tribes.<br><br>(c) The persons displaced by the projects are rehabilitated within the project itself.<br><br>(d) The local people specially the Scheduled Castes and Scheduled Tribes are trained for identified job opportunities and the responsibility for such training is taken up by the industry itself.<br><br>(e) The control over the tertiary sector in the project area should as far as possible go to the local population—shops, commercial establishments, transport agencies, etc., with a reasonable proportion of the Scheduled Castes and Scheduled Tribes. In dealerships of goods produced by public sector bodies at least 50 % should be given to the Scheduled Castes and Scheduled Tribes. . . . . | 3.75 | 41-42 |
| 107. | The points mentioned in the recommendation at Sl. No. 106 may be made conditions for granting of a licence in the private sector and also a prerequisite for securing credit and other facilities from the nationalised Banks or other similar institutions . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 3.76 | 42    |

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| 108. | In all decentralised programmes and those intended for rural areas the objective should be to see that benefits reach the primary workers and that middlemen are effectively eliminated . . . . .                                                                                                                                                                                                                                                                 | 3.77 | 42    |
| 109. | The Ministry of Industrial Development agreed that wherever market demand justified the admission of new entrants into any field, 50% of the trainees/new entrants would be from the Scheduled Castes and Scheduled Tribes. But where the participation of the Scheduled Castes and Scheduled Tribes was already 50% or more, the percentage of new entrants from the Scheduled Castes and Scheduled Tribes would not be less than the existing pattern . . . . . | 3.79 | 42    |
| 110. | The Ministry of Industrial Development may ensure that crafts and industries in which the Scheduled Castes and Scheduled Tribes participate in large numbers, like leather, priority attention would be given to such crafts and industries to develop these to their fullest potential in such a manner that the primary producers' share in the net sale proceeds is maximised. Adequate financial outlay would be provided for this . . . . .                  | 3.79 | 42    |
| 111. | To get over the problem of credit for SC/ST artisans and the high rate of interest the Ministry of Industrial Development and the AIHB may link up with the Scheduled Caste/Scheduled Tribes Development Corporations existing in States which are eligible for DRI (differential rate of interest). By this means credit at reasonable rates can become available for the Scheduled Caste/Scheduled Tribe artisans . . . . .                                     | 3.87 | 43    |
| 112. | A suitable and comprehensive package programme of mulberry silk production should be worked out which would link up all stages from the supply of the leaf to marketing, covering also training and technical supervision with emphasis on the Scheduled Castes and Scheduled Tribes . . . . .                                                                                                                                                                    | 3.89 | 43    |
| 113. | The Ministry of Industrial Development may give due consideration to the following aspects of sericulture :                                                                                                                                                                                                                                                                                                                                                       |      |       |
|      | (i) In actually reaching the primary workers both for the supply of raw material and for purchase, while infrastructure development is important, it is necessary to keep the ultimate objective in mind that the benefits have to flow to the primary worker.                                                                                                                                                                                                    |      |       |
|      | (ii) The training of Scheduled Caste/Scheduled Tribe persons as weavers is important. The Weavers' Service Centres started by the Ministry in the States had tried to tackle the problems but this perhaps could be pursued more effectively. The Ministry assured that finance was not a constraint. In training programmes a large percentage of the trainees may be earmarked for members of the Scheduled Castes and Scheduled Tribes.                        |      |       |
|      | (iii) This is a programme with enormous potential of development for landless agricultural workers among whom the Scheduled Castes and Scheduled Tribes predominate. Hence, the bulk of the benefits, at least 50%, from this sector could be earmarked for them.                                                                                                                                                                                                 |      |       |
|      | (iv) For the same reason the Ministry may move for getting Plan funds commensurate with the limits of the markets and channelise the bulk of the benefits to the Scheduled Castes and Scheduled Tribes. . . . .                                                                                                                                                                                                                                                   | 3.92 | 43-44 |
| 114. | The Ministry of Industrial Development may consider the following suggestions relating to handloom industry :                                                                                                                                                                                                                                                                                                                                                     |      |       |
|      | (i) There is a large proportion of the Scheduled Castes and Scheduled Tribes among weavers. Their standards need improvement. Programmes of handloom development may cover them as a priority target group.                                                                                                                                                                                                                                                       |      |       |



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|      | (ii) In the various other development programmes for existing handloom weavers including marketing, design, etc., intensive attention may be given to weavers belonging to the Scheduled Castes and Scheduled Tribes as a priority target group.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |       |
|      | (iii) If and to the extent the market permits newcomers to be admitted to the profession in an organised manner, a substantial proportion of such new admissions may be earmarked for the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |       |
|      | (iv) The Ministry and the Development Commissioner Handloom may make efforts to get loans at DRI for Handloom Boards/Corporations to the extent they are intended for the Scheduled Castes/Scheduled Tribe weavers. However, in the meanwhile this purpose could be achieved by the Handloom Boards/Corporations suitably associating the Scheduled Castes/Scheduled Tribes Development Corporations which are an eligible channel for loans at DRI.                                                                                                                                                                                                                                                          | 3.93  | 44    |
| 115. | In the matters of employment generated by organised industry, the scope for ancillary and downstream self-employment schemes, dealerships, etc., there should be a positive bias in favour of the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 3.94  | 44    |
| 116. | The linkages involved by providing loans and seed money for setting up such self-employment projects or dealerships for the Scheduled Castes and Scheduled Tribes would also have to be made and the concerned industry would be required to be made responsible. Suitable orientation in the licensing policy may be considered by the Ministry of Industrial Development                                                                                                                                                                                                                                                                                                                                    | 3.94  | 44    |
| 117. | In implementation of programmes like SFDA, MFAL, DPAP, etc. which are directed towards benefiting the weaker sections of the society, the first preference should be given to the Scheduled Castes and Scheduled Tribes who form the poorest section of the society. The allocations to be made for the purpose should be at least proportionate to the target group of which the Scheduled Castes and Scheduled Tribes form a part, if not more.                                                                                                                                                                                                                                                             | 3.100 | 45    |
| 118. | The subsidy available in MFAL and SFDA may be raised from 33½ % and 25 % to 50 % to 75 % in respect of the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3.101 | 45    |
| 119. | The crop-oriented demonstration plots should be taken up in the lands of the Scheduled Castes and Scheduled Tribes to the extent of at least 50 %, if not more.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3.102 | 45    |
| 120. | In respect of supply of inputs like seeds, fertilizers and pesticides the element of subsidy in respect of the Scheduled Castes and Scheduled Tribes should be increased to 50 % to 75 %.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3.102 | 45    |
| 121. | As the Scheduled Castes are very small holders of land, generally speaking individual irrigation wells would be more beneficial for them. Here also there should be an element of subsidy to the tune of 50 % to 75 %. Where any area schemes of minor irrigation are feasible in Scheduled Caste <i>Bastis</i> they should also be given preference over other minor irrigation schemes in case there are constraints of availability of finance. In the case of such minor irrigation schemes the Scheduled Castes should be exempted from payment of any taxes until their farms become remunerative, i.e., for about three to five years and even thereafter the rate of levy should be half of the norm. | 3.103 | 45    |
| 122. | To ensure the maximum coverage of holdings of the Scheduled Castes by irrigation wells, self-contained teams including ground water specialists, revenue and agricultural officers, individuals from credit agencies, etc., should be formed these units should be adequate in number to exploit the entire ground water potential in areas where there is a fair amount of land-holdings of the Scheduled Castes, in a time bound programme, say, within three years. Such units should be provided with sufficient physical and financial resources including drills, etc.                                                                                                                                  | 3.104 | 45-46 |

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| 123.                                                                              | In respect of surface water irrigation it should be ensured that the land-holdings of the Scheduled Castes in the command areas are fully covered through channels and necessary physical and financial support is made available.                                                                                                                                                     | 3.104 | 45-46 |
| 124.                                                                              | As many minor irrigation schemes as feasible should be located in the tribal areas to raise the low level of productivity. The Ministry of Agriculture may prepare a Master Plan based on State surveys for the entire country and relate it to higher production. They may also provide resources to match the perspective plan.                                                      | 3.106 | 46    |
| 125.                                                                              | While the emphasis on marketing is integral to any scheme of animal husbandry, the requirement of nutrition of tribals needs adequate attention. The programme should be contrived as to be well within the management capacity of an average tribal.                                                                                                                                  | 3.108 | 46    |
| 126.                                                                              | The Government of Orissa have taken up a major programme of plantations. The remaining State Governments may follow suit.                                                                                                                                                                                                                                                              | 3.111 | 46    |
| 127.                                                                              | Forest works may be given to the Scheduled Castes through labour contract societies without middlemen.                                                                                                                                                                                                                                                                                 | 3.112 | 46    |
| 128.                                                                              | Where the rights of the tribals to collect minor forest produce, timber, etc., are not recorded, these should be recorded.                                                                                                                                                                                                                                                             | 3.113 | 46    |
| 129.                                                                              | The funds meant for development of land allotted out of surplus land should be made available also for Government land allotted to the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                          | 3.119 | 47    |
| 130.                                                                              | Special laws may be enacted ousting the jurisdiction of civil courts in cases of eviction of the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                | 3.123 | 48    |
| 131.                                                                              | The flow of benefits to the Scheduled Castes may be specifically earmarked in the IRDP and at least 50% of the beneficiaries should be from the Scheduled Castes.                                                                                                                                                                                                                      | 3.124 | 48    |
| 132.                                                                              | While prescribing remedies in the agricultural field the prescriptions of non-tribal areas should be suitably altered and adapted for tribal areas. Where found necessary, special programmes should be evolved for tribal areas. The Ministry of Agriculture might like to issue instructions to the State Governments accordingly.                                                   | 3.130 | 48    |
| <b>Chapter IV—SOCIAL DEVELOPMENT OF THE SCHEDULED CASTES AND SCHEDULED TRIBES</b> |                                                                                                                                                                                                                                                                                                                                                                                        |       |       |
| 133.                                                                              | As the Scheduled Castes are not often allowed to use common drinking water wells it is necessary to provide the same in their hamlets/ <i>tolas</i> .                                                                                                                                                                                                                                  | 4.2   | 49    |
| 134.                                                                              | Adequate provision of clean potable water should be made in all tribal hamlets at Government cost within a time bound programme.                                                                                                                                                                                                                                                       | 4.3   | 49    |
| 135.                                                                              | Where wells are not feasible, piped water supply schemes may be taken up with a provision for public tapes.                                                                                                                                                                                                                                                                            | 4.4   | 49    |
| 136.                                                                              | One of the basic requirements is to provide a house-site to each poor Scheduled Caste/Scheduled Tribe family in both rural and urban areas free of cost by settling Government land with them. Where Government land is not available land should be acquired at Government cost and settled with them. The cost of development of house-sites should also be borne by the Government. | 4.5   | 49    |
| 137.                                                                              | Suitable legislation may be enacted, where not already done, to confer proprietary rights to the Scheduled Caste/Scheduled Tribe persons on homestead land belonging to landlords, <i>Pattas</i> may be issued to them free of charge and effective measures taken to prevent their eviction from such plots                                                                           | 4.6   | 49    |

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| 138. | The Scheduled Caste/Scheduled Tribe persons who are provided with house-sites should also be given adequate financial assistance for construction of houses. If 100 % grant is not feasible, at least 75 % grant and 25 % loan at DRI may be provided . . . . .                                                                                                                                                                                                                                    | 4.7  | 49    |
| 139. | In urban areas the Scheduled Castes generally living in small dingy houses in unhygienic localities should be given financial assistance on the same lines as mentioned above to construct new houses or improve their existing ones. . . . .                                                                                                                                                                                                                                                      | 4.8  | 49    |
| 140. | For scavengers and sweepers provision of houses by the municipal bodies is a must. Nominal rent could be recovered from them. . . . .                                                                                                                                                                                                                                                                                                                                                              | 4.8  | 49    |
| 141. | For improvement of urban slums not only housing but other developmental schemes and common facilities may be provided on a priority basis and in allocations for this purpose adequate weightage may be given to slum dwellers. . . . .                                                                                                                                                                                                                                                            | 4.9  | 49    |
| 142. | To encourage the Scheduled Castes/Scheduled Tribes to send their children to primary and middle schools these may be located in their hamlets/tolas as far as possible and books, uniforms, mid-day meals, etc. should be provided to them at Government cost. . . . .                                                                                                                                                                                                                             | 4.10 | 49-50 |
| 143. | At levels of higher education scholarships which should be adequate keeping in view the present day cost of living should be provided as to cover all the Scheduled Caste/Scheduled Tribe students. They should be encouraged to reside in general hostels instead of exclusive hostels by enhancing the scholarship to cover expenditure on clothing, out of pocket expenses, etc. . . . .                                                                                                        | 4.10 | 49-50 |
| 144. | Right from the formative stage curriculum should be prescribed emphasising that all human beings are equal and that untouchability is a sin. . . . .                                                                                                                                                                                                                                                                                                                                               | 4.11 | 50    |
| 145. | Special efforts are needed to spread education among Scheduled Caste/Scheduled Tribe girls and among children belonging to families engaged in unclean occupations . . . . .                                                                                                                                                                                                                                                                                                                       | 4.12 | 50    |
| 146. | Residential schools, run by the Government or reputed, non-official agencies, should be established to attract tribal children who should be provided with free board and lodging, uniforms, text-books, etc. Primary school education should be imparted through the tribal dialect, as far as possible. In difficult areas the school staff should be given financial and other incentives. It would be better to have devoted couples to work as teachers together in the same school . . . . . | 4.13 | 50    |
| 147. | The unclean occupations like scavenging, flaying, tanning, etc., should be delinked from caste. The working conditions of those engaged in such occupations should be improved and minimum living wages ensured to them. . . . .                                                                                                                                                                                                                                                                   | 4.14 | 50    |
| 148. | The recommendations of the Scavenging Conditions Enquiry Committee and the Committee on Customary Rights to Scavenging headed by the late Prof. Malkani should be implemented in right earnest. Scavenging must be municipalised in the States where it is still done by private scavengers. . . . .                                                                                                                                                                                               | 4.14 | 50    |
| 149. | Dry latrines should be converted into water-borne ones either connected with under-ground sewers, or, where such sewers cannot be laid, hand-flush latrines. The Ministry of Health and Family Welfare should provide adequate funds for this programme which should be completed within two years . . . . .                                                                                                                                                                                       | 4.14 | 50    |
| 150. | Simultaneously a well thought out programme for diversion of people from unclean to clean occupations may be undertaken. The concrete suggestions given by Prof. Malkani in his Report in 1966 may be implemented with funds provided for the purpose by the Ministry of Home Affairs and other concerned Ministries . . . . .                                                                                                                                                                     | 4.14 | 50    |

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| 151. The children of those engaged in unclean occupations, particularly scavengers, should be provided with facilities of residential schools, pre-matric scholarships and Balwadis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |   | 4.14 | 50    |
| 152. The number of dispensaries including mobile dispensaries with adequate staff and medicines should be increased in tribal areas. Special programme to control and eradicate diseases peculiar to tribal areas may be implemented in a more effective manner. Suitable health programmes should be taken up to meet the nutritional deficiencies some of which are peculiar to tribal areas.                                                                                                                                                                                                                                                                                                          |   | 4.15 | 50    |
| 153. All liquor shops must be abolished in tribal areas within one year and illicit trade strictly stopped.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | 4.16 | 50    |
| <b>Chapter V—ERADICATION OF UNTOUCHABILITY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |   |      |       |
| 154. It is necessary that alongside the implementation of the Protection of Civil Rights Act and the programmes for socio-economic development of the Scheduled Castes, determined and constant onslaught on the basic evil, i.e., the caste system, should be carried out by the State as well as conscious and progressive people. Voluntary organisations and mass media have to be mobilised in a much more concerted and effective manner to discourage casteism and untouchability and indeed to strike at the root of the caste system itself. Awareness is to be brought about particularly in the rural masses with the help of mass media so that caste prejudices disappear from their minds. |   | 5.1  | 51    |
| 155. The Cells appointed under Section 15A(2) (ii) of the PCR Act may look into the unsatisfactory progress regarding challenging of registered cases, pendency of cases with the police and pendency of cases in Courts and take suitable remedial measures                                                                                                                                                                                                                                                                                                                                                                                                                                             |   | 5.9  | 52    |
| 156. The Commission note with regret that no State Government had conducted any survey of the working of the provisions of the Act nor set up any special courts for the trial of offences under the Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |   | 5.10 | 52    |
| 157. The Government of India may consider issuing guidelines as to what other measures may be included to cover 'adequate facilities' besides legal aid under the PCR Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |   | 5.11 | 52    |
| 158. The Government of India may frame rules under Section 16B of the PCR Act for carrying out the provisions of the Act to enable the Government of West Bengal and other State Governments to set up special courts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |   | 5.11 | 52    |
| 159. The State Governments may consider—delegating the powers to sanction legal aid to levels lower than the District Collector and also simplifying the procedure to enable the needy Scheduled Caste/Scheduled Tribe persons to avail of the benefit of this scheme in time. It has been the experience in the past that due to the complicated procedure prescribed for the grant of legal aid the meagre allocations under this scheme have seldom been fully utilised. Those States which have not yet introduced the scheme of legal aid may do so expeditiously                                                                                                                                   |   | 5.19 | 54    |
| 160. It is recommended that the Ministry of Home Affairs (PCR Cell) may evaluate the working of the Mobile Police Squads, the Special Police Stations and the Special Police Cells set up in the States and submit their study report expeditiously so that these special agencies could be made more effective on the basis of the findings                                                                                                                                                                                                                                                                                                                                                             |   | 5.23 | 55    |
| 161. The Commission recommend that in the States where the problem of untouchability still exists special courts may be set up for trial of offences under the PCR Act. In all such cases procedure of summary disposal should be provided for. Special Prosecutors should be appointed at Government cost                                                                                                                                                                                                                                                                                                                                                                                               |   | 5.26 | 55-56 |

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| 162. | In view of the prevalence of the practice of untouchability in <i>Bihar and Tamil Nadu</i> it is recommended that District and Sub-Divisional/Taluk level Committees may also be set up in those States . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5.31 | 56    |
| 163. | It is regrettable that during 1977 or 1978 no State Governments undertook surveys prescribed under Section 15A (2) (V) of the PCR Act . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5.32 | 56    |
| 164. | Any programme for eradication of untouchability must have economic development programme as its foundation, which should be supported by social, educational and ethical programmes and legal action . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 5.39 | 59    |
| 165. | The Ministry of Health and Family Welfare should be requested to make adequate provision for the programme of conversion of dry latrines into water-borne ones and this programme may be completed within two years. Where underground sewers connecting the same with flush latrines cannot be laid, hand flush latrines should be introduced and Government subsidy given for the same . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 5.40 | 59    |
| 166. | Simultaneously a well thought out programme for diversion of people from unclean to clean occupations may be undertaken . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5.40 | 59    |
| 167. | The concrete suggestions contained in the Report of the Committee on Customary Rights to Scavenging (1966) may be implemented with funds provided for the purpose by the Ministry of Home Affairs and other concerned authorities . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 5.40 | 59    |
| 168. | The funds sanctioned to the municipalities for supplying working uniforms, implements, etc., should be put under separate head and made non-divertible. It will not be advisable to leave the implementation of this programme to the Municipalities alone. It should be entrusted to a Board comprising officers of the Municipality as well as the local officers of the Social Welfare/Harijan Welfare Department as well as social workers . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 5.41 | 59    |
| 169. | It has been suggested that the Ministry of Works and Housing may set apart Rs. 25 crores for this programme in the Sixth Plan. It is necessary to involve the Ministry of Health also in this programme . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5.41 | 59    |
| 170. | It is observed that the ideas of untouchability are more deep rooted in women than in men, particularly in rural areas. It is, therefore, essential that special attention may be paid to the education of girls of all castes including the Scheduled Castes . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 5.43 | 59    |
| 171. | Every year a fortnight may be earmarked for celebrating anti-untouchability programmes in the form of meetings, conferences, seminars, <i>symposia</i> , <i>prabhut pheris</i> , <i>padyatras</i> , processions, essay contests and debates for students, etc. Inter-caste dining in Harijan localities should form an essential item of these celebrations. This could greatly help the anti-untouchability drive. Community dinners on the National Days and other special occasions should be organised in villages, particularly in areas where untouchability is practised rigidly. These dinners may be subsidised by the Government. Not only the seating arrangement should be mixed but Harijan men and women of the same village should also be engaged for cooking and serving purposes. All political parties and social workers may be requested to extend active cooperation for the success of this programme and political leaders and officers, if any, belonging to the village but serving elsewhere as well as the local MLA, etc., may be specially invited to participate in this programme . . . . . | 5.44 | 59-60 |
| 172. | The adult education programme should be utilised for propagating anti-untouchability ideas . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 5.44 | 59-60 |
| 173. | The teachers have to play an important role in building up this movement. They should be carefully selected and motivated so that they can make positive contribution in this field. Those found guilty of practising or encouraging untouchability should be severely dealt with . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 5.44 | 59-60 |

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| 174. Mass media, particularly films and television should be exploited for anti-untouchability propaganda and private film producers making powerful films and documentaries on the subject should be suitably rewarded and encouraged . . . . .                                                                                                                                                                                                                                                                                                                                                                   |   | 5.44         | 59-60 |
| 175. Inter-caste marriages should be popularised in a big way. Preferential treatment in the form of some financial assistance or award and some concession in recruitment to services may be extended to those couples where one of the spouses is a Harijan and the other a non-Harijan . . . . .                                                                                                                                                                                                                                                                                                                |   | 5.44         | 59-60 |
| 176. Collective punitive fine may be imposed on areas where the Scheduled Caste people are subjected to continuous atrocities . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |   | 5.45         | 60    |
| 177. In sensitive areas where atrocities on the Scheduled Castes persist special police force may be posted and the entire cost of maintaining such force realised from the residents of the area . . . . .                                                                                                                                                                                                                                                                                                                                                                                                        |   | 5.45         | 60    |
| <b>Chapter VI—ATROCITIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |   |              |       |
| 178. The Commission recommend that those State Governments in whose States there has been an increase in atrocities during 1978 over that of the preceding year should ascertain the causes of rising trend in the incidents and adopt suitable remedial measures for prevention of such incidents in future. The Commission may be apprised regarding the steps taken in this regard by the concerned State Governments . . . . .                                                                                                                                                                                 |   | 6.18         | 75    |
| 179. The Commission have reviewed about 110 cases of atrocities from different States. The Commission would like to have further progress reports on these cases, particularly in respect of recommendations made by this Commission . . . . .                                                                                                                                                                                                                                                                                                                                                                     |   | 6.20         | 76    |
| 180. The State Governments/U.T. Administrations should send to the Commission regularly reports of all cases of atrocities against the Scheduled Castes and Scheduled Tribes along with a brief report on each case of atrocity . . . . .                                                                                                                                                                                                                                                                                                                                                                          |   | 6.20         | 76    |
| 181. The Ministry of Home Affairs, Government of India have not been collecting information on atrocities committed on the Scheduled Tribes. The Commission recommend that the Ministry of Home Affairs should make necessary arrangements to collect information on the atrocities committed on the Scheduled Tribes also. The States/U.Ts. having tribal population are also requested to collect and compile information relating to atrocities committed on the Scheduled Tribes and this information should be sent by them to this Commission regularly . . . . .                                            |   | 6.20         | 76    |
| 182. Salient findings of the enquiry reports conducted by this Commission and its field offices during July 1978 to March 1979 on some of the heinous crime reported from different States have been discussed in chapter on atrocities. The Commission request that the State Governments should indicate the action taken by them on these reports particularly in regard to the recommendations made therein by this Commission alongwith the remedial measures undertaken/proposed to be undertaken by them for prevention of such atrocities on the Scheduled Castes and Scheduled Tribes in future . . . . . |   | 6.23 to 6.56 | 76-86 |
| 183. The Government of India, Ministry of Home Affairs, have issued a number of instructions to the State Governments regarding prevention of atrocities on the Scheduled Castes and Scheduled Tribes from time to time. The Commission would request that the State Governments/U.T. Administrations should send reports to the Commission on the steps taken by them to implement the Government of India instructions . . . . .                                                                                                                                                                                 |   | 6.64 to 6.69 | 88-89 |
| 184. The Prime Minister had called a conference of Chief Ministers and leaders of opposition parties in December 1978 to consider the problem of communal tension and atrocities on weaker sections. The Commission would be glad to know the action taken by the Government of India, Ministry of Home Affairs, on the deliberations of this Conference pertaining to atrocities on weaker sections . . . . .                                                                                                                                                                                                     |   | 6.70 to 6.73 | 89-90 |

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| 185. It is understood that the Government of Madhya Pradesh (State Finance Department) have accorded sanction for a scheme to provide relief to the Scheduled Caste and Scheduled Tribe victims of atrocities. The State Government of Madhya Pradesh are requested to furnish this Commission the details of the above-mentioned scheme . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |   | 6.84           | 91    |
| 186. The Commission have sent a note (vide Annexure VII) suggesting steps to be taken to check atrocities on the Scheduled Castes and Scheduled Tribes to the Ministry of Home Affairs, Government of India. Broad features of this note have been brought out in the text of Chapter on atrocities under paras 103 to 106. The Commission would be glad to know the action taken by the Ministry of Home Affairs on the various steps suggested by this Commission to check atrocities on Scheduled Castes and Scheduled Tribes . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |   | 6.101 to 6.106 | 94—96 |
| 187. With a view to ensuring that the Scheduled Castes and Scheduled Tribes receive adequate benefit of social legislation also the Commission suggest that the following offences may be made cognizable in respect of them:—                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |   |                |       |
| (i) not giving possession of land legally allotted to the Scheduled Castes and Scheduled Tribes,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |                |       |
| (ii) unlawful eviction from the land in possession of the Scheduled Castes and Scheduled Tribes,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |                |       |
| (iii) unlawful eviction from houses in possession of the Scheduled Castes and Scheduled Tribes,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |   |                |       |
| (iv) prevention from cultivation of land either allotted to the Scheduled Castes and Scheduled Tribes or in their possession by the vested interests, and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |   |                |       |
| (v) prevention from harvesting of crops belonging to the Scheduled Castes and Scheduled Tribes, particularly where share-cropping is prevalent. . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   | 6.104          | 95    |
| 188. (a) In cases where in a land dispute a Harijan or a tribal is killed the Government machinery including the police must ensure that the land in possession of the deceased Harijan/tribal passes on to the heirs of the deceased and in no circumstances whatsoever the persons who have committed aggression should be allowed to take over possession of the land . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |   | 6.105          | 96    |
| (b) Some of the incidents of atrocities on the Scheduled Castes and Scheduled Tribes that have recently taken place indicate local landlord/big tenants employ musclemen or specially hired goondas for committing atrocities on the Scheduled Castes and Scheduled Tribes. The Commission recommend that it should be the special duty of the police to collect prior intelligence about such musclemen or goondas in the locality and to take preventive action against them u/s 107/117 Cr. P.C. as well under section 110 Cr.P.C. so that they can be bound down to maintain peace. Wherever necessary preventive arrests should be made to maintain peace and to prevent atrocities against the Scheduled Castes/ Scheduled Tribes. Collective fines may also be imposed in areas where the Scheduled Castes and Scheduled Tribes people are subjected to, continuous atrocities. In sensitive areas where atrocities on the Scheduled Castes and Scheduled Tribes persist special police force may be posted and the entire cost of maintaining such force be realised from the residents of the area . . . . . |   | 6.105          | 96    |
| (c) It has also been observed that sometimes even the police personnel commit atrocities on the Scheduled Castes and Scheduled Tribes in collusion with the landlords or otherwise. The Commission recommended that the State Governments should award exemplary punishment to the guilty officials . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |   | 6.105          | 96    |

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| (d) The Commission recommend that those States/Union Territories which have not so far taken a policy decision regarding providing monetary and other relief to the victims of atrocities should introduce the scheme. It is also recommended that the quantum of relief provided should be suitably increased. The relief to be provided should be commensurate with the seriousness of the loss caused to the persons or the families concerned should be provided on the spot immediately after the Commission of atrocity . . . . .                                                                                                                     |   | 6.106       | 96  |
| 189. The Commission have observed that 84 cases each of atrocities were reported from Punjab during 1977 and also in 1978 and it is therefore recommended that the State Government may initiate a scheme for providing monetary relief to the Scheduled Caste victims of atrocities. Action taken on this recommendation may be intimated to the Commission by the State Government of Punjab . . . . .                                                                                                                                                                                                                                                    |   | 6.106       | 96  |
| <p style="text-align: center;"><b>Cha ter VII—CONSTITUTIONAL SAFEGUARDS FOR THE<br/>SCHEDULED CASTES AND SCHEDULED TRIBES<br/>AMENDMENT TO ARTICLE 334 OF THE<br/>CONSTITUTION</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |             |     |
| 190. The Commission recommend that Article 334 of the Constitution may be amended on the following lines:<br><br>“After the expir tion of 30 years from the commencement of the Constitution, the reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States shall continue subject to review every ten years.” . . . . .                                                                                                                                                                                                                                                |   | 7.18        | 147 |
| <p style="text-align: center;"><b>Chapter VIII—RESERVATION FOR SCHEDULED CASTES AND<br/>SCHEDULED TRIBES IN SERVICES</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |   |             |     |
| 191. The Government of India in the Department of Personnel & Administrative Reforms have furnished partial information relating to 56 out of 57 Ministries/Departments. The information as on 1-1-79 covering all the Ministries/Departments should be furnished by the Government of India . . . . .                                                                                                                                                                                                                                                                                                                                                      |   | 8.25<br>A:1 | 157 |
| 192. The Department of Personnel & Administrative Reforms in the Government of India should furnish the information regarding actual representation of Scheduled Castes and Scheduled Tribes in Class I, II, III & IV posts filled by promotion as on 1-1-79 as the same has not been done . . . . .                                                                                                                                                                                                                                                                                                                                                        |   | 8.25<br>A:2 | 157 |
| 193. The Government of India should take special measures for increasing the representation of Scheduled Tribes and Scheduled Castes in Class-I and Class-II services that it conforms to the prescribed percentages of reservation. Steps in the form of special recruitment drives are required to be undertaken vigorously to improve the representation of Scheduled Tribes in in Class-III posts which is hardly 3 per cent as against the prescribed quota of 7½%. Similar steps should also be taken in respect of representation of Scheduled Tribes in Class-IV posts as their representation is less than 5% against the reserved quota . . . . . |   | 8.25<br>A:3 | 157 |
| 194. As the actual representation of Scheduled Castes in Class-I posts was either nil or negligible (less than or just above 1%) in the Cabinet Secretariat, Department of Parliamentary Affairs, Electronics Commission, Vice-President's Office, Department of Agricultural Research & Education, Department of Electronics, Department of Space, Department of Petroleum, Department of Atomic Energy and the Department of Education, it is necessary that these Ministries/Departments/Offices should take the immediate effective steps to recruit Scheduled Caste persons . . . . .                                                                  |   | 8 25<br>A:4 | 157 |



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| <p>195. The 33 Ministries/Departments in which the actual representation of Scheduled Castes was found to be unsatisfactory (3% to 7.50%) should take special measures in the form of vigorous recruitment drives to improve the representation of Scheduled Castes in Class I Cadre. These 33 Ministries/ Departments/Offices are Department of Personnel and Administrative Reforms (Administrative Reforms Wing) Department of Heavy Industries, Department of Rural Development, Department of Mines, Department of Rehabilitation, Planning Commission, Ministry of Home Affairs, Ministry of Information and Broadcasting, Department of Power, Department of Health, Department of Family Welfare, Department of Irrigation, Ministry of Defence, Prime Minister's Office, Ministry of Works and Housing, Department of Finance (Defence), President's Secretariat, Department of Expenditure, Department of Coal, Department of Statistics, Department of Social Welfare, Comptroller and Auditor General's Office, Department of Civil Supplies and Co-operation, Department of Revenue, Ministry of Communication, Ministry of External Affairs, Department of Industrial Development, Ministry of Shipping and Transport, Department of Economic Affairs, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Tourism and Civil Aviation, Department of Science and Technology and Union Public Service Commission</p> |   | <p>8.25<br/>A:5</p> | <p>157-158</p> |
| <p>196. Although in the remaining 13 Ministries/Departments/Offices, the position appears to be slightly better, the actual percentage of representation being between 7.5% and 13%, there is need for improving the intake of Scheduled Caste Officers in Class I cadre so that the actual percentage of representation conforms to the prescribed quota. These 13 Ministries/Departments/Offices are the Ministry of Railways, Department of Chemicals and Fertilizers, Department of Culture, Department of Agriculture, Department of Supply, Department of Company Affairs, Bureau of Public Enterprises, Ministry of Commerce, Department of Steel, Department of Food, Department of Legal Affairs, Department of Legislation and the Ministry of Labour</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   | <p>8.25<br/>A:6</p> | <p>158</p>     |
| <p>197. The Department of Space and the Department of Atomic Energy should take urgent and special measures in the form of vigorous recruitment drives for the intake of Scheduled Caste Officers in Class II Posts, as the actual percentages of representation of Scheduled Castes in Class II Cadre in these Departments is unsatisfactory (being nil or less than 3 per cent)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |   | <p>8.25<br/>A:7</p> | <p>158</p>     |
| <p>198. In 23 Ministries/Departments/Offices, the actual representation is between 4% and 7.40%. These Ministries/Departments/Offices should also take up measures for increasing the intake of Scheduled Caste Officers in the Class II Posts. These 23 Ministries/Departments/Offices are the Department of Electronics, Office of the Prime Minister, Ministry of Works and Housing, Department of Finance (Defence), Department of Expenditure, Department of Heavy Industries, Department of Education, Department of Mines, Department of Rehabilitation, Comptroller and Auditor General's Office, Bureau of Public Enterprises, Ministry of Communication, Ministry of External Affairs, Department of Industrial Development, Department of Steel, Department of Chemicals, Department of Economic Affairs, Planning Commission, Ministry of Home Affairs, Department of Personnel and Administrative Reforms (Personnel Wing), Ministry of Health &amp; Family Welfare, Ministry of Defence, Department of Agriculture and the Department of Irrigation</p>                                                                                                                                                                                                                                                                                                                                                                                            |   | <p>8.25<br/>A:8</p> | <p>158</p>     |

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| 199. | The position in regard to actual representation of Scheduled Castes in Class II cadre in the 25 Ministries/Departments/Offices is better (the actual percentage of representation being above 7.50), these Ministries also should step up the intake of Scheduled Caste Officers in Class II cadre so that the actual percentage of representation conforms to the prescribed quota. These 25 Ministries/Departments/Offices are the Department of Rural Development, Department of Food, Central Secretariat, Department of Commerce, Department of Civil Supplies and Co-operation, Department of Culture, Department of Social Welfare, Electronics Commission, Department of Power, Department of Coal, Department of Personnel and Administrative Reforms (Administrative Reforms Wing), Ministry of Information and Broadcasting, Ministry of Labour, Department of Legal Affairs, Department of Legislation, Department of Company Affairs, Department of Petroleum, Department of Statistics, Ministry of Railways, Department of Science and Technology, Ministry of Shipping and Transport, Department of Supply, Ministry of Tourism and Civil Aviation, Union Public Service Commission and the President's Secretariat. | 8.25<br>A:9  | 158 |
| 200. | The 5 Departments/Offices in which the actual representation of Scheduled Castes in Class III posts was unsatisfactory (percentage being in the range 5—7.50) should take effective measures in the form of vigorous recruitment drives for increasing the intake of Scheduled Castes. These 5 Departments/Offices are Department of Personnel and Administrative Reforms (Administrative Reforms Wing), Department of Statistics, Department of Space, Department of Chemicals and Fertilizers and Vice-President's Secretariat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8.25<br>A:10 | 158 |
| 201. | In the 11 Ministries/Departments/Offices where the actual percentage was only between half to three fourth of the prescribed quota in the Class III Posts, effective measures should be initiated to increase the intake of Scheduled Castes so that the actual percentage conforms, to the prescribed quota. These 11 Ministries/Departments/Offices are the Department of Parliamentary Affairs, Department of Heavy Industries, Department of Statistics, Department of Social Welfare, Department of Atomic Energy, Department of Petroleum, Ministry of External Affairs, Ministry of Shipping and Transport, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Irrigation and the Prime Minister's Office.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8.25<br>A:11 | 158 |
| 202. | The Ministry of External Affairs, Department of Personnel and Administrative Reforms and the Department of Education should increase the intake of Scheduled Castes in Class IV Posts so that the actual percentage of representation conforms to the prescribed quota.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 8.25<br>A:12 | 158 |
| 203. | As the position in regard to the actual representation of Scheduled Tribes in the Class I & Class II Posts in Government of India is very depressing it is high time that all the Ministries/Departments/Offices in the Government of India should take immediate and effective measures for intake of the Scheduled Tribes persons in the Class I Posts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 8.25<br>A:13 | 158 |
| 204. | The 10 Ministries/Departments/Offices where there was no Scheduled Tribe employee at all in the Class III Posts, should take up serious and effective measures to recruit Scheduled Tribes persons in adequate numbers. These 10 Ministries/Departments/Offices are Cabinet Secretariat, Department of Personnel and Administrative Reforms (Administrative Reforms Wing), Department of Heavy Industries, Electronics Commission, Department of Rural Development, Department of Petroleum, Department of Chemicals and Fertilizers, President's Secretariat, Vice-President's Secretariat and the Prime Minister's Office                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 8.25<br>A:14 | 158 |

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| 205. | <p>Vigorous efforts for increasing the intake of Scheduled Tribe employees in Class III Posts should be taken up by the 36 Ministries/Departments/Offices where the actual percentage of representation was not even half the prescribed quota i.e. not even 3.75%. These 36 Ministries/Departments are the Department of Parliamentary Affairs, Department of Food, Ministry of Works and Housing, Ministry of Commerce, Ministry of Finance (Defence Division), Department of Company Affairs, Department of Expenditure, Department of Coal, Union Public Service Commission, Department of Supply, Department of Legislation, Department of Space, Department of Education, Department of Statistics, Department of Social Welfare, Department of Atomic Energy, Department of Mines, Department of Rehabilitation, Bureau of Public Enterprises, Department of Civil Aviation, Department of Revenue, Ministry of External Affairs, Department of Industrial Development, Department of Steel, Department of Culture, Department of Shipping and Transport, Planning Commission, Ministry of Railways, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Power, Department of Health, Department of Family Welfare, Ministry of Defence, Department of Agriculture and Department of Irrigation. . . . .</p> | 8.25<br>A:15 | 159 |
| 206. | <p>Effective measures should be taken immediately for recruiting adequate number of Scheduled Tribes persons in Class IV posts in the four Ministries/Departments/Offices where the percentage of representation was nil and in the 18 Ministries/Departments/Offices where the actual percentage of representation was less than half the prescribed quota. These four Ministries/Departments/Offices (with nil percentage of representation) are the Department of Electronics Commission, Department of Agricultural Research and Education and President's Secretariat ; the 18 Ministries/Departments/Offices where not even half the prescribed quota remains fulfilled are the Ministry of Works and Housing, Department of Legal Affairs, Department of Company Affairs, Department of Expenditure, Department of Coal, Department of Science and Technology, Department of Heavy Industries, Department of Rural Development, Department of Statistics, Department of Social Welfare, Department of Petroleum, Ministry of External Affairs, Department of Chemicals and Fertilizers, Department of Culture, Planning Commission, Department of Personnel and Administrative Reforms (Personnel Wing), Department of Power and Department of Agriculture. . . . .</p>                                                                     | 8.25<br>A:16 | 159 |
| 207. | <p>The instructions of the Government of India issued vide the Department of Personnel &amp; Administrative Reforms O.M. No. 36012/7/77 -EST (SCT) dated 21-1-1978 regarding filling up of deputation posts in Class I services are not being followed in letter and spirit by the Union Territory Administration of Dadra and Nagar Haveli. These should be followed meticulously. . . . .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8.25<br>A:17 | 159 |
| 208. | <p>The State Government of Andhra Pradesh, Assam, Himachal Pradesh, Manipur, Meghalaya, Nagaland, Rajasthan and Tripura and the Union Territory Administrations of Arunachal Pradesh, Chandigarh, Goa Daman &amp; Diu have not furnished the information on the representation of Scheduled Castes and Scheduled Tribes as required by the Commission. The State Governments/Union Territory Administrations concerned should furnish the information to the Commission urgently. . . . .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 8.25<br>B:18 | 159 |
| 209. | <p>The State Governments of Karnataka, Orissa and West Bengal have furnished statistics of intake as on 1-1-1976, 1-4-1977 and 31-3-74 respectively, which are not up-to-date while the State Governments of Kerala, Madhya Pradesh and Union Territory Administrations of Lakshadweep and Mizoram have furnished data for the year 1978. These State Governments/Union Territory Administrations should take early steps to furnish information for the year under report i.e., as on 1-1-1979. . . . .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 8.25<br>B:19 | 159 |

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| 210. | The State Governments/Union Territory Administrations should furnish to this Commission, information regarding actual representation of Scheduled Castes and Scheduled Tribes in the various categories of Services/Posts filled up by promotion as on 1-1-1979.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 8.25<br>B:20 | 159     |
| 211. | There is a heavy shortfall in the representation of Scheduled Castes in Class I Posts in the States of Haryana, Madhya Pradesh, Orissa and West Bengal and the Union Territory of Pondicherry. Similarly, the representation of Scheduled Tribes in Class I posts is also much below the mark in the States of Orissa, Madhya Pradesh, Uttar Pradesh, West Bengal, Bihar, Gujarat, Karnataka and Maharashtra. The percentage of intake of Scheduled Tribes in the State of Kerala and the Union Territory of Pondicherry is just nil. The State Governments/Union Territory Administrations concerned should take special measures to make good the shortfall in the representation of Scheduled Castes and Scheduled Tribes in Class I posts. | 8.25<br>B:21 | 159     |
| 212. | The State Governments of Haryana, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal and the Union Territory Administration of Delhi have not achieved even 50 per cent of the reserved quota for Class II posts, in respect of Scheduled Castes. Similarly, the position of intake of Scheduled Tribes is very much below the prescribed percentage in respect of Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Uttar Pradesh, Madhya Pradesh and West Bengal and the Union Territory of Dadra & Nagar Haveli. The State Governments/Union Territory Administrations concerned should take special steps to improve the representation of Scheduled Castes and Scheduled Tribes in Class II posts.           | 8.25<br>B:22 | 159     |
| 213. | The position of representation of Scheduled Tribes in respect of Karnataka, Kerala, Madhya Pradesh, Orissa, Uttar Pradesh and West Bengal, and the Union Territory of Andaman & Nicobar Islands is much below the prescribed percentages of reservation fixed for them in Class-III posts. The position of representation of Scheduled Castes also is quite depressing in the Union Territories of Mizoram and Pondicherry as well as in the States of Haryana, Karnataka, Madhya Pradesh, Orissa and West Bengal. The representation of Scheduled Castes and Scheduled Tribes in Class III posts in respect of the above mentioned States should be improved so that it conforms to the percentages prescribed for them.                      | 8.25<br>B:23 | 159-160 |
| 214. | The State Governments of Orissa and West Bengal have included the figures of intake of Sweepers and Scavengers while the State Governments of Bihar, Gujarat, Haryana, and Kerala and the Union Territory Administrations of Delhi and Mizoram have not specified whether they have included the figures of representation of Sweepers and Scavengers in Class IV posts, which might have been done with a view to inflating the actual percentage of Scheduled Castes Class IV employees. These State Governments/Union Territory Administrations should furnish figures of representation in Class IV posts by excluding Sweepers and Scavengers.                                                                                            | 8.25<br>B:24 | 160     |
| 215. | The representation of Scheduled Castes in Class IV posts in the State of Madhya Pradesh (excluding Sweepers and Scavengers) and West Bengal (including Sweepers and Scavengers) is still very much below the prescribed percentage. Special steps should be taken by the State Governments/Union Territory Administrations to make good the shortfall in the representation of Scheduled Castes.                                                                                                                                                                                                                                                                                                                                               | 8.25<br>B:25 | 160     |
| 216. | The position of representation of Scheduled Tribes in Class IV posts is quite unsatisfactory in the States of Orissa, Madhya Pradesh and West Bengal and the Union Territories of Andaman & Nicobar Islands and Delhi. Special steps should be taken by the concerned State Governments/Union Territory Administrations for increasing the representation of the Scheduled Castes/Scheduled Tribes in Class IV posts.                                                                                                                                                                                                                                                                                                                          | 8.25<br>B:26 | 160     |

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| 217. All the State Governments/Union Territory Administrations excepting Gujarat should furnish information regarding the actual representation of Scheduled Castes and Scheduled Tribes in services and posts filled by promotion as on 1-1-1979.                                                                                                                                                                                                       |   | 8.25<br>B:27 | 160 |
| 218. The Bureau of Public Enterprises which deals with Public (Industrial) Undertakings has furnished information in respect of all the Undertakings collectively. The Bureau should kindly furnish to the Commission the information in respect of all the Industrial Undertakings individually so that their performance with regard to the representation of Scheduled Castes and Scheduled Tribes in services may be evaluated in a realistic manner |   | 8.25<br>C:28 | 160 |
| 219. The Banking Division in the Department of Economic Affairs of the Ministry of Finance has furnished information individually in respect of all the Banks under its control; but the data have not been furnished for Group A, B, C and D employees on the lines of the services and posts in the Government of India. The Banking Division should kindly maintain data category-wise as above and furnish the same to the Commission.               |   | 8.25<br>C:29 | 160 |
| 220. The Bureau of Public Enterprises/Ministry of Finance (Banking Division) should furnish to this Commission, information regarding actual representation of Scheduled Castes and Scheduled Tribes in the various categories of Services/Posts filled up by promotion in the Public Sector Undertakings/Nationalised Banks as on 1-1-1979.                                                                                                             |   | 8.25<br>C:30 | 160 |
| 221. The representation of Scheduled Castes and Scheduled Tribes in Class I and Class II cadres in the Public (Industrial) Undertakings is quite depressing and special steps are required to be undertaken to improve their representation.                                                                                                                                                                                                             |   | 8.25<br>C:31 | 160 |
| 222. The representation of Scheduled Castes as Officers in all the Nationalised Banks is not at all satisfactory. Special steps may be taken up on a vigorous scale to increase the representation of Scheduled Castes and Scheduled Tribes in the Officers grade so that it conforms to the prescribed percentage                                                                                                                                       |   | 8.25<br>C:32 | 160 |
| 223. The representation of Scheduled Castes in Clerks grade in the United Commercial Bank, Allahabad Bank, Central Bank of India, Syndicate Bank and Dena Bank and that of Scheduled Tribes in all the Nationalised Banks in respect of the said grade is very much disappointing and the position can only improve if all the Nationalised Banks resort to special recruitment drive through the respective Regional Recruitment Boards                 |   | 8.25<br>C:33 | 160 |
| 224. The representation of Scheduled Tribes in Subordinate grade which corresponds to Class IV grade is not at all satisfactory in respect of all the Nationalised Banks excepting Dena Bank. The Nationalised Banks concerned should take suitable steps to increase the representation of Scheduled Tribes in Class IV grade. One way to improve matters can be by way of holding special recruitments in the tribal areas                             |   | 8.25<br>C:34 | 160 |
| 225. The representation of Scheduled Castes and Scheduled Tribes in the Officers grade is quite depressing in the State Bank of India and its subsidiaries. Similarly the representation of Scheduled Castes in the State Bank of Indore and Scheduled Tribes in the State Bank of Travancore is nil. Special efforts should be made by the above Banks to make good the shortfall                                                                       |   | 8.25<br>C:35 | 160 |
| 226. The representation of Scheduled Tribes in clerks grade and sub-staff grade being only 28.13 per cent and 27.73 per cent of the prescribed quota, in Nationalised Banks, State Bank of India and its subsidiaries and the Reserve Bank of India and its subsidiaries is quite depressing and special steps should be taken to improve their representation in these grades                                                                           |   | 8.25<br>C:36 | 160 |

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| 227.     | The representation of the Scheduled Castes and Scheduled Tribes in officers grade being only 18.13 and 3.7 per cent of the prescribed quota in the Reserve Bank of India and its subsidiaries is quite depressing. Similarly, the representation of Scheduled Castes in the officers grade in the Industrial Reconstruction Corporation of India and the Scheduled Tribes as officers in all the subsidiaries of the Reserve Bank of India is nil. They should take special time-bound measures to improve their representation . . . . .                                                                                                                                                                             | 8.25<br>C:37    | 160 |
| 228.     | The Reserve Bank of India and two of its subsidiaries viz., Industrial Finance Corporation of India and the Industrial Reconstruction Corporation of India have not yet reached the prescribed reservation in respect of intake of Scheduled Castes in clerks grade. Similarly the representation of Scheduled Tribes in clerical grade in the Reserve Bank of India and its two subsidiaries is just 50 per cent of the prescribed quota while their representation in the third subsidiary viz. the Industrial Reconstruction Corporation of India is nil. Special time-bound measures may be taken for a step up in their representation in the said Banks/subsidiaries . . . . .                                  | 8.25<br>C:38    | 161 |
| 229.     | The representation of Scheduled Tribes in Sub-staff grade is unsatisfactory in the Reserve Bank of India and its subsidiaries as it is not even 50 per cent of the prescribed quota. The position is still worse in the Industrial Finance Corporation of India where their representation is only 18 per cent of the prescribed quota. The Reserve Bank of India and its said subsidiaries should take special time-bound steps to increase the representation of the Scheduled Tribes in Sub-staff grade. . . . .                                                                                                                                                                                                   | 8:25<br>C:39    | 161 |
| 230.     | The Commission recommend that the Bureau of Public Enterprises should make inspection of various Central Public Sector Undertakings in respect of reservation in services. This may be done on a regular basis so that the representation of the Scheduled Castes and Scheduled Tribes in these Undertakings records an improvement. . . . .                                                                                                                                                                                                                                                                                                                                                                          | 8:25<br>C:40    | 161 |
| 231. (a) | With a view to filling up the backlog of deficiency in actual representation of Scheduled Castes and Scheduled Tribes in the various categories of services/posts the Government of India/State Governments/U.T. Adms./Public Sector Undertakings/Nationalised Banks may consider laying down that until the prescribed quotas of reservation for Scheduled Castes and Scheduled Tribes are filled up, the minimum intake of Scheduled Castes and Scheduled Tribes should be 50 % of the vacancies to be filled up in future, as has been prescribed by the Uttar Pradesh Government. . . . .                                                                                                                         | 8:25<br>D:41(a) | 161 |
| 231. (b) | The Department of Personnel & Administrative Reforms, Government of India/State Governments/Union Territory Administrations/Bureau of Public Enterprises/Ministry of Finance (Banking Division) should furnish to this Commission Quarterly Returns relating to the filling up of the prescribed quotas for Scheduled Castes and Scheduled Tribes in the various categories of services/posts in the Government of India (Ministry wise/Department wise), State Governments, Union Territory Administrations, Public Sector Industrial Undertakings and Public Sector Commercial Undertakings (Nationalised Banks, State Bank of India and its subsidiaries and Reserve Bank of India and its subsidiaries) . . . . . | 8.25<br>D:41(b) | 161 |
| 231. (c) | The Government of India, State Governments, Union Territory Administrations, Public Sector Undertakings and Nationalised Banks should attach utmost priority to the disposal of complaints/representations submitted to them by the Scheduled Castes and Scheduled Tribes employees through the Commission. . . . .                                                                                                                                                                                                                                                                                                                                                                                                   | 8.25<br>D:41(c) | 161 |

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| <b>Chapter IX—ADMINISTRATIVE MACHINERY CONCERNING SAFEGUARDS FOR THE DEVELOPMENT OF THE SCHEDULED CASTES AND SCHEDULED TRIBES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |   |      |         |
| 232. Implementation of socio-economic development programmes should receive top priority and attention and wherever necessary the local administrative machinery should be adequately strengthened . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                  |   | 9.1  | 182     |
| 233. To ensure that development schemes are being implemented according to a time bound programme there should also be a strong monitoring machinery at various levels. . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                               |   | 9.2  | 182     |
| 234. The organisation responsible for implementation of the programmes should be adequate and manned by dedicated personnel. Monetary and other incentives should be given to officials working in difficult areas without basic amenities. There should be special cells headed by senior officers both at the Centre and in the States who should be exclusively assigned the task of looking after the welfare of the Scheduled Castes/Scheduled Tribes in each Ministry/Department particularly those relating to agricultural and rural development, irrigation, industries, cooperation, education and health . . . . . |   | 9.3  | 182     |
| 235. A special column may be included in the proforma of the Annual Confidential Report in respect of certain categories of officers to assess their contributions towards advancement of the Scheduled Castes/Scheduled Tribes in general and prevention of atrocities on them in particular. These categories of officers may be as follows:—<br>(a) Commissioners/District Magistrates/SDOs/Tahsildars/Circle Officers<br>(b) I.G./D.I.Gs./S.Ps./Dy.S.Ps/Inspectors/Sub-inspectors of Police<br>(c) B.D.Os. . . . .                                                                                                        |   | 9.4  | 182     |
| 236. In view of the large additional investments in the tribal areas there is need for strengthening the staff structure at the Block level . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |   | 9.5  | 182     |
| 237. There should be regular monitoring and evaluation of different programmes. At the State level the special cell for the purpose may be headed by the Chief Secretary and at the district level by the District Magistrate. These cells may also review cases under the Protection of Civil Rights Act and cases of harassment of and atrocities on the Scheduled Castes/Scheduled Tribes . . . . .                                                                                                                                                                                                                        |   | 9.6  | 182     |
| 238. The Tribal Research Institutes should be utilised in an organised manner for evaluation of developmental programmes and their findings and suggestions should be given due consideration. . . . .                                                                                                                                                                                                                                                                                                                                                                                                                        |   | 9.7  | 182     |
| 239. A coordination machinery at the highest level should be set up both at the Centre and in the States, headed by the Prime Minister and the Chief Ministers respectively, to ensure implementation of developmental programmes and safeguards provided for the Scheduled Castes/Scheduled Tribes and to issue general guidelines and directions in all vital matters concerning the Scheduled Castes/Scheduled Tribes . . . . .                                                                                                                                                                                            |   | 9.8  | 182     |
| 240. Since the control and management of the police vest in the State Government it depends on the political will of the State Government to ensure that the police act impartially and in accordance with law. It is also for them to ensure that the police give adequate protection to the weaker sections . . . . .                                                                                                                                                                                                                                                                                                       |   | 9.12 | 183     |
| 241. It is essential to reorganise and improve the police force particularly at the level of the Police Station in such a manner that there is effective supervision and control at the Police Station level and also the maintenance of good public relations . . . . .                                                                                                                                                                                                                                                                                                                                                      |   | 9.13 | 183-184 |

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| 242. | A Police Station should be managed by an officer of Gazetted rank who should at least be of the status of Dy. S.P. or Assistant S.P. The majority of the Officers-in-charge of the Police Stations should be officers directly recruited as Dy. S.Ps or to the IPS. The putting in charge of an officer of this rank as Officer-in-charge of the Police Station is, in the ordinary course, expected to lead to better qualitative management of the Police Station, better public relations and elimination or reduction of corruption at the level of the Police Station. When an Assistant S.P. is posted at a Police Station his tenure there should be of at least one year so that the impact of the posting of a young IPS officer in the area can be properly felt. | 9.13 | 183-184 |
| 243. | The Officer-in-charge of the Police Station should be adequately assisted by supporting staff consisting of SIs, ASIs, Head Constables and Constables whose number should be commensurate with the increase in crime and law and order workload in the area. Deployment of adequate personnel at the Police Station is also necessary, particularly in a sensitive areas, to enable them to regularly move in the area and keep in close touch with the people so that suitable and timely action can be taken to prevent commission of any atrocity on or harassment of the weaker sections of the society.                                                                                                                                                                | 9.13 | 183-184 |
| 244. | One or two CID men (SI/ASI) may be attached to the Police Station to collect intelligence bearing on criminal administration and to perform any other special duties assigned to them.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9.13 | 183-184 |
| 245. | The police force should be made mobile by providing a vehicle and in areas with difficult terrain at least a motor bicycle. Wireless equipment should invariably be provided to each Police Station.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 9.13 | 183-184 |
| 246. | Where incidence of crime is high the jurisdiction of the Police Station could be suitably expanded and Sub-Police Stations/Outposts provided under the over-all supervision of the Dy. S.P. or Assistant S.P.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 9.13 | 183-184 |
| 247. | In order that justice is done to the weaker sections of the society, it is desirable that at least 50% of the posts of Constables, Head Constables and so far as possible Sub-Inspectors and Inspectors of Police should be filled up by the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 9.14 | 184     |
| 248. | Minimum educational qualification for the post of Constable should normally be matriculation except in the cases of the Scheduled Castes and Scheduled Tribes in respect of whom the educational qualification to be prescribed, should be somewhat lower, say, Middle School Standard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 9.15 | 184     |
| 249. | In view of the arduous duties performed by Constables and the considerable power they wield, their emoluments should be similar to those of Class III (LDC) and they should have suitable avenues of promotion. However, the physical standards prescribed for them should be adhered to.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 9.15 | 184     |
| 250. | The attitude of the police should be service oriented. It is essential, therefore, to lay down a comprehensive training programme during their probationary period and short refresher courses at regulated intervals after confirmations. Generally speaking, such courses should be devised in a manner as to develop a progressive and humane outlook in the police force, not in any way affecting the supreme need for discipline and enforcement of law. Special attention should be paid to ensure that secular and casteless outlook is developed among the trainees. During the training period community living should be emphasised, particularly common messing where Scheduled Caste cooks may be employed.                                                    | 9.16 | 184     |
| 251. | With a view to improving relations between the police and the public it is necessary that the police who at present enjoy a reputation of rude and insolent behaviour should be given special training in dealing with the public with politeness and courtesy. Cases of rude, insolent or indifferent behaviour should be sternly dealt with.                                                                                                                                                                                                                                                                                                                                                                                                                              | 9.17 | 184     |



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| 252. | General attitude of the police should be reoriented towards serving the community and assisting them against crime and harassment. Special training combined with control and supervision should ensure that the police encourage the public to approach them for redress of their grievances.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9.18 | 184     |
| 253. | Study of the Protection of Civil Rights Act, 1955, should find a prominent place in the curricula of all police training courses right from that for IPS officers to that for Constables. Refresher courses should be organised for the police personnel at different levels to acquaint them with the socio-economic problems of the weaker sections of the society and the legislative and executive measures adopted by the Government from time to time for the welfare and protection of these sections particularly the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                                                                                                                                                | 9.19 | 184     |
| 254. | Sensitive areas prone to commission of atrocities on the Scheduled Castes and Scheduled Tribes should be identified in each district and in such areas more than 50% of the police force at the concerned Police Stations should consist of the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 9.20 | 184     |
| 255. | It is necessary that the police force, particularly the non-Gazetted personnel, should be paid adequately so that the temptation to corruption is minimised. Housing and proper medical facilities to the police force as well as educational facilities for their children are essential to have a contented and responsible police force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 9.21 | 184     |
| 256. | At the Sub-Divisional level an officer newly promoted as an SP should be appointed as Sub-Divisional Police Officer while at the District level an officer with a few years' experience as an SDPO may be the District Superintendent of Police                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 9.22 | 184-185 |
| 257. | There should be Public Relations Wings at the State/District/Sub-Divisional levels.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 9.22 | 184-185 |
| 258. | At the Police Hqs. there should be an Evaluation Cell to monitor and evaluate the performance of the police force at different levels to assess as to what action the police took to prevent and detect crime, disposal of cases percentage of cases leading to conviction as compared to those challaned, etc. this Cell should function directly under the control of the Director General/I.G. of Police of the State. There should be similar Cells at Divisional/District/Sub-Divisional levels. These Cells should specially monitor and evaluate the criminal cases against the Scheduled Castes and Scheduled Tribes including enforcement of the Protection of Civil Rights Act, 1955.                                                                                                                                                                                                                                                     | 9.22 | 184-185 |
| 259. | Village Chowkidars have to perform even degrading menial functions in some States. This practice must stop. The institution of village Chowkidars should be professionalised and these posts suitably redesignated and manned. They should be paid adequate remuneration though they may continue to be part-time employees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 9.22 | 184-185 |
| 260. | At the State Level there should be a Consultative Committee with the Chief Minister as Chairman, the Home Minister as Vice-Chairman and the Home Secretary as Secretary to the Committee to take policy decisions on all matters relating to law and order including those concerning the Scheduled Castes and Scheduled Tribes, the implementation of the PCR Act and the position regarding atrocities on and harassment of the Scheduled Castes and Scheduled Tribes. The members of the Committee may include, among others, the IG of Police, the DIG or other high level officers in charge of the SC/ST Cell, representatives from amongst legislators and non-official organisations including those of the Scheduled Castes and Scheduled Tribes, representatives of different political parties, social scientists and individual eminent persons. If necessary, retired members of the judiciary may also be included in this Committee. | 9.23 | 185     |

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| 261. | At the State level there should be a Scheduled Castes/Scheduled Tribes Cell under the control of the IG/Additional IG/DIG of Police depending on the size of the police force of the State. Such special cell may be set up at the Divisional/District/Sub-Divisional levels also.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 9.23 | 185 |
| 262. | There should be a Special Police Station at the State headquarters under the charge of the State level SC/ST Police Cell. Similarly there should be Special Police Stations at the District level and, where necessary, even at the Sub-Divisional level to exclusively deal with cases under the PCR Act as well as other cases of atrocities on and harassment of the Scheduled Castes and Scheduled Tribes. Such Special Police Stations should be particularly set up in sensitive areas. This special arrangement should be treated only supplementary to the normal Police Stations. The personnel deployed in these Special Police Stations should be men of proven integrity and dedication and, as indicated earlier, at least 50% of them, if not more, should belong to the Scheduled Castes/Scheduled Tribes. They should be specially recruited and oriented. | 9.23 | 185 |
| 263. | In sensitive areas there should be a small cell in each Police Station to exclusively deal with cases relating to atrocities on and harassment of the Scheduled Castes and Scheduled Tribes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 9.23 | 185 |
| 264. | The Commission recommended that there should be a Committee of the State Legislature to be called as "Public Security Committee". This Committee should include SC/ST members also so that the interests of the SC/ST are looked after by this Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 9.24 | 185 |
| 265. | The District Magistrate should continue as the head of the criminal administration of the district as the weaker sections need special protection against the assault of vested interests and against the use of police force by politically, socially or economically stronger groups. The SDO (Civil) should also have similar powers at the Sub-Divisional level.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 9.27 | 186 |
| 266. | Keeping in view the backward conditions in the rural areas and the necessity of providing protection to the weaker sections it is felt that while trial of cases may continue to be handled by the judiciary, criminal action upto the stage of completion of investigation and cognizance of cases may remain with the SDOs (Civil).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9.28 | 186 |
| 267. | The Nyaya Panchayats should not have any judicial powers to deal with criminal cases because of local political and caste rivalries                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 9.29 | 186 |
| 268. | The Commission endorse the suggestion of the National Police Commission that in every district there should be an arrangement for an automatic judicial inquiry by a nominated Sessions or Additional Sessions Judge into any incident of :—<br>(a) death in police custody,<br>(b) death or grievous hurt arising from alleged police torture,<br>(c) death resulting from police firing, and<br>(d) alleged rape of women in police custody.                                                                                                                                                                                                                                                                                                                                                                                                                             | 9.30 | 186 |
| 269. | In order that grievances of the general public against the police force receive proper attention, there should be a Special Grievances Cell under the charge of the SDO and the District Magistrate at the Sub-Divisional and District levels respectively. The Sub-Divisional and the District Magistrate should have adequate authority to look into these grievances with the help of senior officers, who should be in charge of these cells, to provide remedy to such grievances. There should be a similar Grievances Cell at the head quarters of the Government under the charge of the Chief Secretary who may be assisted by a senior officer of the rank of Commissioner to deal with the Cell,                                                                                                                                                                | 9.31 | 186 |

| 1                                                | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3     | 4       |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------|
| 270.                                             | At the apex level these Grievances Cells should function under the control of a statutory Grievances Commissioner independent of the State Government so as to make them effective and insulate them against political pressures. The Chief Secretary/District Magistrate/SDO as in charge of the Grievances Cells at the various levels shall act at the instance and under the direction of the statutory Grievances Commissioner.                                              | 9 32  | 186     |
| <b>Chapter X—RESEARCH AND EVALUATION STUDIES</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |         |
| 271.                                             | An inspection study conducted on the working of the schemes run by the Kanara Welfare Trust, North Kanara District of the Servants of India Society revealed that the Schemes mostly benefited the Backward Class students. The Commission, therefore, recommend that the Ministry of Home Affairs should ensure that the grants released by them are utilized to benefit the Scheduled Castes, Scheduled Tribes, Nomadic, Semi-Nomadic and Denotified Tribes.                    | 10.11 | 190-191 |
| 272.                                             | Only one Tribal Research Institute at Calcutta out of the five Institutes which have furnished the information through the field offices of the Commission has conducted studies on the problems of Scheduled Castes in accordance with the decision of the Central Research Advisory Council made in the meeting on 15th Feb., 1974. It is therefore, recommended that all other Tribal Research Institutes should conduct Research Studies on the problems of Scheduled Castes. | 10.34 | 196     |
| 273.                                             | The Tribal Research Institutes should conduct studies on the impact of large number of schemes being implemented for welfare of the Scheduled Tribes in and outside the Sub-Plan areas.                                                                                                                                                                                                                                                                                           | 10.34 | 196     |

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